

HERTSMERE BOROUGH COUNCIL



EXECUTIVE

Item no: 6.4

Document Reference No: EX/16/57

Date of Meeting / Decision: 8 February 2017

This is a key decision

The proposals are not exempt from call-in on the grounds of urgency

PROPOSED APPROVAL TO DESIGNATION OF SHENLEY NEIGHBOURHOOD AREA BOUNDARY, AND AMENDMENT TO EXISTING RADLETT NEIGHBOURHOOD AREA BOUNDARY

This report outlines:

(i) responses to the recent publicising of Shenley Parish Council's application to this Council for the designation of a neighbourhood area, to enable the production of a neighbourhood plan for Shenley. It seeks the Executive's approval for the designation of the neighbourhood area as applied for by Shenley Parish Council; and

(ii) responses to the recent publicising of Aldenham Parish Council's application to this Council for an amendment to a previously approved neighbourhood area to enable the production of a neighbourhood plan for the urban area of Radlett within Aldenham Parish. It seeks the Executive's approval for the designation of the amended neighbourhood area as applied for by Aldenham Parish Council.

PORTFOLIO HOLDER: COUNCILLOR DR HARVEY COHEN

1. **RECOMMENDED THAT:**

- 1.1 The Executive approves the application by Shenley Parish Council for the designation of the area covered by the parish of Shenley together with the part of Shenley Cricket Club located within Aldenham Parish, as shown on the plan attached at Appendix 1, as a neighbourhood area for the purposes of drawing up a neighbourhood plan.
- 1.2 The Executive approves the application by Aldenham Parish Council for the designation of the amended area covering the urban area of Radlett and the adjoining area within the parish of Aldenham, as shown on the plan attached at Appendix 3, as a neighbourhood area for the purposes of drawing up a neighbourhood plan.

2 **CONTEXT**

- 2.1 The Localism Act 2011 introduced the ability for local communities to draw up a Neighbourhood plan for their area. Producing a neighbourhood plan gives communities the opportunity to work together to develop a shared vision for their neighbourhood and to influence (within certain limits) the future of their local area. It provides an opportunity for communities to play a greater role in shaping the areas in which they live and work. A neighbourhood plan has to meet a number of basic conditions, including that it is in

general conformity with both national planning policies and the Local Plan; within this context it can allocate sites for development and introduce some local policies to guide new development, but it cannot be used to reduce the overall amount of new development envisaged for an area in the Borough's Local Plan. Once it has been 'made' (brought into legal force) a neighbourhood plan sits alongside the Borough's Local Plan and will be taken into account when the Council determines planning applications for development within the area it covers.

3. SHENLEY NEIGHBOURHOOD AREA

- 3.1 In a letter dated 19 October 2016, Shenley Parish Council submitted formal notification to this Council of its intention to prepare a neighbourhood plan. The application sought approval from Hertsmere Council for the designation of a neighbourhood area covering the parish of Shenley together with the part of Shenley Cricket Club which is actually located within Aldenham Parish. It is intended that the neighbourhood plan will cover this area. A similar application was submitted earlier this year but the part of Shenley Cricket Club located within Aldenham Parish, was omitted from that application. This area is now included in the proposed neighbourhood area.
- 3.2 A copy of the proposed boundary and the Parish Council's statement outlining why this area is considered appropriate to be designated as a neighbourhood area are attached at appendix 1 and appendix 2 respectively.
- 3.3 Shenley Parish Council meets the criteria of a relevant body under paragraph 61G (2) of the Town and Country Planning Act 1990 as amended by the Localism Act 2011 and is therefore entitled under paragraph 61G (1) to apply to the Council for the designation of a neighbourhood area. A single parish council (as a relevant body) can apply for a multi-parished neighbourhood area to be designated, as long as that multi-parished area includes all or part of that parish council's administrative area. The proposed neighbourhood area includes all of Shenley Parish Council's administrative area; this requirement is also therefore met.
- 3.4 Officers met with representatives from Shenley Parish Council in September 2016 to discuss the application and concluded that the application and proposed neighbourhood area boundary were considered to be valid. The later inclusion of the part of Shenley Cricket Club which lies over the boundary into Aldenham Parish is considered sensible and will enable a consistent approach to be taken to planning in relation to the whole of the cricket ground, which itself lies within the wider Shenley Park boundary and is physically associated with Shenley. Aldenham Parish Council has confirmed its agreement to this course of action; the boundary of the adjoining Radlett neighbourhood area for which Aldenham Parish Council is preparing a neighbourhood plan excludes the cricket ground; there is therefore, as required, no overlap between the two neighbourhood areas.
- 3.5 Consultation on the proposed designation has been carried out in accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended 2015), and lasted for 6 weeks from 10 November 2016 to 22 December 2016. A notice was placed in the Borehamwood and Elstree Times on 11 November 2016. Ward Councillors for Shenley and adjoining Wards, adjoining Parish Councils (including those outside Hertsmere), St Albans City and District Council, and a number of organisations and premises used by the community in Shenley were advised of the consultation. As required by the regulations, details of the proposed boundary to the neighbourhood area and a brief statement of the parish council's intention to draw up a neighbourhood plan were published on this council's website. Hard copies were also available at the offices of

Shenley and Aldenham Parish Councils and the civic offices in Borehamwood. A press release was also issued. The regulations required that Hertsmere Borough Council determine the application within 13 weeks of the first publication of the proposal i.e. by 9 February 2017.

