

EAST HERTS COUNCIL

EXECUTIVE – 4 DECEMBER 2012

REPORT BY EXECUTIVE MEMBER FOR STRATEGIC PLANNING
AND TRANSPORT

REQUEST FOR AREA DESIGNATION FOR NEIGHBOURHOOD
PLANNING: BISHOP'S STORTFORD

WARD(S) AFFECTED: Bishop's Stortford Meads and Silverleys and
wider Bishop's Stortford and surrounding
wards

Purpose/Summary of Report

- To enable the consideration of an application for the designation of a Neighbourhood Area

RECOMMENDATIONS FOR EXECUTIVE: That:

(A)	the application for the designation of a Neighbourhood Area, submitted by Bishop's Stortford Town Council, be supported.

1.0 Background

1.1 Bishop's Stortford Town Council (BSTC) submitted an application for the designation of a Neighbourhood Area to the Council on 9 July 2012. Agreement to the designation of a Neighbourhood Area is required by the Council as Local Planning Authority (LPA) before a Neighbourhood Plan can be formulated.

1.2 The application was made in the form of a letter from BSTC with an attached plan setting the area to which the application relates. The area is co-incident with the two wards of Bishop's Stortford Silverleys and Bishop's Stortford Meads. The letter and plan form **Essential Reference Paper B** to this report.

2.0 Consultation

2.1 The Council has undertaken the appropriate consultation with regard to the application submission. The feedback is summarised here as follows:

2.2 Seven representations have been received in support of the proposal, two by Members of the Council, one from the Maple Avenue Management Company and the others from local residents. In addition to general expressions of support the representations set out the following issues (in summary):

- responsibility for planning issues should be delegated to Town Councils as they are most aware of local issues and constraints;
- ensures appropriate input and effective consultation;
- encourage both sets of developers for land at Bishop's Stortford North (BSN) to adopt a co-ordinated approach;
- formulating a Neighbourhood Plan for the whole town may be too complicated and time consuming, this request represents a reasonable 'test' of the processes and procedures;
- should be Councillor led process to ensure engagement;
- will identify key infrastructure requirements for BSN development.

2.3 In objection to the application there are submissions from two parties. These are Countryside Properties and DLP Planning Ltd on behalf of the BSN Consortium. The points made can be summarised as:

- would fail to secure the objectives of designation of the requirements of the Localism Act;
- purpose of designation undermined because of the physical and functional context of the proposed area and its inter-relationship with the wider town as opposed to whole town designation;
- not appropriate or sustainable and may result in a plan which fails to meet strategic requirements and priorities for wider town;
- the Council is required to consider the desirability of designating the whole of the Town Councils area as a neighbourhood area;
- not demonstrated that it is not inappropriate to designate such an area;

- justification is focussed too narrowly on the emerging development proposals at BSN, these are already supported by Council policy and by a need to meet housing requirements;
- justification of a structured forum for engagement of community representatives fails to recognise processes already in place, public engagement that has been undertaken and that the Consortium has and will actively seek further engagement. The Town Council has accepted this offer of engagement;
- insufficient justification provided for the proposed designation;
- serious consideration required to be given to how the area relates to the wider area, given inter-relationships, wider impacts and the influence this should exert;
- an indication that a neighbourhood plan that may run contrary to the extant development plan would be likely to be found unsound and fail;
- resources and uncertain outcome make the approach far from desirable;
- potential to add delay and significantly impact on the deliverability of housing at BSN, the delay would be contrary to the strategic needs and priorities of the wider area;
- public confusion;
- no detailed timetable and issues raised by the area covered will be large and complex;

3.0 Considerations

- 3.1 Two main areas of consideration to be taken into account when determining an application for the designation of a Neighbourhood Area are set out in Schedule 9 of the Localism Act 2011. One of these is that the authority determining the application must have regard to the desirability of maintaining the existing boundaries of areas already designated.
- 3.2 No weight needs to be given to this consideration in this case as no other Neighbourhood Areas are currently designated in Bishop's Stortford or the district.
- 3.3 The other area of consideration is the desirability of designating the whole of the area of a parish council as the Neighbourhood Area. This is a point made by submissions in objection to the proposed designation.
- 3.4 In this case, the area proposed covers existing residential areas to the north and north west of the town centre, retail development, educational establishments, employment locations, leisure

facilities and countryside which surrounds the town. It also includes part of the town centre area, to the east of Potter and South Streets and north of Station Road. Clearly there will be linkages between all elements of that existing development and new development proposed in the area and other parts of the town. Proposals set out in any Neighbourhood Plan will also have an impact on parts of the town beyond its boundaries.

