

EAST HERTS COUNCIL

DISTRICT PLANNING EXECUTIVE PANEL – 17 JULY 2014  
EXECUTIVE – 5 AUGUST 2014

REPORT BY EXECUTIVE MEMBER FOR STRATEGIC PLANNING  
AND TRANSPORT

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NEIGHBOURHOOD PLANNING UPDATE REPORT

WARD(S) AFFECTED: ALL

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**Purpose/Summary of Report**

- The purpose of this report is to provide Members with an update on Neighbourhood Planning; outlining in particular the roles and responsibilities of the Council in accordance with the Neighbourhood Planning (General) Regulations 2012.
- The report also updates Members on the growing level of interest in Neighbourhood Planning in the District and provides details about the publication of the Bishop's Stortford Neighbourhood Plan for Silverleys and Meads Wards, together with next steps.

**RECOMMENDATIONS FOR DISTRICT PLANNING EXECUTIVE**  
**PANEL AND EXECUTIVE: That:**

<b>(A)</b>	<b>The roles and responsibilities of the Council in accordance with the Neighbourhood Planning (General) Regulations 2012 and outlined in paragraphs 2.1 to 2.13 of this report be noted; and</b>
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<b>(B)</b>	<b>The growing level of interest in Neighbourhood Planning in the District is noted, together with the requirement to ensure that this area of work is adequately and appropriately resourced.</b>
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**RECOMMENDATIONS FOR COUNCIL: That:**

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## 1.0 Background

- 1.1 Neighbourhood planning was introduced by the Government as part of their broader package of decentralisation measures, enshrined through the Localism Act 2011. The Town and Country Planning England Neighbourhood Planning (General) Regulations 2012 came into force on the 6 April 2012 and prescribe both the process, and role of the local planning authority in supporting neighbourhood planning. In East Herts, Town or Parish Councils are qualifying bodies able to produce a Neighbourhood Plan.
- 1.2 Neighbourhood Plans must be consistent with the prevailing adopted local plan (this is currently the saved policies in the East Herts Local Plan 2007), be subject to an independent examination into their soundness, and if found to be sound, be subject to a local referendum. If approved by a majority vote of the local community, the District Council must then 'make' the Neighbourhood Plan which will then form part of the statutory development plan for the district, and will have far more weight than other local documents, such as parish plans and village design statements.
- 1.3 Neighbourhood planning allows communities to create a vision and planning policies for the use and development of land within a defined geographical area. This is an opportunity for local people to be fully engaged in the future of their communities in a way that has not previously been possible.
- 1.4 In December 2011 the District Council agreed an Interim Neighbourhood Planning Guidance note which was circulated to all Town and Parish Councils (see Background Papers). At the time communities were advised to wait before they did any substantive work on neighbourhood planning until the Localism Bill had been enacted, associated regulations published and the Council had progressed with its Core Strategy.

1.5 Interest is now building across the District in producing Neighbourhood Plans. The Council attaches great importance to community engagement and local empowerment, and to the opportunities for neighbourhood planning to help deliver strategic planning objectives in line with locally identified priorities as well as wider benefits.

## 2.0 Report

2.1 Following publication of the 2012 Neighbourhood Planning Regulations, this report sets out for the first time the responsibilities of the Council in the neighbourhood planning process. The report also updates Members on the growing level of interest in neighbourhood planning and provides details about the publication of the Bishop's Stortford Neighbourhood Plan for Silverleys and Meads Wards.

2.2 The process of neighbourhood planning must be instigated and led by the community. If a community decides to prepare a Neighbourhood Plan then the Localism Act and the Neighbourhood Planning Regulations place various duties and responsibilities upon the Council. The responsibilities of the Council can be summarised as:

- Determining applications to designate a Neighbourhood Area – this is the area to which the Plan will relate
- Checking that the Plan complies with all legal requirements
- Publicising the Plan and receiving representations
- Organising and paying for the examination including appointing an inspector
- Organising and paying for the referendum
- Providing technical advice and support to qualifying bodies.

2.3 The Regulations have been described as 'light touch' placing minimum requirements on communities and local authorities and allowing processes to be developed that suit local circumstances.

### **Designation of a Neighbourhood Area**

2.4 In order to commence the neighbourhood planning process a Neighbourhood Area must be agreed by the Council. The body preparing the plan must submit an application to the Council to determine the area that the plan will relate to. The body must submit: a map which identifies the area; a statement explaining why the area is appropriate and a statement that the organisation making the application is a 'relevant body' for the purpose of the

Act. In East Herts the 'relevant body' will be either a Town or Parish Council.

- 2.5 The Neighbourhood Area could relate to the entire Parish area or a part of it, or any part of the area of another Parish Council if the other Parish Council has given their consent. Parish Councils can also agree to prepare joint plans.
- 2.6 The Council must publicise any request on its website and in '*any such other manner as they consider is likely to bring the area application to the attention of people who live, work or carry on business in the area to which the application relates*'. The request must be open to consultation for a period of at least 6 weeks.
- 2.7 In determining the application the Council must ensure that the area is appropriate and that Neighbourhood Areas do not overlap. The District Council will be responsible for publishing a map setting out the areas that are designated as Neighbourhood Areas.

#### **Legal Requirement Check**

- 2.8 The first role that the Council has following submission of a Neighbourhood Plan is to check that the Plan and all accompanying documents comply with basic requirements which are set out in the Localism Act and Neighbourhood Planning Regulations. The 'basic conditions' which must be satisfied are that the Plan:
- has appropriate regard to national policy including a commitment to 'positive planning';
  - is in general conformity with the strategic policies of the Local Plan (currently the saved policies in the 2007 East Herts Local Plan);
  - contributes to sustainable development; and
  - meets where relevant the obligations under the strategic environmental assessment requirements, conservation of habitats and species regulations, etc.

