



Report for:	Cabinet
Date of meeting:	24 April 2017
PART:	1
If Part II, reason:	

Title of report:	Grovehill Future Neighbourhood Plan: Formal submission of the Grovehill Future Neighbourhood Plan to Dacorum Borough Council from the Grovehill Future Forum.
Contact:	<p>Cllr Graham Sutton, Portfolio Holder for Planning & Regeneration.</p> <p>Author/Responsible Officer: James Doe, Assistant Director, Planning, Development and Regeneration.</p> <p>Jo Deacon, Project Officer, Infrastructure and Project Delivery</p>
Purpose of report:	To acknowledge receipt and acceptance of the formal submission of the Grovehill Future Neighbourhood Plan and obtain approval to progress to external Inspection and referendum
Recommendations	<ol style="list-style-type: none"> 1) That the formal submission be accepted and confirmed legally compliant and submitted for external independent examination. 2) That the Assistant Director (Planning, Development and Regeneration) in consultation with the Portfolio Holder for Planning and Regeneration, be delegated authority to consider the examiner's report, make any amendments that may be identified in the examiner's report and submit the Grovehill Future Neighbourhood Plan to local referendum.

'Value For Money Implications'	<u>Value for Money</u> None arising from this report.
Risk Implications	Risk Assessment included within the PID for this area of work.
Equalities Implications	An equalities impact assessment has been undertaken as part of the project documentation.
Health And Safety Implications	None arising from this report.
Corporate objectives:	The Grovehill Future Neighbourhood Plan supports the Council's vision and in particular the corporate objectives of building community capacity, regeneration and affordable housing.
Implications:	<p><u>Financial</u></p> <p>To date the development of the Neighbourhood Plan has been funded from grant payments through the Department for Communities and Local Government, although there is an element of officer time not directly funded.</p> <p>A further £25,000 is payable to the Council on successful completion of the neighbourhood planning examination. These funds are designed to help the Local Authority to cover the costs of carrying out an independent Inspection and local referendum. It is felt that this will meet the cost of completing the Neighbourhood Plan.</p> <p>If and when the plan is approved through examination there are no further costs to the Council as the Neighbourhood Plan becomes part of the suite of finalised adopted planning documents in connection with the Council's adopted Core Strategy 2013.</p> <p>The plan does include a range of policy objectives which would potentially involve the Council in the future. For these to go forward there will need to a business case presented and considered by Cabinet, including a full analysis of any financial implications. The implementation of such objectives are separate from the submission and subsequent adoption processes for the Neighbourhood Plan, which are the subject of this report.</p>

<p>Monitoring Officer/S.151 Officer Comments</p>	<p>Monitoring Officer:</p> <p>The Council has a duty to support a Neighbourhood Forum in the preparation of a Neighbourhood Development Plan (NDP). This includes providing technical support expertise and resources. The Council is also responsible for arranging an independent Inspection of the NDP and to meet the cost of the Inspection.</p> <p>If the NDP meets all the necessary criteria it can only come into being if more than 50% of those voting in a referendum vote in favour of it. If the referendum is in favour of the NDP it must be adopted by the Council. The Council is responsible for arranging the referendum which must take place in the Grovehill Neighbourhood Area and this process will be organised by the Election's team</p> <p>Deputy S.151 Officer</p> <p>There are no direct immediate financial implications for the council. The project will need to be positively monitored to ensure that it can be contained within the grant anticipated from the CLG.</p> <p>Any future plans will need to be developed within the normal council financial planning processes and be submitted for consideration as part of the Medium Term Financial planning cycle.</p>
<p>Consultees:</p>	<p>Portfolio Holder for Strategic Planning and Regeneration Strategic Planning Development Management Ward Councillors for Grovehill</p>
<p>Background papers:</p>	<p>Cabinet report- December 2012 & February 2014</p>
<p>Glossary of acronyms and any other abbreviations used in this report:</p>	<p>NP - Neighbourhood Plan NDP - Neighbourhood Development Plan LPA - Local Planning Authority SEA – Strategic Environmental Assessment</p>

- 1 The Localism Act 2011 provides the foundation for neighbourhood planning. This aims to give local communities more control over housing and planning decisions. A neighbourhood plan sets a vision for the future and can be detailed or general depending on what local people want. A neighbourhood plan is prepared by the local community but is adopted by the local authority and becomes part of the local planning framework.

