

RECORD OF DECISION MADE UNDER DELEGATED AUTHORITY

PART 1 – PUBLIC DOCUMENT

SERVICE DIRECTORATE: Regulatory Services

1. DECISION TAKEN

To publish the proposed submission version of the Barkway and Nuthampstead Neighbourhood Plan 2018 – 2031 and supporting documentation for public consultation.

2. DECISION TAKER

Ian Fullstone, Director of Regulatory Services

3. DATE DECISION TAKEN:

26 April 2024

4. REASON FOR DECISION

To enable public consultation on the proposed submission Barkway and Nuthampstead Neighbourhood Plan 2018 – 2031 before the neighbourhood plan is submitted for examination by an independent examiner.

5. ALTERNATIVE OPTIONS CONSIDERED

No alternative options are considered applicable as the documentation submitted by Barkway Parish Council and Nuthampstead Parish Meeting fulfils the requirements of the Neighbourhood Planning (General) Regulations 2012 as amended and therefore there is no reason not to continue to public consultation.

6. CONSULTATION (INCLUDING THE EFFECT ON STAKEHOLDERS, PARTNERS AND THE PUBLIC)

- 6.1. The Barkway and Nuthampstead neighbourhood planning area was designated by Cabinet on 5 August 2014. The Parish Council undertook a number of consultation events after the designation of the neighbourhood planning area and consultation on a draft neighbourhood plan took place between September and November 2020.
- 6.2. Following these consultations, the Parish Council and Parish Meeting have prepared the submission version of their neighbourhood plan which they are requesting be published for public consultation. This consultation will include all statutory consultees, councillors, adjoining Parish Councils, local community organisations, known landowners and developers and local residents. Consultation will start in the week beginning 6 May 2024 for a period of six weeks.
- 6.3. The neighbourhood plan will be available to view on the Council's website and the Council will work with Barkway Parish Council and Nuthampstead Parish Meeting to publicise the consultation period through the use of social media in the Parish. Representations in respect of the neighbourhood plan will be invited through the website, email or by post.

7. FORWARD PLAN

- 7.1 This decision is not a key Executive decision and has therefore not been referred to in the Forward Plan.

8. RELEVANT CONSIDERATIONS

- 8.1. The Neighbourhood Planning (General) Regulations 2012 as amended set out the documentation which must accompany a proposed plan. This includes:
- A map or statement identifying the area to which the neighbourhood plan relates;
 - A consultation statement;
 - The proposed neighbourhood plan;
 - A “basic conditions” statement; and
 - Either a screening opinion confirming that the plan proposal is unlikely to have significant environmental effects; or an environmental report in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004.
- 8.2. The Neighbourhood Planning (General) Regulations 2012 state that as soon as possible after receiving a plan proposal which includes each of those documents, the local planning authority must undertake a consultation on that plan.
- 8.3. There are a number of stages in neighbourhood plan preparation where, providing certain conditions are met and where there are no alternative courses of action, that these decisions are delegated to the Service Director. These were set out in a report to Cabinet in July 2018.
- 8.4. The documentation submitted by Barkway Parish Council and Nuthampstead Parish Meeting fulfils the requirements of the Neighbourhood Planning (General) Regulations 2012 as amended and therefore there is no reason for the Council as Local Planning Authority not to continue to public consultation.
- 8.5. This decision does not preclude the Council from making representations on the Barkway and Nuthampstead Neighbourhood Plan during the consultation period.

9. LEGAL IMPLICATIONS

- 9.1. Under the Terms of Reference for Cabinet paragraph 5.6.18 of the Constitution states that the Cabinet may exercise the Authority’s functions as Local Planning Authority (LPA) and to receive reports on: strategic planning matters, applications for, approval/designation, consultation/referendums revocations (or recommend revocation of) neighbourhood plans, Article 4 Directions and orders, (except to the extent that those functions are by law the responsibility of the Council or delegated to the Service Director: Regulatory).
- 9.2. Authority for the Director of Regulatory Services to approve for consultation a proposed submission neighbourhood plan where all necessary documentation has been received was resolved by Cabinet on 31 July 2018.
- 9.3. Paragraph 6 of Schedule 4B of the Town and Country Planning Act 1990 provides that when assessing the neighbourhood plan the LPA must consider whether the Parish Council or neighbourhood forum is authorised to act.
- 9.4. Sections 38 A and B of the Planning and Compulsory Purchase Act 2004 further provides that when assessing the neighbourhood plan the LPA must consider whether the proposal and accompanying documents:
- comply with the rules for submission to the LPA;
 - meet the definition of NDP;