- 3.6 One representation has been received during the consultation period. The representation is from the Minerals and Waste team at Hertfordshire County Council's Spatial Planning and Economy Unit setting out the minerals and waste matters of relevance to the proposed neighbourhood area, and requesting further consultation during the preparation of the neighbourhood plan.

4 RADLETT NEIGHBOURHOOD AREA

- 4.1 Aldenham Parish Council meets the criteria of a relevant body under paragraph 61G (2) of the Town and Country Planning Act 1990 as amended by the Localism Act 2011 and is therefore entitled under paragraph 61G (1) to apply to the Council for the designation of a neighbourhood area. A single parish council (as a relevant body) can apply for a multi-parished neighbourhood area to be designated, as long as that multi-parished area includes all or part of that parish council's administrative area. The proposed neighbourhood area covers part of Aldenham Parish Council's administrative area, so this requirement is met.
- 4.2 *Original boundary application (2013)*
- 4.3 On 17 September 2013 the Council received notification under Part 6, Chapter 3 of the Localism Act 2011 that Aldenham Parish Council intended to prepare a neighbourhood plan for Radlett. This included a proposed plan for designation of a neighbourhood area for Radlett. The application was considered to be valid and was consulted upon during winter 2013-14 in line with the Neighbourhood Planning (General) Regulations 2012, the relevant legislation at that time.
- 4.4 A total of 5 representations were received two of which were in support of the proposal (see Appendix 1), and Shenley Cricket Club was subsequently removed from the Radlett Neighbourhood Area Boundary on 14 January 2014. This area had been mistakenly included in the original boundary. One other letter of objection was received questioning the need to prepare neighbourhood plans. A summary of representations received is set out in Appendix 1.
- 4.5 The Neighbourhood Area Boundary was approved by Hertsmere Borough Council on 4 April 2014 (through a decision of the Portfolio Holder for Planning and Localism – see Appendix 6 to this report) and the Parish Council started work on preparing a neighbourhood plan for the Radlett area.
- 4.6 *Revised boundary application (2016)*
- 4.7 Following the approval of the boundary in 2014, an error was discovered in the boundary map which meant that the neighbourhood area overlapped into the administrative area of St Albans City and District Council, and also overlapped with the parish of St Stephen, which is already designated as a neighbourhood area for the purposes of preparing a neighbourhood plan for the St Stephen parish.
- 4.8 A copy of the proposed revised boundary, Aldenham Parish Council's statement outlining why this revised area is considered appropriate to be designated as a neighbourhood area, and a letter from the Parish Council requesting the amendment to

the approved boundary are attached at appendices 3, 4 and 5 respectively. There is no process set down in the legislation for the amendment of a neighbourhood area boundary once it has been approved by the borough or district council, so we must carry out the same consultation procedure as for a new neighbourhood area designation.

4.9 Consultation on the proposed designation has been carried out in accordance with the Regulations and lasted for 6 weeks from 10 November 2016 to 22 December 2016. A notice was placed in the Borehamwood and Elstree Times on 11 November 2016. Ward Councillors for Aldenham and adjoining Wards, adjoining Parish Councils (including those outside Hertsmere), St Albans City and District Council, and a number of organisations and premises used by the community in Radlett were advised of the consultation. As required by the regulations, details of the proposed boundary to the neighbourhood area and a brief statement of the parish council's intention to draw up a neighbourhood plan were published on this council's website. Hard copies were also available at the offices of Aldenham Parish Council and the civic offices in Borehamwood. A press release was also issued. The regulations require that Hertsmere Borough Council determine the application within 13 weeks of the first publication of the proposal i.e. by 9 February 2017.

4.10 Two representations have been received during the consultation period.

- Representation from the Minerals and Waste team at Hertfordshire County Council's Spatial Planning and Economy Unit setting out the minerals and waste matters of relevance to the proposed neighbourhood area, and requesting further consultation during the preparation of the neighbourhood plan, and proposing a minor alteration to a small area to the west of the proposed boundary to improve alignment with map features. This has been corrected and a revised map is attached to this report.
- Representation from the Radlett Society and Green Belt Association observing a typographical error on the Ordnance Survey base map ('Fairfield' Primary School as written on the map should be 'Fair Field' Primary School). We are not able to correct this as it is part of the base map.

5 REASON FOR RECOMMENDATIONS

5.1 Shenley neighbourhood area

5.2 An application for designation of a neighbourhood area was submitted to Hertsmere Borough Council by Shenley Parish Council under Part 6, Chapter 3 of the Localism Act 2011. Hertsmere Borough Council, as the local planning authority, is the proper authority to determine the application. The Council has publicised the application on the website, in the local press, and in correspondence to relevant local Members and organizations, allowing 6 weeks for comments as required by the Neighbourhood Planning (General) Regulations 2012 (as amended 2015). Therefore the obligations under these regulations have been fulfilled.

