

WEST NORTHAMPTONSHIRE COUNCIL COUNCIL

23rd September 2021

**Cllr Rebecca Breese, Portfolio Holder for
Planning, Built Environment and Rural Affairs**

Report Title	Planning policy, conservation areas, local lists and Article 4 Directions – suggested approach for decision making
Report Author	Richard Wood, Interim Head of Planning and Climate Change Policy

Contributors/Checkers/Approvers

West MO	Catherine Whitehead	9 th September 2021
West S151	Martin Henry	14 th September 2021
WNC Communications		Sent 9 th September 2021

List of Appendices

None

1. Purpose of Report

- 1.1. To seek approval from members for an approach to making decisions on the various stages of preparing and adopting planning policy and related documents, designating conservation areas, adding buildings to the local list, and making article 4 directions.

2. Executive Summary

- 1.2. This report sets out a suggested approach for decision making in relation to planning policy and related documents, designating conservation areas, adding buildings to the local list, and making Article 4 directions

3. Recommendations

3.1 It is recommended that Council:

1. Agrees the approaches to the preparation of planning policy and related documents, designation of conservation areas, adding buildings to the local list and making article 4 directions as set out in this report
2. Delegates to the Head of Planning & Climate Change Policy in consultation with the Portfolio Holder for Planning, Built Environment & Rural Affairs:
 - a) Responses to consultations on local plans from neighbouring authorities and production of Statements of Common Ground
 - b) Responses to consultations on other planning policy documents from neighbouring authorities
3. Cabinet will delegate to Planning Policy Committee relevant responsibilities relating to Planning Policy when that committee has been established.

4. Reason for Recommendations

This report sets out proposed arrangements for dealing with the various decisions that the Council has to take in progressing planning policy documents, designating conservation areas and making article 4 directions and consequent changes to the constitution. Whilst the regulations prescribe much of what councils have to do there is still some discretion about how this is done, and different practises have been established in each of the predecessor councils. It is now important that a consistent approach is taken across West Northamptonshire.

5. Report Background

- 5.1 The Council is responsible for producing and maintaining an up to date set of planning policy documents. These will take various forms and will cover different geographies, and can cover different topics. The production of Neighbourhood Plans is dealt with in a separate report on this agenda.
- 5.2 The suggested approach seeks to ensure that local plans can progress efficiently through the process, and to ensure the regulations will be complied with. Progressing plans efficiently is important as plans gain increasing weight as they move through the stages and the National Planning Policy Framework requires plans to be kept up to date. The risk of having out-of-date plans is a reduced level of control the council has in determining planning applications.
- 5.3 If approved the approach would apply for decisions after this council meeting and would apply to policies and plans which are already being prepared.
- 5.4 The approach will also provide clarity about how decisions are made on the designation of conservation areas, adding buildings, sites and monuments to the local list and the making of article 4 directions.

6. Issues and Choices

6.1 Preparation of Part 1 and Part 2 Local Plans and Plans of Neighbouring authorities

6.2 The regulations set out various stages for the production of local plans. The approach set out in this report is for the production of the Part 1 (i.e. West Northamptonshire Strategic Plan) and Part 2 Plans. Neighbourhood planning will be dealt with in a separate report to be considered by Cabinet in October.

6.3 The first stage of consultation is what is termed regulation 18 stage. This provides some discretion to the local authority on the form of consultation, but usually it takes the form of issues and options consultations. In West Northamptonshire's case an issues paper was consulted on from 5th August to 11th October 2019. A proposal for an options consultation (also regulation 18) was included in the papers for cabinet on 13th September 2021.

6.4 It is intended that there will be two further stages of consultation on emerging plans. It is suggested that the request for permission to consult on these plans be a matter for cabinet to decide.

6.5 Proposals for making decisions about later stages of plan production will be subject of future reports to cabinet.

6.6 The council is also required to produce related documents, namely a Statement of Community Involvement which sets out how the community will be engaged and invited to comment on emerging plans and a Local Development Scheme which sets out the programme for the production of plans. Both of these were included in the papers for cabinet on 13th September 2021.

