


10th March 2014

Kevin Steptoe
Director of Planning
East Hertfordshire District Council
Wallfields
Pegs Lane
Hertford SG13 8EQ


Dear Mr Steptoe

Buntingford Neighbourhood Plan

 This letter sets out my clients' objections to the recent application by Buntingford Town Council under the Neighbourhood Planning (General) Regulations 2012 for the designation of Buntingford and a number of surrounding parishes as a Neighbourhood Area.

You will know, of course, that the purpose of a Neighbourhood Plan is to allow the strategic policies of the District Plan to be interpreted at a local level. The Neighbourhood Plan must accord with and reflect the strategic policies of the District Plan and cannot in adopt a policy approach which does not accord with the District Council's overall strategy.

Buntingford is one of the 5 main towns to which the current draft District Plan proposes to direct significant levels of residential development. The extent of the residential development that should be accommodated within Buntingford over the life of the District Plan is a matter that is bound to be the subject of extensive representations and debate.

 has written to you today about my clients' intention to submit further applications for outline planning permission for residential development on sites on the edge of the town. Representations will shortly be submitted by my clients in support of their proposals; those representations will argue that the District Plan should support the principle of additional residential development in sustainable locations within Buntingford by allocating my clients' sites. Other landowners and developers with interests in Buntingford will no doubt also be submitting representations in relation to the strategy and detail of the District Plan's proposals, particularly the extent to which the Plan relies on significant residential allocations within the Green Belt.

The District Plan has only just been published as a Preferred Options draft and it is clear that substantial further work and time will be necessary before the Plan's strategy can be finally endorsed.

If the whole of Buntingford is designated as a Neighbourhood Area, that will allow the Neighbourhood Plan to dictate the extent and location of major residential development in Buntingford throughout the whole of the life of the District Plan. That will in effect usurp the function of the District Plan so far as Buntingford and its surrounding area is concerned. It would therefore be wholly inappropriate for the whole of Buntingford to be designated as a Neighbourhood Area.

I note that the Neighbourhood Areas that have so far been designated by the District Council comprise either a rural area or part of a larger settlement, as in the case of the Silver Leys Neighbourhood Area in Bishops Stortford.

I have referred above to the requirement that the Neighbourhood Plan must conform to and reflect the strategy of the District Plan. The timetable proposed by the Town Council for the publication, examination and adoption of the Neighbourhood Plan shows that the process is intended to run significantly in advance of the District Plan process. That timetable envisages the Neighbourhood Plan being prepared in draft by the end of April, ie well before the end of the current public consultation exercise on the draft District Plan and even further before the District Council has had an opportunity to consider the results of the consultation exercise and reach further conclusions as to the appropriate strategy to be followed.

Further, the timetable envisages the Neighbourhood Plan being adopted significantly before the District Plan has made any substantial progress.

It is clear therefore the Town Council's intention is to prepare and adopt a Neighbourhood Plan for the whole of Buntingford well in advance of and without proper regard to the eventual strategy of the District Plan. Such an approach is a misuse of the legislation.

You may be aware that the High Court is due to hear a challenge this month to the Tattenhall and District Neighbourhood Plan in Cheshire on the grounds that the Neighbourhood Plan in that case proposes to bring forward policies before the Local Plan for the wider area is adopted. The Examiner into the draft Neighbourhood Plan for Winslow in Buckinghamshire has recommended that a decision should be delayed until the Tattenhall case has been decided. Other Neighbourhood Plans around the country are now similarly being delayed pending a decision in the Tattenhall case.

It is therefore clear that :

- (i) a decision to designate the whole of Buntingford and its surrounding parishes as a Neighbourhood Area would be unlawful since it would transfer the decision-making process in relation to the strategy for that main town from the District Plan to the Neighbourhood Plan; and
- (ii) the Town Council's clear intention is to proceed with the Neighbourhood Plan at a time when it does not and cannot reflect the strategic policies of the District Plan.

The Town Council's application should therefore be refused, failing which my clients will have to consider taking the appropriate legal steps.

Yours sincerely

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