

East Herts Council Non-Key Decision Report

Date: 7 August 2020

Report by: Councillor Jan Goodeve – Executive Member for Planning and Growth

Report title: Thundridge Neighbourhood Plan – Examiner’s Report and Referendum

Ward(s) affected: Thundridge and Standon Ward

Summary

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

RECOMMENDATIONS FOR DECISION: That:

- (a) the recommendations and modifications made by the Independent Examiner of the Thundridge Neighbourhood Plan, as detailed at Appendix A, be received and considered; and**
- (b) the Thundridge Neighbourhood Plan, as modified and detailed at Appendix B, should proceed to a referendum.**

1.0 Proposal(s)

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

2.0 Background

- 2.1 Neighbourhood Planning was introduced by the Government under the Localism Act in 2011. The Town and Country

Planning England Neighbourhood Planning (General) Regulations 2012 (as amended) 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.

- 2.2 Thundridge Parish Council applied for designation as a Neighbourhood Area in February 2017; the Neighbourhood Area was then designated on the 5th September 2017.
- 2.3 The Neighbourhood Plan Group undertook a six week Pre-Submission Consultation between February and April 2019 under Regulation 14 of the 2012 Regulations. The Neighbourhood Plan was then submitted to East Herts Council in October 2019 and consultation on the proposed submission plan was undertaken from November to December 2019 under Regulation 16.
- 2.4 In order to comply with relevant regulations, a neighbourhood plan must be reviewed by an Independent Neighbourhood Planning Examiner. East Herts Council and Thundridge Parish 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.
- 2.5 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 3rd July 2020. The IE recommended that the plan proceed to Referendum subject to modifications to the plan and concluded that the

Referendum area should not go beyond the neighbourhood area.

3.0 Reason

Independent Examination:

- 3.1 The IE praised the presentation and vision of the neighbourhood plan that was underpinned by clear set of objectives. The Plan itself covers a wide range of issues.
- 3.2 As noted in the summary section of the IE's report, it was necessary to make some modifications
- 3.3 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:
 - o The plan has regard to national planning policies and advice contained in guidance issued by the Secretary of State;
 - o The making of the plan contributes to the achievement of sustainable development;
 - o The making of the plan is in general conformity with the strategic policies of the local plan;
 - o Is compatible with adjoining Neighbourhood Plans; and
 - o The making of the plan does not breach, and is otherwise compatible with, European Union obligations.
- 3.4 The IE's report can be viewed at **Appendix A**. All recommended modifications have been made to the plan alongside a number of consequential amendments resulting from the aforementioned modifications.

- 3.5 Whilst there are minor amendments made to a number of the policies as detailed from page 14 onwards of the IE's report, there have also been substantial modifications made to the housing strategy of the submission Plan.
- 3.6 The IE considered that the housing strategy did not meet the basic conditions and as such a significant change was made to the nature of the Plan, a two week consultation period was undertaken for interested parties to comment on the modifications during the examination.
- 3.7 Alongside the modification to the housing strategy, a further consequential amendment was made to the Plan which was not covered explicitly by the examiner's report. This relates to an insertion of a factual paragraph at 5.6 regarding the requested designation of High Cross as a conservation area. Reference to High Cross as a potential conservation area was removed by the IE from the policy, but noted that it could be added to the community aspirations section. The additional paragraph has been inserted by officers in the supporting text to explain and link the non-designated heritage asset section to the community aspirations. This amendment is considered to meet the basic conditions.
- 3.8 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.

Referendum Area:

- 3.9 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 Thundridge Neighbourhood Plan area.
- 3.10 The IE decided that it was not necessary to extend the area for

the purposes of holding a referendum.

- 3.11 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:

- 3.12 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.

- 3.9 It is recommended that the modifications proposed by the IE be accepted, and that the proposed Neighbourhood Plan for Thundridge should proceed to a referendum. An updated version of the Neighbourhood Plan which incorporates the IE and Officer modification can be viewed at **Appendix B**.

4.0 Options

- 4.1 The Council could choose not to recommend that the Thundridge Neighbourhood Plan proceed to referendum.

5.0 Risks

- 5.1 If the Thundridge Neighbourhood Plan does not proceed to referendum it could run the risk of a legal challenge.

6.0 Implications/Consultations

- 6.1 The Neighbourhood Plan has been subject to multiple rounds of public consultation.

Community Safety

No

Data Protection

No

Equalities

No

Environmental Sustainability

No

Financial

No

Health and Safety

No

Human Resources

No

Human Rights

No

Legal

No

Specific Wards

Thundridge and Standon Wards

7.0 Background papers, appendices and other relevant material

None

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