

EAST HERTS COUNCIL

EXECUTIVE – 1 SEPTEMBER 2015

REPORT BY THE LEADER OF THE COUNCIL

REQUEST FOR AREA DESIGNATION FOR NEIGHBOURHOOD
PLANNING: EASTWICK AND GILSTON AND HUNSDON PARISHES

WARD(S) AFFECTED: HUNSDON

Purpose/Summary of Report

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

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| <u>RECOMMENDATION FOR EXECUTIVE:</u> that | |
| (A) | the application for the designation of a Neighbourhood Area, submitted co-jointly by Eastwick and Gilston and Hunsdon Parish Councils, be supported. |

1.0 Background

1.1 Eastwick and Gilston, and Hunsdon Parish Councils co-jointly submitted an application for the designation of a Neighbourhood Area to the Council on 8th June 2015. 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 Eastwick and Gilston and Hunsdon Parish Councils with an attached plan setting the area to which the application relates. 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.
- 2.2 Comments have been received in response to the area designation application. There are no formal objections to the area designation however some concerns are summarised below.
- 2.3 The comments raise a concern regarding the timing of producing a neighbourhood plan with an out-of-date Local Plan. These comments also include the key neighbourhood planning requirements for the parish and District Council, including:
- the National Planning Policy Framework (NPPF) neighbourhood planning requirements;
 - strategic conformity with Local Plans; and
 - the Strategic Environment Assessment process.
- 2.4 Comments received from **Harlow Council** consider that it would be premature to grant neighbourhood planning status prior to the respective LPA's reaching a decision on housing numbers in this area.
- 2.5 Separate representations were received on behalf of **Places for People** and, **City and Provincial Properties** regarding the Gilston Area Broad Location in the emerging District Plan; to ensure that the neighbourhood plan status does not conflict or undermine the principle of development in this area. A recent decision by Epping Forest District Council to exclude land adjacent to Harlow in response to a neighbourhood area request by North Weald Parish Council for reasons of prematurity and uncertainty over the direction of growth in this area, was raised as a consideration.
- 2.6 Comments have been received from **Hertfordshire County Council** regarding minerals and waste planning matters. Pole Hole, a sand and gravel quarry is located within the neighbourhood area designation. This site is identified in the Hertfordshire Minerals Local Plan under Policy 3. HCC point out that whilst neighbourhood plans cannot influence waste and mineral policy, HCC request to be consulted during the neighbourhood planning preparation to assist and respond in relation to waste and minerals matters.

2.7 All received comments can be viewed at **Essential Reference Paper 'C'**.

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 neighbourhood plan 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 either Eastwick and Gilston or Hunsdon parish areas.

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.

3.4 In this case, the area proposed covers the two parishes in their entirety. These are known and existing boundaries which do not conflict with neighbouring parish or district boundaries. Planning Practice Guidance states that where multi-parished areas are proposed, consent from the parish councils is required to undertake any neighbourhood planning activities. The area designation request (**ERP 'B'**) identifies there is agreement from both parishes to work together on a neighbourhood plan.

3.5 The comments received during the consultation have been considered and any issues arising from them are explained here.

3.6 The concerns regarding the timing of developing the neighbourhood plan are noted. As neighbourhood planning activity grows nation-wide, it is recognised that neighbourhood plans can be developed alongside emerging Local Plans. If the neighbourhood plan is brought into force prior to the emerging District Plan, the plan will have to be in strategic conformity with the current 2007 Local Plan policies and national policy. Consequently any policies developed alongside the 2007 Local Plan may be disregarded/ in need of review once the District Plan is adopted.

- 3.7 It is also understood that the neighbourhood plan has been instigated in response to the draft District Plan proposals and would therefore be in the interests of the parishes to develop the plan alongside the emerging Plan. For these reasons, it is considered acceptable for the parishes to start preparing work on a neighbourhood plan.
- 3.8 The reference to the recent decision by Epping Forest District Council (EFDC) to exclude certain areas from the area designation has been examined. North Weald Parish Council requested area designation to cover the entire parish, which is located adjacent to Harlow and is being considered as a strategic growth site. EFDC chose to exclude part of the area designation adjacent to Harlow as there are outstanding issues including the level of housing and employment growth, Green Belt designation, infrastructure as well as others which have not been decided yet. EFDC therefore considered this a Duty to Cooperate matter and proposed another area designation boundary to exclude the strategic site. The Parish Council questioned the decision of being treated differently to other neighbourhood area requests and has since considered pursuing legal challenge to the decision, therefore potentially incurring costs to the LPA and PC.
- 3.9 The decision is considered a relevant case to take account of as the Gilston Area is a Broad Location in the EHDC District Plan also bordering Harlow with cross-boundary issues. It is recognised that many strategic matters are still to be agreed and that neighbourhood plans are in place to shape development on the community level; however, any work undertaken by the neighbourhood planning group is not considered to hinder on-going District Plan progress and may inform future proposals for this site. It will be the Council's role to ensure constructive partnership working between relevant stakeholders.
- 3.10 Furthermore, it is the Council's role to ensure that the neighbourhood plan meets the Basic Conditions which includes conformity with relevant national and local policy. The District Plan would provide the strategic framework in which the neighbourhood plan policies can be developed.
- 3.11 The neighbourhood plan process also requires consultation as part of developing the plan. The process enables the Council (and

other stakeholders) to review at various stages and to comment prior to adoption. Independent Examination is also required. Therefore sufficient safeguards are considered to be in place to ensure there is conformity and all views are taken into consideration.

- 3.12 It is also appropriate to note that the LPA cannot preclude what the content and direction the neighbourhood plan will take. It cannot be assumed therefore that the intention of the neighbourhood plan will be to conflict with the emerging District Plan.
- 3.13 The comments received from HCC should be taken into account whilst developing the plan, however do not affect the neighbourhood area designation decision.
- 3.14 At the current stage of the emerging District Plan it is considered suitable to bring the neighbourhood plan area designation forward for approval.

4.0 Conclusion

- 4.1 Having considered the issues raised during the consultation, whilst there are outstanding strategic issues still to be resolved through the emerging District Plan, this should not necessarily prevent neighbourhood plans progressing. As identified in national policy and practice guidance, neighbourhood plans can be developed alongside emerging Local Plans and should reflect the strategic principles.
- 4.2 Moreover, neighbourhood planning is an integral part of the planning system with legislative backing through the Localism Act. The LPA is charged with determining applications for the designation of Neighbourhood Areas. In this case, designation of a joint parish for neighbourhood planning purposes.

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

None

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