Neighbourhood planning can be taken forward by either town or parish councils or in un-parished areas 'Neighbourhood Forums'. These Forums will be community groups that are designated to take a plan forward.

- 2 In February 2011 the Council made a bid to the Department of Communities and Local Government neighbourhood planning front runners scheme to support the development of a plan for Grovehill in Hemel Hempstead. In May 2011, the Council was awarded a £20,000 grant as part of the third wave of the scheme. The Council invited the local community of Grovehill to create a Neighbourhood Plan and since its inception meeting in December 2011, the group now known as Grovehill Future have been progressing their plan, supported by the Council. In January 2013, the Council were awarded £5,000 for the successful Plan Area Designation of the Grovehill Future Group.

Summary of Neighbourhood Plan Area Designation - Cabinet December 2012

- 3 On September 2012, the Council received an application from Grovehill Future to designate the Grovehill Neighbourhood Area, This application was approved for designation by Cabinet in December 2012, and part of the relevant criteria for the group making the application is that they are, or are capable of becoming, a qualifying body or Forum.
- 4 Grovehill Future's terms of reference provide evidence of its purpose of establishment, written constitution and eligibility for joining the group. Grovehill Future currently has the required 21 voting members (residents, ward Members, business or organisation representatives who have attended a minimum of three meetings) with further individuals who are eligible.

Summary of Neighbourhood Forum Application - Cabinet February 2014

- 5 On 31 October, as a result of reaching compliance with the forum criteria, the application to 'Designate the Neighbourhood Forum' was deemed to be valid and a consultation took place from 20 November 2013 to 3 January 2014. The application was advertised in the Gazette, on the Council's website, and locally in Grovehill through posters, notice boards and networking.
- 6 Following completion of the consultation, the Council was required to ensure that the Neighbourhood Forum met the criteria set out in section 61F (5) & (7) of the Town and Country Planning Act 1990 (as amended by the Localism Act). In this regard, an application to designate a Neighbourhood Forum area could only have been refused if there were valid planning reasons.

Under section 61F(5) a local planning authority may designate an organisation, in this case Grovehill Future Project as a Neighbourhood Forum, if it is satisfied that it met the following conditions:

- a) *It is established for the express purpose -*
 - (i) *of promoting or improving the social, economic and environmental well-being of an area that consists of, or*

- (i) *includes the neighbourhood area concerned (whether or not it is also established for the express purpose of promoting the carrying on of trades, professions or other businesses in such an area).*
 - b) *Its membership is open to individuals who -*
 - (i) *live in the neighbourhood area concerned, or*
 - (ii) *work there (whether for businesses carried on there or otherwise), or*
 - (iii) *are elected members of a county council, district council or London borough council any of whose area falls within the neighbourhood area concerned,*
 - c) *Its membership includes a minimum of 21 individuals each of whom either -*
 - (i) *live in the neighbourhood area concerned, or*
 - (ii) *work there (whether for a business carried on there or otherwise), or*
 - (iii) *is an elected member of a county council, district council or London borough council any of whose area falls within the neighbourhood area concerned.*
 - d) *It has a written constitution.*
- 7 Under section 61F(7) in deciding whether to designate an organisation or body as a Neighbourhood Forum, the Council:
- (a) *Must have regard to the desirability of designating an organisation or body-*
 - (i) *that has taken reasonable steps to secure membership that includes at least one person from each of the three membership groups identified,*
 - (ii) *that has membership drawn from different places in the area and different sections of the community in the area, and*
 - (ii) *whose purpose reflects the character of the area.*
 - (b) *May only designate one organisation or body as a neighbourhood forum for a neighbourhood area, and only if the body has applied to do so, and only where the area does not include part or all of a parish.*
 - (c) *If the Council refuse an application it must give reasons for the decision to the applicant.*
- 8 The Council received 43 responses to the forum application. The consultation responses did not raise any valid issues which could lead to refusal by the Council. It was therefore recommended in February 2014 that Members approve the application to designate the Grovehill Future Neighbourhood Forum.
- 9 The Forum, with the ongoing help and support of the Council progressed and wrote their draft Grovehill Future Neighbourhood Plan.
- 10 As per The Neighbourhood Planning (General) Regulations 2012, Regulation 14, the Forum formally consulted on this draft plan for 6 weeks between 28th September and 4th November 2016.
- 11 Following receipt of the responses to the consultation on the NP amendments were made, where appropriate.

