

EAST HERTS COUNCIL

EXECUTIVE – 1 DECEMBER 2015

REPORT BY LEADER OF THE COUNCIL

REQUEST FOR AREA DESIGNATION FOR NEIGHBOURHOOD
PLANNING: SAWBRIDGEWORTH PARISH

WARD(S) AFFECTED: SAWBRIDGEWORTH

Purpose/Summary of Report

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

<u>RECOMMENDATION FOR EXECUTIVE:</u> that	
(A)	the application for the designation of a Neighbourhood Area, submitted by Sawbridgeworth Town Council, be supported.

1.0 Background

1.1 Sawbridgeworth Town Council (STC) submitted an application for the designation of a Neighbourhood Area to the Council on 16th September 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 STC 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to the area designation however there are concerns in regard to the timing of producing a neighbourhood plan with an out-of-date Local Plan and in relation to the Gilston Area proposals in the draft District Plan.
- 2.3 Comments were received from Hertfordshire County Council (HCC) regarding waste and minerals matters. HCC are the responsible body for producing the Minerals and Waste Local Plans. HCC identify that there are no Waste Site Allocations within the area designation boundary, however there is a waste and mineral operations at Redricks Lane and a restored landfill site at Hollingson Mead.
- 2.4 In terms of minerals, the entire area designation falls within the sand and gravel belt. HCC identify this to ensure that no unnecessary sterilisation of minerals from non-mineral development takes place.
- 2.5 A further comment from Bidwells, on behalf of the Diocese of St Albans Board of Finance, includes a request for the area designation boundary be amended to include land to the north of the boundary, adjacent to Spellbrook.
- 2.6 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 the Sawbridgeworth parish area.

- 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 entire parish area, a known and existing boundary which does not conflict with neighbouring parish boundaries.
- 3.5 One of the comments request that the area designation boundary is amended to include a piece of land to the north of the boundary adjacent to Spellbrook. The site as seen at **Essential Reference Paper 'C'** is outside of the Sawbridgeworth Parish, and therefore to include this site the Town Council would need to reach an agreement with Thorley Parish, where the site lies. The site is proposed by Bidwells as a potential area for development, however at this stage any amendment to a boundary may undermine the neighbourhood plan process. It is also important to note that whilst Spellbrook forms part of the parished area, Spellbrook is a Category 3 Village where no new building will be permitted except for that appropriate in the Rural Area. Ultimately, it is not within the Council's ability to amend boundaries submitted by a Parish or Town Council. The determination of this decision must be made in regard to the proposed area designation by the Town Council.
- 3.6 This comment has been considered by the Town Council. The Town Council has decided to adhere to the existing Parish boundaries, as originally proposed at **Essential Reference Paper 'B'**. The response from the Town Council can be viewed at **Essential Reference Paper 'C4'**.
- 3.7 The comments received regarding the timing of the neighbourhood plan are not considered to impact upon the decision of the neighbourhood area application. Neighbourhood plans can be developed alongside emerging Local Plans and is not considered to be detrimental to the development of the neighbourhood plan. Neighbourhood plans must be developed in conformity with national and district planning policies, therefore any neighbourhood plan must be developed in conformity with the strategic policies of the 2007 Local Plan until the emerging District Plan is brought into force.

- 3.8 In relation to the Gilston Area proposals, at this stage the detail of the broad location including the related infrastructure requirements, are not certain yet. Therefore at this stage, granting neighbourhood planning area designation is not considered to impact upon bringing the Gilston Area proposal forward. Furthermore, it is recognised that as this proposal progresses, it will be East Herts role to ensure there is constructive partnership working between the relevant stakeholders.
- 3.9 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 Neighbourhood planning is now 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 parished area 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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