

EAST HERTS COUNCIL

EXECUTIVE – 7 FEBRUARY 2017

REPORT BY THE LEADER OF THE COUNCIL

BUNTINGFORD COMMUNITY AREA NEIGHBOURHOOD PLAN
2014 – 2031

WARD(S) AFFECTED: MUNDENS & COTTERED, BUNTINGFORD

Purpose/Summary of Report

- To agree the proposed modifications to the Neighbourhood Plan in part according to the Examiner’s recommendations, but also with additional modifications recommended by Officers, and to agree for the Plan to proceed to Referendum.

RECOMMENDATIONS FOR EXECUTIVE: That:	
(A)	the Buntingford Community Area Neighbourhood Plan is modified in part according to the Examiner’s recommendations, as detailed at Essential Reference Papers ‘C’ and ‘D’ to this report but also with additional modifications recommended by Officers, as detailed at Essential Reference Paper ‘D’ to this report; and
(B)	Officers be requested to make the necessary arrangements to hold a Neighbourhood Plan Referendum for the Parishes of Aspenden, Buckland & Chipping, Cottered, Hormead and Wyddial on 23rd March 2017.

1.0 Background

1.1 Neighbourhood Planning was introduced by the Government under the Localism Act in 2011. Buntingford Town Council started work on a Neighbourhood Plan for the Buntingford Community Area (BCA) in 2013. The BCA Neighbourhood Plan has been jointly produced by Buntingford Town Council, the qualifying body, and the parishes of Aspenden, Buckland & Chipping, Cottered, Hormead and Wyddial. Buntingford Town Council submitted a

request for Neighbourhood Area Designation in February 2014 and this was subsequently agreed in July 2014.

- 1.2 The Town Council submitted the draft Neighbourhood Plan to East Herts Council in April 2016. Following this, a six week consultation took place between June and July 2016 to which a number of submissions were received. A summary of these submissions can be viewed at **Essential Reference Paper 'B'**.
- 1.3 In order to comply with relevant regulations, a neighbourhood plan must be reviewed by an Independent Neighbourhood Planning Examiner. East Herts Council and Buntingford Town Council appointed an Independent Examiner (IE) through the Neighbourhood Planning Independent Examiner Referral Service (NPIERS). A neighbourhood plan can either be considered at a public hearing or through independent examination of written representations. In this case, it was determined that a public hearing of the Neighbourhood Plan was not necessary.
- 1.4 The role of the IE is to assess the Plan against a set of criteria (further details below), to consider whether or not to recommend that the Plan proceed to Referendum, and to decide whether the Referendum area should be extended beyond the neighbourhood area. East Herts Council received the final report from the IE on 8th November 2016. The IE recommended that the Neighbourhood Plan proceed to Referendum subject to some modifications to the Plan and that there was no need to extend the referendum area beyond the Neighbourhood Plan Area.

2.0 Report

Independent Examiner's Report

- 2.1 The IE commended the decision of Buntingford Town Council to join forces with the surrounding parishes to prepare a neighbourhood plan as it recognises the important relationship between the town and its rural hinterland and it enables the benefits of a neighbourhood plan to be available to small villages for whom the preparation of a separate neighbourhood plan may not have been a realistic proposition.
- 2.2 The role of the IE is to consider whether the Neighbourhood Plan meets the basic conditions and other requirements set out by law (they are not permitted to explore other considerations). To meet the basic conditions the Neighbourhood Plan is required to:

- Have appropriate regard to national policy;
 - Contribute to the achievement of sustainable development;
 - Be in general conformity with the strategic policies in the development plan for the local area;
 - Be compatible with EU obligations; and
 - Meet human rights requirements.
- 2.3 To ensure that the Buntingford Community Area Neighbourhood Plan meets the basic conditions, the IE has recommended a number of fairly minor modifications to the Plan which clarify the way in which the policies will be applied. The IE has also recommended the deletion of Policy INFRA4, as it does not relate to the development and use of land, and INFRA5 as it adds nothing to existing policies in the Local Plan and the National Planning Policy Framework (NPPF).
- 2.4 A number of the consultation submissions expressed concern about Policy HD1 of the Plan which sets out the scale of residential development in the neighbourhood area. This was primarily due to the Neighbourhood Plan being prepared in the absence of both an up to date Local Plan and a 5 year supply of housing land. However, the IE concluded that there is justification for the proposed development boundary and, with regard to Buntingford, that the scale of development approved in recent years means that the Plan will make a significant contribution to new housing development. However, the IE has recommended some modifications to the policy to allow small scale development outside the proposed development boundaries having regard to the NPPF.
- 2.5 The IE's report, setting out the proposed modifications, can be viewed at **Essential Reference Paper 'C'**. An updated version of the Neighbourhood Plan which incorporates the modifications can be viewed at **Essential Reference Paper 'D'**. Modifications recommended by the IE appear in red.

