

EAST HERTS COUNCIL

EXECUTIVE – 3 FEBRUARY 2015

REPORT BY EXECUTIVE MEMBER FOR STRATEGIC PLANNING
AND TRANSPORT

BISHOP'S STORTFORD NEIGHBOURHOOD PLAN FOR
SILVERLEYS AND MEADS WARDS

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

Purpose/Summary of Report

- To agree the recommendations as made by the independent examiner of the Neighbourhood Plan and to agree to proceed to Referendum.

RECOMMENDATIONS FOR EXECUTIVE: that:

(A)	the recommendations and modifications made by the Independent Examiner of the Bishop's Stortford Neighbourhood Plan for Silverleys and Meads Wards, as detailed at Essential Reference Paper 'C' to this report, be accepted; and
(B)	Officers be requested to make the necessary arrangements to hold a Neighbourhood Plan Referendum for Silverleys and Meads Wards.

1.0 Background

1.1 Neighbourhood Planning was introduced by the Government under the Localism Act in 2011. Bishop's Stortford Town Council started work on a Neighbourhood Plan for Silverleys and Meads Wards in 2011. The Town Council submitted a request for Neighbourhood Area Designation in July 2012 and this was subsequently agreed in December 2012.

- 1.2 The Town Council submitted the draft Neighbourhood Plan to East Herts Council in May 2014. Following this, a six week consultation took place between June and July 2014 where 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 Bishop's Stortford 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 IE assessed the plan against a set of criteria (further details below) and considered whether or not to recommend that it proceed to Referendum, and whether the Referendum area should go beyond the neighbourhood area. East Herts Council received the final report from the IE on 9th December 2014. The IE recommended that the plan proceed to Referendum subject to some modifications to the plan.

2.0 Report

Independent Examination

- 2.1 The IE praised the enormous amount of work that has gone into the proposed Neighbourhood Plan for the Silverleys and Meads electoral areas of the town of Bishops Stortford, including the great efforts that had been made to involve the whole community in the preparation of the Plan. The IE has, based on consultation submissions, recommended a number of modifications. The modifications proposed are required to ensure the Neighbourhood Plan for Silverleys and Meads Wards meets the following criteria:
- Meets European obligations;
 - Has regard to national planning policies;
 - Is in general conformity with the strategic policies of the local plan;
 - Is compatible with adjoining Neighbourhood Plans;
 - Contributes to the achievement of sustainable development.

- 2.2 The IE's report can be viewed at **Essential Reference Paper 'C'**.

Referendum Area

- 2.3 As part of the examination of the Neighbourhood Plan, the IE must also make recommendations on whether the referendum area should be extended outside of the neighbourhood area.
- 2.4 The IE decided that there was not a clear need to extend the referendum area beyond the neighbourhood area. The IE explained the decision making process and the difficulty in coming to this decision. As the neighbourhood plan area covers part of the town centre and the future Bishop's Stortford North development, the IE decided that it would be inequitable to extend the area to enable residents of one part of the town to influence the policies affecting residential areas outside of the town centre within the neighbourhood area.
- 2.5 Furthermore, the IE took into account the representations in regard to this matter. There were no comments that suggested the referendum area should be extended. For these reasons, the IE has recommended the referendum area does not require extending.

Proceeding to Referendum

- 2.6 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.
- 2.7 It is recommended that the modifications proposed by the IE be accepted, and that the proposed Neighbourhood Plan for Silverleys and Meads Wards should proceed to a referendum. An updated version of the Neighbourhood Plan which incorporates the modifications can be viewed at **Essential Reference Paper 'D'**.

The Referendum

- 2.8 In order for the Neighbourhood Plan to be 'made' (i.e. adopted) and used as a material consideration when assessing planning

applications, residents within the Silverleys and Meads Wards must vote on the following question:

“Do you want East Hertfordshire District Council to use the Neighbourhood Plan for Bishop’s Stortford Silverleys and Meads Wards to help it decide planning applications in the neighbourhood area?”

- 2.9 This question is set out at paragraph 1 of Schedule 1 within the Neighbourhood Planning (Referendum) Regulations 2012.
- 2.10 All those on the electoral register (at the date of the vote) within the referendum area are entitled to vote. In order for the plan to become part of the statutory development plan for the area, there must be a ‘Yes’ majority (over 50 per cent 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 into force.
- 2.11 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 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.
- 2.12 On the basis that the recommendations at the head of this report are adopted, a referendum poll will take place on 19 March 2015.

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](#)

[The Neighbourhood Planning \(Referendum\) Regulations 2012](#)

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