

East Herts Council

Executive

Date of Meeting: 6 July 2021

Report by: Cllr Goodeve, Executive Member for Planning and Growth

Report title: Bengoe Neighbourhood Area Plan 2019-2033

Ward(s) affected: Bengoe Ward

Summary

- To adopt the Bengoe Neighbourhood Area Plan following the Referendum of 6th May 2021.

RECOMMENDATIONS FOR Executive to recommend to Council:

- (a) The Bengoe Neighbourhood Area Development Plan 2019-2033, as detailed at Appendix A to this report, be formally 'made'.**

1.0 Proposal(s)

- 1.1 The Bengoe Neighbourhood Plan went to Referendum on the 6th May 2021. A majority voted in favour of the Neighbourhood Plan and as such the Council now has the opportunity to formally 'make' the Neighbourhood Plan.

2.0 Background

- 2.1 Neighbourhood Planning was introduced by the Government under the Localism Act in 2011. Hertford Town Council submitted a request for Neighbourhood Area Designation of the Bengoe Ward in March 2017 which was subsequently agreed on June 27th 2017.

2.2 The Town Council submitted the draft Neighbourhood Plan to East Herts Council in February 2020. Following this, an eight week consultation took place between 16th July and 10th September 2020. The Neighbourhood Plan was then assessed by an Independent Examiner between October and December 2020 and was recommended to proceed, subject to recommended modifications, to Referendum.

3.0 Reasons

3.1 Due to the coronavirus pandemic, all referendums were postponed between March 16th 2020 and May 5th 2021 in line with the Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020.

3.2 The Referendum took place on 6th May 2021 with a 49.1% turnout. There was an overall 'yes' vote of 2,821, against 152 who voted 'no'. As outlined within Paragraph 38A(4)(a) of the Planning and Compulsory Purchase Act 2004, (as amended by the Neighbourhood Planning Act 2017) the Council is able to make the Neighbourhood Plan if more than half of those voting in the referendum have voted in favour of the plan being used to help decide planning applications in the area. The residents within the Bengoe Neighbourhood Area voted on the following question:

"Do you want East Hertfordshire District Council to use the Neighbourhood Plan for Bengoe Neighbourhood Area to help it decide planning applications in the neighbourhood area?"

3.3 With an overall successful 'yes' vote, the Council are now able to formally adopt the Neighbourhood Plan as part of the East Herts Development Plan.

Adoption

- 3.4 Following a successful referendum, there are narrow circumstances where the local planning authority is not required to make the neighbourhood plan or Order. These are where it considers that the making of the neighbourhood plan would breach, or otherwise be incompatible with, any EU or human rights obligations (see section 61E(8) of the Town and Country Planning Act 1990 Act as amended).
- 3.5 The Bengoe Neighbourhood Area Plan does not breach the aforementioned obligations.
- 3.6 The Bengoe Neighbourhood Area Plan already forms part of the development plan for East Herts. As such any planning applications within the Neighbourhood Area will be assessed alongside the current East Herts District Plan 2018 policies, the National Planning Policy Framework (NPPF) and all other material planning considerations.
- 3.7 It is considered that the Bengoe Neighbourhood Area Plan positively contributes to the East Herts Development Management process providing a strong community vision that seeks to contribute to sustainable development and as such the Neighbourhood Plan can proceed to be formally 'made'.
- 3.8 The final version of the Bengoe Neighbourhood Area Plan can be found in Appendix A.

4.0 Options

- 4.1 The Council is permitted, in narrow circumstances only to not make a neighbourhood plan. this is when it is in breach or incompatible with any EU or human rights obligations (see section 61E(8) of the Town and Country Planning Act 1990 as Amended)

5.0 Risks

5.1 If the Neighbourhood Plan does not proceed to be formally 'made' then the Council wouldn't be fulfilling its duties as Local Planning Authority and there is the risk of legal challenge.

6.0 Implications/Consultations

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

Community Safety

No

Data Protection

No

Equalities

No

Environmental Sustainability

The Bengeo NP has been screened to determine whether a Strategic Environmental Assessment and/or a Habitats Regulations Assessment is required, the report concluded that the Plan is not likely to have any significant environmental effects and as such neither were required. The Plan also contains policies that aim to protect the environment.

Financial

It is the responsibility of the LPA to cover examination and referendum costs. Government grants available when a Plan has a formal referendum date.

Health and Safety

No

Human Resources

No

Human Rights

No

Legal

The Council must make a decision under section 38A(4) of the 2004 Act

Specific Wards

Bengeo Ward

7.0 Background papers, appendices and other relevant material

7.1 Appendix A: Bengeo Neighbourhood Area Plan 2019-2033

Contact Member

Cllr Jan Goodeve – Executive Member for Planning and Growth

jan.goodeve@eastherts.gov.uk

Contact Officer

Sara Saunders – Head of Planning and Building Control

Contact Tel No 01992 531656

sara.saunders@eastherts.gov.uk

Report Author

George Pavey – Principal Planning Officer (Policy & Implementation)

George.Pavey@eastherts.gov.uk