



14<sup>th</sup> May 2014

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

Dear Mr Steptoe

### **Buntingford Neighbourhood Plan**

This letter supplements the representations in my 10<sup>th</sup> March letter.

I referred in my last letter to the legal challenge to the Tattenhall and District Neighbourhood Plan in Cheshire. The High Court recently rejected that challenge on the precise and individual facts of the case. The Judge did however draw particular attention to the provisions of Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 which provides that : *A draft order meets the basic conditions if ....(e) the making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area) ....*

The development plan for East Herts currently comprises the East Herts Local Plan Second Review April 2007 which is time expired and out of date for the purposes of the NPPF, a position that was accepted by the District Council at the recent appeals in Buntingford and endorsed by the Inspector in his decisions. The draft District Plan is not part of the development plan for the area and will not achieve that status for some considerable time.

It follows that a Buntingford Neighbourhood Plan can only be adopted in accordance with the proposed timetable if it accords with the strategy of the 2007 Local Plan and therefore deals with residential development only within the confines of the existing settlement boundary for Buntingford. That is not however the intention of the Neighbourhood Plan team who clearly intend to promote a Plan which endorses residential development proposals which would be contrary to the provisions of the existing Local Plan.

It follows that the Buntingford Neighbourhood Plan cannot proceed until the emerging District Plan has been adopted. It is only then that there is a new development plan strategy in place which the Neighbourhood Plan can follow and conform to.

Therefore, any decision at this stage to designate the whole of Buntingford and the surrounding rural area as a Neighbourhood Area is premature.

Representations will shortly be submitted by my clients in support of their further residential proposals at Buntingford which will argue that the draft District Plan's strategy for housing growth is unsound. 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. The current timetable for the Neighbourhood Plan envisages it being adopted significantly before the District Plan has made any substantial progress. An adoption at that stage will be unlawful because the Neighbourhood Plan will not be in accordance with the strategy of the development plan, which is out of date and whose replacement will not be in place for some considerable time.

It is therefore clear that a decision by the Executive on 3<sup>rd</sup> June to designate the whole of Buntingford and its surrounding parishes as a Neighbourhood Area would be unlawful.

Can you please confirm that these representations and my previous letter will be reported in full to the Executive at its 3rd June meeting.

Yours sincerely