- meet the scope of NDP provisions; and
 - whether the parish council or neighbourhood forum has undertaken the correct procedures in relation to consultation and publicity.
- 9.5. Regulation 16 of The Neighbourhood Planning (General) Regulations 2012 provides the LPA must publicise the plan proposal on its website and include:
- the details of the Plan;
 - where and when it can be inspected;
 - how to make representations on the plan proposals;
 - that a representation can include a request to be notified of the LPA decision on the plan proposal, and
 - the deadline for receipt of the proposals (this must be not less than 6 weeks from the first day the proposed plan is publicised).
- 9.6. During the period between the date on which the Notice of Election is published and polling day there are restrictions that apply to the way in which the Council operates, including the use of Council resources and to the publicity which it can issue, and taking 'sensitive'/ controversial decisions. PERP (Pre-Election Restricted Period) runs from **22 March** until **2 May 2024** (polling day) inclusive of both dates.
- 9.7. The main statutory provision is Section 2 of the Local Government Act 1986 which prohibits the Council from issuing any material which wholly or in part appears to support a political party. The guiding principle is whether a proposed course of action may cause the Council to be perceived as favouring a particular political party or candidate in the elections.
- 9.8. The Council's business should continue as normal during PERP subject to the guiding principle and a number of restrictions for example the Council should not commence any consultations during PERP unless they are unavoidable or required by law, in which case they should be presented neutrally and not associated with any political party or candidate.
- 9.9. As stated in paragraph 9.5 above the local planning authority must undertake a consultation on a neighbourhood plan as soon as possible after receiving a plan proposal that meets the requirements of the 2012 Regulations. However, there are elections for all ward councillors across the District Council election May 2024. Whilst the neighbourhood plan has been prepared by the Parish Council, the issues that are addressed in the plan could be subject to further discussion. It is therefore considered that public consultation should not take place until after the election period.

10. FINANCIAL IMPLICATIONS

- 10.1 The cost of the consultation should be minimal, however any costs associated with the consultation will be funded from the neighbourhood plan reserve. The balance of the reserve is currently £133k, but £85k has been earmarked to fund officer costs over the next four years, so the remaining balance is £48k. This balance has come from previous Department for Levelling Up, Housing and Communities (DLUHC) funding following designation of neighbourhood planning areas and neighbourhood plan referenda.

11. RISK IMPLICATIONS

- 11.1. Public consultation of the Barkway and Nuthampstead Neighbourhood Plan and any subsequent examination of the neighbourhood plan must be undertaken in accordance with the Localism Act, 2011 and the Neighbourhood Planning (General) Regulations 2012 (as amended). Failure to undertake such a consultation without a legal basis could expose the Council to possible claims and intervention from the Department for Levelling Up, Housing and Communities (DLUHC).

12. EQUALITIES IMPLICATIONS

- 12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2. The proposed consultation will allow for increased public participation regarding the neighbourhood plan from the community which may include those with a protected characteristic.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 The Social Value Act and “go local” policy do not apply to this decision.

14. ENVIRONMENTAL IMPLICATIONS

- 14.1. There are no known environmental impacts or requirements that apply to this report.
- 14.2. The District Council, as the “responsible authority”, determines if the neighbourhood plan is likely to have significant environmental effects. A draft Screening Determination was prepared in 2024 and has been revised following the revisions to the draft neighbourhood plan and consultation with the three statutory agencies. It was determined that the neighbourhood plan would not require a Strategic Environmental Assessment.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1. Consultation for the submission draft of the Barkway and Nuthampstead Neighbourhood Plan will be undertaken by existing staff resources.

16. BACKGROUND PAPERS

[Designation of the Barkway and Nuthampstead neighbourhood planning area: Cabinet 5 August 2014 – Minute 36](#)

The following documents will all available on the neighbourhood planning pages on the website: [Barkway and Nuthampstead Neighbourhood Plan](#)

Barkway and Nuthampstead Neighbourhood Plan 2018 – 2031 – Submission
Version April 2024

Barkway and Nuthampstead Neighbourhood Plan Basic Conditions Statement April
2024

Barkway and Nuthampstead Neighbourhood Plan Consultation Statement April 2024

Barkway and Nuthampstead Neighbourhood Plan Design Codes – Final Report –
March 2024

17. NOTIFICATION DATE

26 April 2024

Signature of Executive Member Consulted



Date ...26 April 2024.....

Signature of Decision Taker ...



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Please Note: that *unless urgency provisions apply* EXECUTIVE decisions cannot be implemented until 5 clear working days have elapsed after the decision has been taken to allow for scrutiny call-in.

Call-in does not apply to NON-EXECUTIVE DECISIONS