5.3 The decision will enable Shenley Parish Council to progress the preparation of a neighbourhood plan for the Shenley area.

5.1 Radlett neighbourhood area

5.2 An application for designation of a neighbourhood area was submitted to Hertsmere Borough Council by Shenley Parish Council under Part 6, Chapter 3 of the Localism Act 2011. Hertsmere Borough Council, as the local planning authority, is the proper authority

to determine the application. The Council has publicised the application on the website, in the local press, and in correspondence to relevant local Members and organizations, allowing 6 weeks for comments as required by the Neighbourhood Planning (General) Regulations 2012 (as amended 2015). Therefore the obligations under these regulations have been fulfilled.

- 5.3 The decision will enable Aldenham Parish Council to continue with the preparation of a neighbourhood plan for the Radlett area.

6 ALTERNATIVE OPTIONS

- 6.1 This Council could, under regulation 7(2) of the Neighbourhood Planning (General) Regulations 2012, decide not to designate the proposed neighbourhood area. This option is not recommended as failure to designate the neighbourhood area would delay the parish council in their aim of producing a neighbourhood plan for Shenley. Although Shenley Parish Council could choose to prepare a neighbourhood plan solely for the area in and around the village and Porters Park development, rather than the entire rural parish, there are only very limited scenarios where the regulations would prevent an entire area being designated. The preparation of a neighbourhood plan covering a much larger geographic area has potential resource implications for Shenley Parish Council.
- 6.2 Hertsmere officers will provide practical and technical support to the Parish Council although the greater geographic coverage of the neighbourhood plan will not result in additional grant funding from the Department of Communities and Local Government (DCLG). As such, the resources deployed will be similar to that being made available to support Aldenham Parish Council in the preparation of its neighbourhood plan.

7 LEGAL POWERS RELIED ON AND ANY LEGAL IMPLICATIONS

- 7.1 The provisions of Part 6, Chapter 3 of the Localism Act 2011 indicate that Hertsmere Borough Council is the proper authority to determine the application, which has been properly made by Shenley Parish Council. The Neighbourhood Planning (General) Regulations 2012 (as amended) set out the requirements for Hertsmere Borough Council to undertake a minimum of 6 weeks consultation, and to determine the application within 13 weeks of it first being publicised.

8 FINANCIAL IMPLICATIONS

- 8.1 None arising from this initial piece of work as it has been undertaken within the policy and transport team's normal budget allocation. The cost of advertising the proposed neighbourhood area in the local press will be recovered through the receipt of a grant from DCLG in the first half of 2017.
- 8.2 In total, up to £30,000 is available (per neighbourhood plan) to Hertsmere Borough Council to support neighbourhood planning. The first payment of £5,000 is made following designation of a neighbourhood area. A second payment of £5,000 is made when the final pre-examination version of the neighbourhood plan is publicised prior to examination and a final payment of £20,000 is made on successful completion of the neighbourhood planning examination.

9 CONSULTATION

9.1 Consultation has been undertaken as outlined above.

10 PLANNED TIMETABLE FOR IMPLEMENTATION

10.1 Provided the Executive approves the designation of the two neighbourhood areas, confirmation of the designation will be publicised shortly following the meeting. The timetable for the subsequent preparation of the neighbourhood plan for each area is a matter for Shenley Parish Council and Aldenham Parish Council.

11 EFFICIENCY GAINS AND VALUE FOR

11.1 None.

12 RISK MANAGEMENT IMPLICATIONS

12.1 Officers consider that there are no specific risk management implications regarding this piece of work.

13 PERSONNEL IMPLICATIONS

13.1 The consultation has been undertaken as a part of the normal workload of the Policy and Transport Team.

14 CORPORATE PLAN & POLICY FRAMEWORK IMPLICATIONS

14.1 Supporting local communities in developing neighbourhood plans is consistent with the Council's aims of securing a better future for the communities of Hertsmere through partnership working.

15 ASSET MANAGEMENT PLAN IMPLICATIONS

15.1 Officers consider that there are no asset management implications.

16 HEALTH AND SAFETY IMPLICATIONS

16.1 Officers consider that there are no health and safety implications arising from this piece of work.

17 APPENDICES ATTACHED

17.1 Appendix 1: Proposed Shenley neighbourhood area boundary
Appendix 2: Statement submitted by Shenley Parish Council
Appendix 3: Proposed Radlett neighbourhood area boundary (as amended in response to representation from HCC)
Appendix 4: Statement submitted by Aldenham Parish Council (2013)

Appendix 5: Letter from Aldenham Parish Council requesting amendment to the boundary (2016)

Appendix 6: Record of Executive Decision on Radlett Neighbourhood Area (2014)

18 BACKGROUND PAPERS USED IN PREPARATION OF THIS REPORT

18.1 None.

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