

Background Papers, if any, are specified at the end of the Report

Neighbourhood Planning - Review of Delegated Authority

Contact Officer: Graham Winwright (01494 732269)

RECOMMENDATION

Cabinet approve a revision to the delegated authority for neighbourhood planning set out in Paragraph 9 of this report, the revised delegated authority being:

“Decisions on the validity and acceptance of applications for a Neighbourhood Plan or a Neighbourhood Development Order are delegated to the Head of Sustainable Development. The Head of Sustainable Development being required to inform relevant local ward member(s) within the relevant Neighbourhood Area and the Cabinet Member for Sustainable Development of decisions taken and where determined that a Plan or Development Order is not found valid to provide reasons for the decision.”

Relationship to Council Objectives

Neighbourhood Planning relate closely to Objective 2 of working closely with Town and Parish Councils and local neighbourhoods.

Implications

- (i) This is a Key decision within the Forward Plan.*
- (ii) This matter is within the Policy and Budgetary Framework.*

Financial Implications

None as a result of this report.

Risk Management Implications

There are no risks associated with the proposed changes in this report however the changes if agreed will help mitigate against the Resources risk identified in the Cabinet report of 3rd August 2014 when the scheme of delegation was introduced. The changes will also reduce the risk of delay in progressing neighbourhood planning.

Equalities Implications

None as a result of this report.

Sustainability Implications

None as a result of this report.

Report

- 1 Cabinet approved delegated authority for a number of matters in relation to neighbourhood planning on 3rd August 2012. One such matter (2.2.2) delegated authority for decisions in the Neighbourhood Planning process to the Head of Sustainable Development, after consultation with the relevant local member/s and Cabinet Member, for decisions on the validity and acceptance of applications for a Neighbourhood Development Plan or a Neighbourhood Development Order.
- 2 Since 3rd August 2012 the Chalfont St Peter Neighbourhood Plan has been submitted to the Council and its validity and acceptance process has been completed in accordance with the delegated authority.
- 3 Experience of using this delegated authority has questioned the need and/or benefit for consulting local ward members and the Cabinet member as the validity process is based on fact and legal and professional judgement as to whether the submission meets the requirements of The Localism Act 2001 and The Neighbourhood Planning (General) Regulations 2012. Validation is not based on local circumstances, does not take account of the subject matter in the Plan and has limited scope for consideration.
- 4 Appendix 1 includes the 'Validation Report' circulated to Chalfont St Peter local members and the Cabinet Member for Sustainable Development to provide an actual example of validation matters that have to be considered.
- 5 Appendix 1 and the process explained in paragraph 3 above of course relates to a Neighbourhood Plan (NP) process whereas the delegated authority also includes Neighbourhood Development Orders (NDO). The circumstances and legislation are the same for NDO's as they are for NP's and so the two processes need not be treated differently.
- 6 Officers in carrying out the validation process under delegated authority also sought feedback from members consulted and included the following:

"The Chalfont St Peter Neighbourhood Plan is the first plan to be considered by the Council and so the delegated authority is being used for the first time. Given that the validation process is based on fact, officers are proposing recommending a change to delegation

*so that validation is delegated to the Head of Sustainable Development **without** member consultation. Before doing so I would also welcome your views on this as members involved in the validation process for this Plan.”*

7 The above was sent to 7 local members and the Cabinet Member. Not all members commented on the potential change to the delegated authority but following comments were received:

- Cllr Rush: *“I agree with the proposed change to delegation so that validation is delegated to the Head of Sustainable Development **without** member consultation.”*
- Cllr Meacock: *“As to the future, my recommendation would be that if a Neighbourhood Plan (“NP”) passes all of the requirements set out in your report, then to save time and expense it should be validated under delegated authority. If however a NP fails on any single ground.... I believe such a NP should be rejected with local CDC members and the parish/town council concerned being given reasons for such failure.... So particularly given the technical nature of the validation process, I’m happy to see this done under delegated powers, but with the proviso of the extra loop above and that CDC member(s) in the ward(s) concerned being copied into decision notices.”*
- Cllr Werthiem: *“I concur with the Officer’s current recommendations.”*

8 No members consulted opposed the suggested change to the scheme of delegation.

9 It is therefore recommended that delegated authority 2.2.2 approved by Cabinet on 3rd August 2012 is amended by deleting the need for the Head of Sustainable Development to consult local ward members and the Cabinet member with responsibility for planning (i.e. the now Cabinet Member for Sustainable Development) but to keep those members informed of decisions taken under the delegated authority. The delegated authority now to read as set out in the recommendation to this report.

10 Such a change will also shorten the Council’s validation process. In the case of the Chalfont St Peter Neighbourhood Plan the ‘Validation Report’ was written on 11th February and after consultation was determined on 24th February but could have been delayed for longer if for example one of the 8 members was unavailable to comment.

Background papers:

Cabinet Report on Neighbourhood Planning Process, 3rd August 2012 and its background papers.

Documents in relation to the submission Chalfont St Peter Neighbourhood Plan.