Submission of the Neighbourhood Plan

- 12 On Monday 13th March, the Chairman of Grovehill Future Forum formally submitted

the Grovehill Future Neighbourhood Plan and supporting appendices (**Appendix A & B**) and further supporting documents to the Council (see 13 below), in accordance with the relevant legislation, as set out below:

The Neighbourhood Planning (General) Regulations 2012 (SI No. 637) Part 5 Paragraph 15 (1) states that:

- (1) *Where a qualifying body submits a plan proposal to the local planning authority, it must include.*
- *a map or statement which identifies the area to which the proposed neighbourhood development plan relates.*
 - *a **consultation statement**; (a) 1992 c.14. 7.*
 - *the proposed **neighbourhood development plan**.*
 - *a **statement** explaining how the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act.*

Supporting documents to the Submitted Neighbourhood Plan

- 13 The **Consultation Statement (Appendix C)** was prepared in accordance with requirements within the *Neighbourhood Planning (General) Regulations 2012 (SI No. 637) Part 5 Paragraph 15 (2)1* which defines a “consultation statement” as a document which:
- a) *contains details of the persons and bodies **who** were consulted about the proposed neighbourhood development plan.*
 - b) *explains **how** they were consulted.*
 - c) ***summarises** the main issues and concerns raised by the persons consulted.*
 - d) *describes **how** these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.*
- 14 The **Basic Conditions Statement (Appendix D)** has been prepared in accordance with the following:

Under s15 (1) (d) of the Neighbourhood Planning (General) Regulations 2012.

The Statement:

- *Confirms the qualifying body*
- *Confirms that the nature, timescale and coverage of the Neighbourhood Plan meets the legal requirements*
- *Demonstrates that the Neighbourhood Plan meets all of the Basic Conditions applicable to Neighbourhood Plans.*

Conformity and acceptance of the Neighbourhood Plan by the Council

- 15 Following receipt of the Grovehill Future Neighbourhood Plan and supporting documents the Neighbourhood Plan was checked to ensure conformity to ensure that and that it meets the general requirements.
- 16 A **Neighbourhood Plan** must:
- *Meet the requirements of certain EU directives relating to human rights and habitat protection;*
 - *Be in keeping with policies that determine how UK planning decisions should be made which are set out in the National Planning Policy Framework and National Planning Practice Guidance;*
 - *Be in compliance with the most important strategic policies prepared by the local planning authority; and*
 - *Explain how the community and organisations have helped to prepare the*

Neighbourhood Plan.

Although it is the Forum's responsibility to undertake any necessary environmental assessments and the LA's duty to check the need for them and their fitness does not arise until after the examination. Council Officers have worked with the Forum, during the creation of the NP to help avoid the need to make representations during consultation on the draft plan. Council Officers are satisfied that there will be no issues arising from this element of the process. The details of the EIA can be found within the NP and supporting documents.

- 17 The LPA must consider: (1990 Act Schedule 4B para 6, 38 A and B)
1. whether the parish council or neighbourhood forum is authorised to act (see 'determining the application criteria for a neighbourhood forum'),
 2. whether the proposal and accompanying documents
 - a. comply with the rules for submission to the LPA (see 'receipt of an NDP by the LPA'), and
 - b. meet the 'definition of an NDP' and
 - c. meet the 'scope of NDP provisions', and
 3. whether the parish council or neighbourhood forum has undertaken the correct procedures in relation to consultation and publicity (see 'pre submission consultation by the parish council or neighbourhood forum')
- 18 It is recommended that the Grovehill Future Neighbourhood Plan does meet all of the requirements as set out by legislation and that the Council, as the LPA can now formally submit the Grovehill Future Neighbourhood Plan for Independent Examination.
- 19 Following approval of Recommendation 1, the Council is required to carry out a formal 6 week publicity consultation the website (Regulation 16). This is expected to take place April/May 2017.