6.7 The council is consulted from time to time on local plans and other planning policy documents from neighbouring authorities and will be asked to complete Statements of Common Ground (SOCG). The purpose of a SOCG is to set out clearly for the examiner of the plan, areas of agreement and any areas of concern. It is suggested that the responsibility for responding to such consultations and completing SOCG's be delegated to the Head of Planning and Climate Change Policy in consultation with the Portfolio Holder for Planning, Environment and Rural Affairs.

6.8 Proposed Process for making Supplementary Planning Documents

6.9 Supplementary Planning Documents (SPDs) can be topic based (existing examples in West Northamptonshire include Housing, Biodiversity and Developer Contributions) or based on a particular geography (e.g. a conservation area appraisal or village design statement for a particular village).

6.10 Regulations set out the approach to their production, which includes a formal stage of consultation and an adoption stage. In some cases SPDs are produced by the community, such

as village design statements. The local community will often do their own consultation and engagement activity in the early stages of preparation.

- 6.11 In order to enable consultation to start promptly, it is suggested that requests to consult on draft documents be a matter for cabinet to decide.
- 6.12 When consultation has concluded, any comments received will be carefully assessed, and appropriate changes to the consultation document will be identified. A report will be prepared recommending whether or not to proceed to adoption, together with any changes as a result of the consultation. It is suggested that these reports be referred to cabinet for decision.
- 6.13 Proposed Process for Designating Conservation Areas and Local Lists.
- 6.14 Local Authorities have a duty to determine which areas it is desirable to preserve and enhance and designate them as conservation areas, and produce management plans for those areas.
- 6.15 Across West Northamptonshire there are 119 designated conservation areas. Most have a recently adopted appraisal, but some are still in the course of being reviewed, and assessments are underway or in programme for potential new designations.
- 6.16 If an appraisal indicates that a new or modified conservation area boundary should be designated, members would be asked to make a formal decision to agree to such a designation – this is in addition to the decision to adopt an appraisal as a Supplementary Planning Document (as covered in paragraphs 6.9 -6.12).
- 6.17 It is suggested that consultations on proposals to designate new or amend existing boundaries be referred to cabinet for agreement, and that final proposals to designate, or not, be also referred to cabinet.
- 6.18 Across West Northamptonshire there are many heritage assets which do not have any designation but are an important part of the area’s heritage. A separate report will be presented to members in due course setting out a proposed methodology for adding buildings, sites or monuments to a local list, this will seek to achieve agreement for a West Northamptonshire approach, however in the interim some proposals for adding to the list will emerge through conservation area reviews and neighbourhood planning activity, and in the interests of progressing that work cabinet will be asked to consider any such requests.
- 6.19 Article 4 directions
- 6.20 Article 4 directions provide additional control for local authorities to manage change. Changes allowed by permitted development rights may appear minor when viewed individually, but cumulatively can affect the overall character of an area, leading to the gradual erosion of its special interest, or they can undermine policy objectives. Article 4 Directions can be put in place to add further controls for features which are particularly important to the historic and architectural interest of the area, and to ensure control e.g. over changes of use of buildings.

- 6.21 It is suggested that proposals to consult on article 4 directions be referred to cabinet for approval and that the final decision to confirm, amend or not confirm also be referred to cabinet for decision, except in cases where an article 4 direction be required to be imposed in an emergency situation – in those cases it is suggested that the power be delegated to the Assistant Director Growth, Climate and Regeneration.

7. Implications (including financial implications)

7.1 Resources and Financial

- 7.1.1 The tasks would be met from existing resources.

7.2 Legal

- 7.2.1 The proposals are in order to comply with the relevant legislation and regulations

7.3 Risk

- 7.3.1 Having an agreed approach in place significantly reduces the risk of inconsistent approaches in producing plans and policies.

7.4 Consultation

- 7.4.1 No consultations have been undertaken in relation to this report.

7.5 Consideration by Overview and Scrutiny

- 7.5.1 Not applicable.

7.6 Climate Impact

- 7.6.1 There are no direct consequences of this report, however the plans themselves may contain policies that deal with climate change.

7.7 Community Impact

- 7.7.1 None as a direct result of this report, however an important part of producing polices and plans is engagement with the community.

8. Background Papers

- 8.1 None