Additional modifications recommended by Officers

- 2.6 In addition to the modifications recommended by the IE, it is the view of Officer's that some additional modifications should be made to the Plan. These modifications generally relate to factual matters such as providing an updated position on housing numbers since the Neighbourhood Plan was published, and do not affect the intention of the Plan.

- 2.7 However, it is the view of Officer's that one significant modification should be made and this is in relation to the Buntingford development boundary. Paragraph 93 of the examiner's report highlights three main differences between the development boundary proposed in the Neighbourhood Plan to that proposed in the emerging District Plan. However, there is a fourth, which relates to land on the western side of Buntingford and the omission of the school sites at Edwinstree and Freman College from the development boundary proposed in the Neighbourhood Plan. At paragraph 94 of the examiner's report the omission of Layston School from the development boundary is discussed. The IE recommends that a modification is made to the development boundary to include the Layston School site, with the justification being 'to allow for the possibility of its expansion there is a strong case for its inclusion'.
- 2.8 Therefore, applying the same logic to the other two school sites, it is recommended that they also be included within the development boundary to allow for the possibility of expansion in the future.
- 2.9 In addition, Buntingford Town Council, the qualifying body, has proposed a modification which Officers have agreed to recommend be made to the Plan. This proposed modification relates to the identification in Policy BE2 of the Warren Nursery site in Cottered Parish as a 'main industrial site'. The site is actually in agricultural use and, whilst offers limited employment opportunities, it is not deemed significant enough to warrant specific designation as an employment site in the Plan.
- 2.10 An updated version of the Neighbourhood Plan which incorporates the modifications can be viewed at **Essential Reference Paper 'D'**. Modifications recommended by Officers appear in green.

Referendum Area

- 2.11 As part of the examination of the Neighbourhood Plan, the IE must also make a recommendation on whether the referendum area should be extended outside of the neighbourhood area.
- 2.12 The IE decided that there was not a clear need to extend the referendum area beyond the neighbourhood area.

Proceeding to Referendum

- 2.13 East Herts Council is under a duty to hold a referendum if it is satisfied that it meets the basic conditions prescribed by legislation. Failure to undertake a referendum could result in a judicial review of the Authority's decision.
- 2.14 It is recommended that the modifications proposed by the IE be accepted, the additional modifications recommended by Officers are made and that the proposed Neighbourhood Plan for the Buntingford Community Area should proceed to a referendum.

The Referendum

- 2.15 In order for the Neighbourhood Plan to be 'made' (ie. adopted) and form part of the statutory development plan, residents within the six parishes which make up the Buntingford Community Area must vote on the following question:

'Do you want East Hertfordshire District Council to use the Neighbourhood Plan for the Buntingford Community Area to help it decide planning applications in the neighbourhood area?'

- 2.16 This question is set out at paragraph 1 of Schedule 1 within the Neighbourhood Planning (Referendum) Regulations 2012.
- 2.17 All those on the electoral register (at the date of the vote) within the referendum area are entitled to vote. In order for the Neighbourhood Plan to become part of the statutory development plan for the area, there must be a 'Yes' majority (over 50% who vote). There is no minimum turnout for the referendum. If there is a majority 'No' vote or a 'tied' vote, then the Neighbourhood Plan will not come in to force.
- 2.18 Notice in the prescribed manner must be given 28 days before the date on which the referendum will be held. The following information and documents will be made available:
- An information statement containing information on the referendum;
 - Specified documents including the draft neighbourhood development plan;
 - The examiner's report;
 - A summary of the representations submitted to the independent examiner;

- A statement setting out that the LPA is satisfied that the development plan meets the basic conditions;
- A statement that sets out general information as to town and country planning (including neighbourhood planning) and the referendum.

2.19 On the basis that the recommendations at the head of this report are adopted, a referendum poll will take place on 23 March 2017.

3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

The Neighbourhood Planning (General) Regulations 2012

http://www.legislation.gov.uk/ukxi/2012/637/pdfs/ukxi_20120637_en.pdf

The Neighbourhood Planning (Referendum) Regulations 2012

http://www.legislation.gov.uk/ukdsi/2012/9780111525050/pdfs/ukdsi_9780111525050_en.pdf

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