

SADC Requests for clarification to HTC – 7 March 2018

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| <b>Source Of Query</b>  |   |
| <b>Neighbourhood Planning regs 2012</b>   |   |
| <b>Plan proposals</b>   | <b>SADC Request to HTC</b>  |
| 15.—(1) Where a qualifying body submits a plan proposal to the local planning authority, it must include—<br>(a) a map or statement which identifies the area to which the proposed neighbourhood development plan relates; | Please supply an appropriate map (or statement)<br><b>A map has been supplied as a separate document in support of the submission (same version used by SADC when designating the NP Area).</b> |

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| <b>Planning Practice Guidance (clarification of Acts / Regs)</b>  |   |
| A single parish or town council (as a relevant body) can apply for a multi-parished neighbourhood area to be designated . But when the parish or town council begins to develop a neighbourhood plan or Order (as a qualifying body) it needs to secure the consents of the other parish councils to undertake neighbourhood planning activities. Gaining this consent is important if the pre-submission publicity and consultation and subsequently the submission to the local planning authority are to be valid. | Please provide a copy of the consent of Harpenden Rural Parish Council to undertake neighbourhood planning activities<br><b>A consent letter has been supplied as a separate document in support of the submission.</b>   |
| A qualifying body must consult any of the consultation bodies whose interest it considers may be affected by the draft neighbourhood plan or Order proposal. The consultation bodies are set out in <a href="#">Schedule 1 to the Neighbourhood Planning (General) Regulations 2012 (as amended)</a> .  | Potential missing or incomplete list of consultees from Schedule 1 Consultation Bodies. <ul style="list-style-type: none"> <li>• Electronic communications</li> <li>• Gas</li> <li>• Electricity</li> <li>• Herts Partnership NHS Trust</li> <br/> <li>• Voluntary bodies in neighbourhood area</li> <li>• bodies representing racial, ethnic or national groups in neighbourhood area</li> <li>• bodies representing religious groups in neighbourhood area</li> <li>• bodies representing disabled persons in neighbourhood area</li> </ul> <p>Please confirm if above were consulted. If they were consulted but missed off the statement please add addendum/revise consultation statement; or if not consulted please justify.</p> <p><b>Please see Supporting Document C (Engagement Report) Appendix C (Stage 3 Engagement Report)</b></p> |

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|  | Paragraph 1.7, which explains bodies selected/not selected.   |
| Other public bodies, landowners and the development industry should be involved in preparing a draft neighbourhood plan or Order. By doing this qualifying bodies will be better placed to produce plans that provide for sustainable development which benefits the local community whilst avoiding placing unrealistic pressures on the cost and deliverability of that development. | <p>Please add info in the statement of engagement to indicate how ‘other public bodies, landowners and the development industry’ have been involved in preparing the draft neighbourhood plan.</p> <p>Note this is <u>guidance</u>, not legislation. Please see Please see Supporting Document C (Engagement Report) Appendix C (Stage 3 Engagement Report) Paragraph 1.7, Please also see information in the main Engagement Report and further into the Stage 3 Engagement Report. Please also site assessment summary paper.</p> |
| Qualifying bodies should engage infrastructure providers (eg utility companies, transport infrastructure providers and local health commissioners) in this process   | <p>Please add info in the statement of engagement re infrastructure providers Note this is <u>guidance</u>, not legislation. Please see Please see Supporting Document C (Engagement Report) Appendix C (Stage 3 Engagement Report) Paragraph 1.7, Please also see information in the main Engagement Report and further into the Stage 3 Engagement Report.</p>  |
| <b>Schedule 4B of the Town and Country Planning Act 1990</b>   |   |
| <b>Paragraph 6</b>   |   |
| (2)The authority must consider—  |   |
| (a)whether the qualifying body is authorised for the purposes of a neighbourhood development order to act in relation to the neighbourhood area concerned as a result of section 61F,  | <p>Please see above regarding consent of other parish. Please see Legal Compliance Statement (including Basic Conditions Statement) Paragraph 1.1 subparagraph 1.</p>   |
| (b)whether the proposal by the body complies with provision made by or under that section,   | <p>Please amend various maps in the NP so the proposals do not extend beyond the neighbourhood area boundary. (Viewing Zone Key View 1 and arrow; and Key View 4 arrow). Please see update NP and Legal Compliance Statement (including Basic Conditions Statement) Paragraph 1.2 subparagraph 2.</p>   |
| (c)whether the proposal and the documents and information accompanying it (including the draft neighbourhood development order) comply with provision made by or under paragraph 1, and  | <p>Please supply a statement which contains a summary of the proposals and sets out the reasons why it should be made in the proposed terms. Please see Legal Compliance Statement (including Basic Conditions Statement) Paragraph 1.1 subparagraph 3.</p>   |

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| (d)whether the body has complied with the requirements of regulations made under paragraph 4 imposed on it in relation to the proposal.                          | See above re consultation bodies. <b>This information is detailed in the Engagement Report(s).</b>  |
| (3)The authority must also consider whether the draft neighbourhood development order complies with the provision made by or under sections 61E(2), 61J and 61L. | See below <b>Please see Legal Compliance Statement (including Basic Conditions Statement) Paragraph 1.2 and 1.3.</b>  |
| <b>Paragraph 8</b>   |   |
| (b)whether the draft order complies with the provision made by or under sections 61E(2), 61J and 61L,  | Please provide statement which addresses all sections of 38A & 38B (NB: 61E(2), 61J and 61L superseded)<br><br>The definition of 'major development' in the neighbourhood plan glossary should be amended to make clear that plan policies for major development do not relate to excluded development such as minerals and waste. <b>Please see Legal Compliance Statement (including Basic Conditions Statement) Paragraph 1.2 and 1.3. Please also see updated</b> |
| (d)whether the area for any referendum should extend beyond the neighbourhood area to which the draft order relates,   | Please provide statement. <b>Please see Legal Compliance Statement (including Basic Conditions Statement) Paragraph 1.1 subparagraph 8.</b>   |
| <b>Other – Data Protection</b>   |   |
| Engagement Statement & other documents if relevant.  | Please ensure relevant information is redacted to accord with data protection law and best practice. <b>We have redacted personal information.</b>  |
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NB: The various sources above make clear that the clarifications sought above need to be addressed separately from the NP itself (except the changes to the maps and glossary)