#### **Publicising the Plan and receiving representations**

- 2.9 As soon as possible after receiving a Neighbourhood Plan the Council is required to publicise details of the Plan on its website and in '*any such other manner as they consider is likely to bring the area application to the attention of people who live, work or carry on business in the area to which the application relates*'. The Plan must then be made available for a minimum of 6 weeks for

consultation. Any representations will be sent to the Council.

### **Examination**

- 2.10 The Council is responsible for organising and paying for the examination. The Council must appoint an independent person to carry out the examination (with the agreement of the body preparing the Plan). After the appointment the Council must send the examiner copies of all the relevant documents and any representations received as part of the consultation.
- 2.11 The person appointed to undertake the examination is responsible for how the examination will be carried out. It is expected that this will normally be through consideration of written responses, but the examiner could hold hearings if they felt this was necessary. The examiner will consider whether the Plan meets the basic conditions set out in the Act and if this is the case recommend the Plan proceeds to a referendum.

### **Referendum**

- 2.12 The referendum gives the community the final say on whether a Plan should come into force in their area. The Council must make all the necessary arrangements and pay for the referendum. As a minimum, the referendum must take place in the neighbourhood area to which the proposed Plan relates and those entitled to vote are those people in the neighbourhood area entitled to vote in local elections.

### **Duty to 'make' a Neighbourhood Plan**

- 2.13 If a Neighbourhood Plan gains support from over 50% of people voting in a referendum, the District Council can proceed to ensure the Plan will become part of the Council's Local/District Plan which, under the Town and Country Planning Act, is regarded as the statutory Development Plan. Once the Council is satisfied that the basic conditions and all legal requirements are satisfied, a formal resolution is required for the Plan to be made.

### **Neighbourhood Planning in East Herts**

- 2.14 Interest in producing Neighbourhood Plans is growing across the District. The emerging District Plan positively encourages Parish Councils to prepare Neighbourhood Plans, allowing local people to take a proactive role in shaping the future of the areas in which they live.
- 2.15 The Council has so far received five formal requests for Neighbourhood Area designation. The following requests have

been agreed:

- Bishop's Stortford Silverleys and Meads (4<sup>th</sup> December 2012)
- Hertford Heath (4<sup>th</sup> February 2014)
- Brickendon Liberty (4<sup>th</sup> March 2014)

The following requests have yet to be determined:

- Buntingford Area (a report recommending that the application for designation is supported is due to be considered by the Executive on 1<sup>st</sup> July 2014)
- Bishop's Stortford Central, South and All Saints and part of Thorley

- 2.16 There are also several other parishes that have expressed an interest in doing a Neighbourhood Plan (including Hunsdon, Standon, Walkern and Ware).
- 2.17 Bishop's Stortford Town Council formally submitted to the Council its draft Neighbourhood Plan for the Silverleys and Meads Wards on the 22<sup>nd</sup> May 2014. The Neighbourhood Plan is the first to be produced in East Herts. The Plan has been prepared in the context of the saved policies in the 2007 East Herts Local Plan and contains policies relating to Housing and Design; Green Infrastructure; Transport; Education; Health; Sport; Business and Employment. The Plan does not allocate any land for development.
- 2.18 In accordance with Regulation 16 of the 2012 Neighbourhood Planning Regulations consultation on the Bishop's Stortford Neighbourhood Plan commenced on the 12<sup>th</sup> June for a six week period (ending on the 24<sup>th</sup> July). The publication notice is attached at **Essential Reference Paper 'B'** for information.
- 2.19 As set out above, following the consultation the next stage in the process is examination. The Council is currently seeking to appoint an independent person to carry out an examination of the draft Bishop's Stortford Neighbourhood Plan. Any representations received as part of the consultation will be submitted to the examiner who will in due course carry out an assessment on the Neighbourhood Plan to see if it meets the basic conditions as set out in the regulations and take into account any representations received.
- 2.20 Assuming the plan passes the examination, the District Council will then need to undertake a referendum within a defined area. The referendum area will at least cover the wards of Silverleys

and Meads in Bishop's Stortford but may be expanded to include adjoining areas. If as a result of the referendum 50% or more of those people who voted support the plan then it will be made part of the development plan for East Herts District.

## **Conclusion**

- 2.21 The Localism Act and associated Regulations presents a range of opportunities for communities in East Herts to play a greater role in shaping their neighbourhoods. The emerging District Plan positively encourages Parish Councils to prepare Neighbourhood Plans.
- 2.22 The growing interest in neighbourhood planning in the District is therefore welcomed; however, further consideration does need to be given to adequately and appropriately resourcing this area of work in the future. The additional (temporary) resources in the Planning Policy team will assist in this respect but further consideration may need to be given to this depending on the number of Neighbourhood Plans that come forward.
- 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**

Interim Neighbourhood Planning Guidance Note December 2011  
[http://www.eastherts.gov.uk/media/pdf/4/m/Interim\\_Neighbourhood\\_Planning\\_Guidance\\_Note\\_-\\_Dec\\_11\\_Smaller\\_File\\_Size.pdf](http://www.eastherts.gov.uk/media/pdf/4/m/Interim_Neighbourhood_Planning_Guidance_Note_-_Dec_11_Smaller_File_Size.pdf)

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