

NORTH HERTS DISTRICT COUNCIL

BARKWAY AND NUTHAMPSTEAD NEIGHBOURHOOD PLAN

NOTE

1. I have now read the main documents submitted with the Neighbourhood Plan. I consider that there are four issues for the District Council and the Parish Council to address that require clarification before I can proceed with the examination.

Question 1

2. The Basic Conditions Statement at paragraph 2.1 states '*Barkway and Nuthampstead Parish Neighbourhood Plan (the Neighbourhood Plan) is submitted by Barkway Parish Council, which is the qualifying body for the Neighbourhood Plan*'. Paragraph 1.2.2 of the submission Neighbourhood Plan states that Barkway Parish Council is the relevant body.
3. However, the application for the Neighbourhood Plan area in 2014 states that Barkway Parish Council and Nuthampstead Parish Meeting constitute '*relevant bodies*' for the purposes of section 61G of the Town and Country Planning Act 1990.
4. For clarity and the avoidance of doubt, please could the Parish Council confirm the following –
 - (a) the identity of the relevant body for the Neighbourhood Plan under section 61G of the Town and Country Planning Act 1990.
 - (b) that the other authority (not the relevant body) has given their consent (section 61F (2) Planning Act 1990) for that Parish Council to act in that capacity.
5. The Consultation Statement section '*Final Reconciliation*' states that both Barkway Parish Council and Nuthampstead Parish Meeting have approved the Neighbourhood

Plan for submission. It would be helpful if the Parish Council could provide the minutes of those meetings i.e. Nuthampstead Parish meeting in March 2024 and Barkway Parish Council on 9th April 2024.

Question 2

6. The Consultation Statement states that it includes an ‘*extract*’ of the Regulation 14 responses, together with the assessment made by the Parish Councils of the main issues (Appendix 14). To satisfy the Regulation 15 requirements in full, please could the Parish Council submit the full spreadsheet of the representations made, demonstrating how it responded to each comment, including those where no change was required.
7. Please could the Parish Council also provide full details of the ‘*persons and bodies who were consulted about the proposed neighbourhood development plan*’ – see footnote to Appendix 13 of the Consultation Statement.
8. Appendix 13 of the Consultation Statement and section 10 of the Consultation Report state that many of the adjoining Parish and District Councils were consulted on the Pre Submission version of the plan in 2020. However, one Parish Council (Reed Parish Council), together with Essex County Council and Hertfordshire County Council, appear to have been omitted from the list. In submitting the further information, please could the Parish Councils ensure that it addresses or corrects statements reflecting their engagement with Reed Parish Council, Essex County Council and Hertfordshire County Council during the pre-submission consultation and in accordance with Schedule 1 of the Neighbourhood Plan Regulations 2012.

Question 3

9. The Consultation Statement reports that the Regulation 14 version of the Neighbourhood Plan was updated to reflect current legislation, government guidance and the North Herts District Plan in 2024. I note that additionally, a Design Code was prepared in March 2024, after the 2020 pre-submission consultation.
10. Could the District Council confirm that it considers that there are no material changes to policies in the pre-submission version of the Neighbourhood Plan which should have necessitated a further pre- submission consultation. From an early review of the list of

policies between Regulation 14 and Regulation 15 versions of the Neighbourhood Plan there would appear to be 3 new Policies:

- BN H1 Affordable Housing
- BN H3 Sustainable Construction
- BN H4 Design Codes

Question 4

11. Regulation 102A of Conservation of Habitats and Species Regulations 2010 states:

‘A qualifying body which submits a proposal for a neighbourhood development plan must provide such information as the competent authority may reasonably require for the purposes of the assessment under regulation 102 or to enable them to determine whether that assessment is required.’

There is no requirement for any formal decision to be made under the Habitats Regulations whether or not an ‘appropriate assessment’ has been required. However, the Parish Councils will be in breach of Regulation 102 of the Habitats Regulations if in fact a plan is likely to have a significant effect on a European site and has not been assessed.

12. Please could the District Council confirm that they agree with the Basic Conditions Statement where it states at paragraph 6.2:

‘A Habitats Regulation Assessment screening is not required because the Neighbourhood Plan does not propose any development allocations which are additional or alternate to the sites proposed in the North Hertfordshire Local Plan 2011-2031.’

Edward Cousins

Radcliffe Chambers

16th October 2024