- 3.5 The submission in support of the designation sets out that its designation is considered appropriate because of the development that is likely to come forward on land at BSN. In relation to the scale of development which may take place in the town in forthcoming years, that at BSN will be significant. Given that the purpose of neighbourhood planning is to enable communities to have a role in influencing the shape and content of future development, a Neighbourhood Plan that seeks to focus on these particular development proposals would appear to be one which is well suited to the aspirations of the Localism legislation.
- 3.6 In addition, any area that is designated, whether it be the whole of a town or smaller areas, cannot be considered in isolation. Whilst the town overall would be a more cohesive unit, in formulating a plan that dealt with the whole of the town, regard would still have to be paid to the issues that arise as a result of the linkages beyond it. Any Neighbourhood Plan then, whatever its boundaries, will still have to recognise the linkages to land uses and development beyond it and the impact that its proposals will have on areas beyond it.
- 3.7 With regard to this issue it is considered that it would ultimately be a preferable position for the whole of the area of the Town Council to be designated as a Neighbourhood Area. However, given the focus of the proposed Neighbourhood Area, the ability to identify linkages in any event and the additional time and resources that would be involved in the delivery of a wider area Neighbourhood Plan, it is not considered that such weight should be attached to this wider area desirability that it outweighs support that can be given to the more limited area designation.
- 3.8 The position of the Council in relation to the timing of neighbourhood planning has been that bringing forward plans at an early stage is not appropriate. This is because the Council's emerging Core Strategy has not yet been formulated and, as a result, the strategic policy base to which Neighbourhood Plans

should align is not available. This could lead to abortive work. However, in this case, the identification of land for development at BSN has been a stated policy in the Councils current Local Plan. This lends support to both the timing matter in bringing forward a Neighbourhood Plan for this area now and for spatial matter of confining the plan to the particular area identified. This policy basis is not in place in relation to other parts of the District and it remains the case therefore that it would not be appropriate to bring forward Neighbourhood Plans in other areas.

- 3.9 The other issues raised by the submissions which are made in objection to the area designation are that:
- a further forum or process for the consideration of development issues will duplicate those already in place and lead to confusion;
 - a further process may lead to delay in development proposals coming forward;
 - any such plan based on the area if designated may be found unsound if it runs contrary to the extant development plan.
- 3.10 It is considered that little weight can be attached to the first of these. In drawing up the legislation that enabled the formulation of Neighbourhood Plans and the additional processes involved in their preparation, the government would have been mindful of the resources involved and the potential for duplication and possible confusion. That is the inevitable result of the implementation of an additional layer of plan making.
- 3.11 It cannot be the case then that this implication can then be subsequently advanced as a reason not to support the preparation of a Neighbourhood Plan when the request for an area designation is submitted.
- 3.12 In relation to the third of these areas of concern again, it is considered that no weight of any significance can be attached to this point. This seeks to set out that, because a plan may not complete its path to fruition, for any number of reasons including conflict with the development plan, that it simply should not be commenced in the first place. Clearly a positive outcome is to be favoured and advice and guidance from the LPA will, in the event that this submission is supported, be provided to seek to achieve that. Regardless, little weight can be assigned to the possibility of an unsuccessful plan as a reason not to commence in the first place.

- 3.13 That leaves then the issue of potential delay to the proposals for development which may come forward at BSN. Whilst there may be some potential for this, the implications are considered to be limited. As set out, the proposals for development at the BSN site are significant in relation to the town and lead in times are lengthy. Information from the developer parties suggests that, generally, formal planning application proposals may be with the LPA in early 2013. Given determination timescales, starts on site are anticipated later in 2013 or into 2014.
- 3.14 Clearly, for a Neighbourhood Plan to have value, it needs to be prepared to form an input into planning application decision making. Its preparation time may have some impact in this respect but it would appear possible that sufficient progress to be achieved to ensure that the existence and content of a Neighbourhood Plan can be acknowledged when it is appropriate to make decisions with regard to formal planning application proposals. Given this, and the additional value that the Neighbourhood Plan proposals could bring to the development considerations, it does not seem reasonable to attribute the potential for delay significant weight.

4.0 Conclusion

- 4.1 Neighbourhood planning is now an integral part of the planning system with legislative backing through the Localism Act. Whilst the LPA is charged with determining applications for the designation of Neighbourhood Areas, and issues to be considered in that determination are set out in the legislation, there is no indication of the degree of testing that has to be applied to any submission in reaching that determination.
- 4.2 Given that Neighbourhood Plans are part of the legally endorsed planning system, turning down requests for area designations without substantive reasoning is not to be favoured. In this case, it is considered that the formulation of a plan for the entirety of the Town Councils area would be an ideal plan making scenario. It is also acknowledged that the processes leading to the formulation of any plan may lead to some delay if they are to be taken into account in the determination of planning submissions in relation to land at BSN.
- 4.3 However it is considered that these potential disadvantages are outweighed by the significant advantages of enabling the bringing forward of a plan which, in its most positive manifestation, can

assist in the delivery and assimilation of a significant amount of development for the town.

4.4 It is recommended therefore that the application for the designation of a Neighbourhood Area, submitted by Bishop's Stortford Town Council, be supported.

5.0 Implications/Consultations

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

Background Papers

Comments received in response to consultation on the application for designation of a Neighbourhood Area.

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