Representations will be forwarded to the examiner for consideration (see 23)

Independent Examination of the Neighbourhood Plan

- 20 In order to progress to examination, the Council must choose a suitable independent examiner and obtain the agreement of the Forum prior to their appointment and subsequent inspection.
- 21 The Council has considered two potential examiners, through the NPEIRS (the Neighbourhood Planning Examination Independent Referral Service). Both of these have been put to the Forum, with a recommendation of the Council's preferred examiner, which the Forum has indicated they would support.
- 22 Following Cabinet approval to progress to Examination, the Council will formally request the Forum's approval at their next meeting on 8th May.
- 23 The Council will now submit the plan to the independent examiner for examination as soon as possible, with any representations and any other documents submitted with the plan.

This should include:

- 1) Map or statement identifying the area to which the plan relates
- 2) Consultation statement
- 3) The proposed plan
- 4) The qualifying bodies statement as to how the plan meets the basic conditions of Schedule 4B to the 1990 Act (including compliance with national policy, how it contributes to sustainable development, general conformity with the strategic policy of the development plan for the area, compatibility with EU obligations)
- 5) The SEA of the plan if required for that plan
- 6) A Habitat Regulations Assessment (where appropriate)
- 7) Any other relevant evidence
- 8) Any other document submitted to the LPA by the qualifying body in relation to the draft plan
- 9) A copy of any representations received in response to the draft plan
(*Reg 17, Reg 102A Conservation of Habitats and Species Regulations 2010 refers*)

24 The date for formal Examination is expected to be in June 2017.

25 The Inspection can take two forms of either:

- a) a public hearing or
- b) written only representation

The Inspection is expected to take anything from 4 days to 2 weeks

26 The result of the Inspection will provide either:

- a) approval to proceed to referendum;
- b) approval to proceed to referendum, subject to minor amendments to the Neighbourhood Plan; or
- c) Rejection of the Neighbourhood Plan.

(1990 Act para 10 Schedule 4B, 1990 Act para 8 Schedule 4B, 61J and 61L as applied through S38A of 2004 Act)

Recommendations from the Examiner

27 Assuming that the recommendation from the examiner is 'approved to proceed to referendum without amendment', the Council will seek to undertake a referendum as soon as practicable.

28 Should the Examiner's report seek to make amendments, then recommendation 2 of this report allows for these amendments to be made without seeking further Cabinet approval to proceed to referendum.

29 Once the Council has considered each of the examiners recommendations and determined its response it can:

1. **make modifications** to correct errors, or to make the plan:
 - a. meet the basic conditions (note 2 and 2b)
 - b. compatible with the Convention rights
 - c. comply with the definition of an NDP and the provisions that can be made by a NDP
 - d. comply with suitable periods for making applications and starting development.
2. **extend the area** to which the **referendum(s)** are to take place. If the authority decides to extend the area for referendum it must publish a map for that area.
3. decide **that they are not satisfied** with the plan proposal with respect to meeting basic conditions, compatibility with Convention rights, definition and

provisions of the NDP even if modified.
*1990 Act schedule 4B para 5, 6,10,12, Reg 18, 61J and 61L,1990 Act
Schedule 4B para 12 (10)*

- 30 It is important to note that the legislation and guidance is clear that while neighbourhood plans are prepared by the community, with recommended modifications from the examiner, the final decision on whether the neighbourhood plan meets the basic conditions and can then proceed to a referendum lies with the local authority.

Next steps - proceeding to Referendum

- 31 If the decision is made to proceed to a referendum, the anticipated date of the referendum would Sept/Oct 2017. This date has been identified as being the most suitable, taking into account best practice of avoiding school holidays and for the necessary notices of poll etc.
- 32 For a neighbourhood plan to pass the referendum, it requires the majority of the votes received to be in favour.
- 33 If the majority of the votes are in favour the council is required to make the neighbourhood plan as soon as possible.