

EAST HERTS COUNCIL

EXECUTIVE – 27 JUNE 2017

REPORT BY THE LEADER OF THE COUNCIL

BISHOP'S STORTFORD NEIGHBOURHOOD PLAN FOR ALL SAINTS, CENTRAL, SOUTH AND PART OF THORLEY WARDS – EXAMINER'S REPORT AND REFERENDUM

WARD(S) AFFECTED: BISHOP'S STORTFORD ALL SAINTS, CENTRAL, SOUTH AND PART OF THORLEY

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.

<u>RECOMMENDATIONS FOR EXECUTIVE: that:</u>	
(A)	the recommendations and modifications made by the Independent Examiner of the Bishop's Stortford Town Council Neighbourhood Plan for All Saints, Central, South and part of Thorley, as detailed at Essential Reference Paper 'C' to this report, be received and considered;
(B)	the Bishop's Stortford Town Council Neighbourhood Plan for All Saints, Central, South and part of Thorley, be modified in accordance with the Examiner's recommendations as detailed in Essential Reference Paper 'C', with additional modifications recommended by Officers, as detailed at Essential Reference Paper 'D'; and
(C)	the Bishop's Stortford Town Council Neighbourhood Plan for All Saints, Central, South and part of Thorley, as modified, should proceed to a referendum.

1.0 Background

- 1.1 Neighbourhood Planning was introduced by the Government under the Localism Act in 2011. The Town and Country Planning England Neighbourhood Planning (General) Regulations 2012¹ 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, Parish or Town Councils are qualifying bodies able to produce a Neighbourhood Plan.
- 1.2 Bishop's Stortford Town Council, in collaboration with Thorley Parish Council, started work on a Neighbourhood Plan for All Saints, Central, Southern and part of Thorley wards in 2013, with the Neighbourhood Area being designated in July 2014. This Neighbourhood Plan is the second for Bishop's Stortford following a successful referendum on 19th March 2015 and subsequent adoption of the Neighbourhood Plan for Silverleys and Meads Wards.
- 1.3 The Town Council undertook a six week Pre-Submission Consultation between March and April 2016 under Regulation 14 of the 2012 Regulations. The Neighbourhood Plan was submitted to East Herts Council in July 2016 and consultation on the proposed submission plan was undertaken during November and December 2016 under Regulation 16. Comments raised during this consultation are summarised in **Essential Reference Paper 'B'**.
- 1.4 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 The Neighbourhood Planning (General) (Amendment) Regulations 2015 amended the 2012 Regulations which made provision for neighbourhood planning as provided in the Localism Act 2011. Further amendments are included in The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016.

1.5 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 June 2017. The IE recommended that the plan proceed to Referendum subject to some modifications to the plan and concluded that the Referendum area should not go beyond the neighbourhood area.

2.0 Report

Independent Examination

2.1 The IE praised the constructive approach taken to dealing with the uncertain strategic context of the proposed allocations of the District Plan, and the existence of a made plan for the remainder of the town. The IE also praised the comprehensiveness of the documentation submitted in support of the plan, which assisted greatly in detailing how the plan had been prepared in consultation with the community and stakeholders.

2.2 The IE has recommended a number of modifications in order to ensure the plan meets the basic conditions (detailed below), to provide clear wording to enable a consistent application of policies, and to ensure that policies do not seek a greater degree of control than is available through the planning system. The plan meets the basic conditions if:

- The plan has regard to national planning policies and advice contained in guidance issued by the Secretary of State;
- The making of the plan contributes to the achievement of sustainable development;
- The making of the plan is in general conformity with the strategic policies of the local plan;
- Is compatible with adjoining Neighbourhood Plans; and
- The making of the plan does not breach, and is otherwise compatible with, European Union obligations.

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

2.4 Officers have reviewed the Independent Examiner's Report and are happy that the recommendations set out will ensure that the neighbourhood plan meets the basic conditions and should

proceed to the referendum. In addition, Officers recommend several minor amendments to ensure that the Neighbourhood Plan is up to date and to ensure that cross references within the Neighbourhood Plan that relate to the IE recommendations are consistent. For example, references to 150 homes to the east of Manor Links were corrected in one location in the IE report but were not identified in other locations in the Plan. In addition, figure 2 showing the Key Diagram for Bishop's Stortford has been updated to reflect the emerging District Plan.

Referendum Area

- 2.5 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.
- 2.6 The IE decided that it was not necessary to extend the referendum area. Though the IE explained that there were clear links to the existing made plan for the remainder of the town, and that some of the policies in this plan may have implications outside the neighbourhood area, such as the Goods Yard site, strategic decisions affecting this site would be taken through the emerging District Plan.
- 2.7 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

- 2.8 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.
- 2.9 It is recommended that the modifications proposed by the IE be accepted, and that the proposed Neighbourhood Plan for All Saints, Central, South and part of Thorley Wards should proceed to a referendum. An updated version of the Neighbourhood Plan which incorporates the IE and Officer modifications can be viewed at **Essential Reference Paper 'D'**.

The Referendum

2.10 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 All Saints, Central, South wards and part of Thorley ward (within the Neighbourhood Area) must vote on the following question:

“Do you want East Hertfordshire District Council to use the Neighbourhood Plan for Bishop’s Stortford All Saints, Central, South and part of Thorley Wards to help it decide planning applications in the neighbourhood area?”

2.11 This question is set out at paragraph 1 of Schedule 1 within the Neighbourhood Planning (Referendum) Regulations 2012.

2.12 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.

2.13 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 Independent 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.

2.14 A date for the referendum poll has not yet been set; Officers are currently working on this. As soon as a date has been agreed, Bishop's Stortford Town Council and other interested stakeholders (including local Members) will be advised.

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 \(General\) and Development Management Procedure \(Amendment\) Regulations 2016](#)

[The Neighbourhood Planning \(General\) \(Amendment\) Regulations 2015](#)

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

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

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