

East Herts Council Report Template

Executive

Date of Meeting: 25 October 2022

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

Report title: Hunsdon Neighbourhood Plan 2019-2033

Ward(s) affected: Hunsdon parish

Summary

- To adopt the Hunsdon Area Neighbourhood Plan following the Referendum on the 15th September 2022.

RECOMMENDATIONS FOR Executive to recommend to Council:

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

1.0 Proposal(s)

- 1.1 The Hunsdon Neighbourhood Plan went to Referendum on the 15th September 2022. A majority voted in favour of the Neighbourhood Plan and as such the Council now has the opportunity to formally 'make' the Neighbourhood Plan in accordance with the Planning and Compulsory Purchase Act 2004.

2.0 Background

- 2.1 Neighbourhood Planning was introduced by the Government under the Localism Act in 2011. Hunsdon Parish Council submitted a request for the Neighbourhood Area Designation of

the Hunsdon area in August 2017 which was subsequently agreed on 29 November 2017.

- 2.2 The Hunsdon Neighbourhood Plan allocates a housing site and contains a number of policies relating to housing, heritage, local green space, biodiversity, design, protected views, health and transport.
- 2.3 The Neighbourhood Plan Group undertook a Pre-Submission Consultation between 1 February and 21 March 2021 under Regulation 14 of the 2012 Regulations. The Parish Council then submitted the draft Neighbourhood Plan to East Herts Council in November 2021. Following this, a six-week consultation took place between January and February 2022. The Neighbourhood Plan was then assessed by an Independent Examiner between May and June 2022. The examiner recommended that the plan proceed, subject to recommended modifications, to Referendum.
- 2.4 On 18th July 2022 the Council made the decision, via the non-key decision process to proceed to a referendum.

3.0 Reasons

- 3.1 The Referendum took place on 15th September 2022 with a 33% turnout. There was an overall 'yes' vote of 279 votes (95%), against 14 (5%) 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 Hunsdon Neighbourhood Area voted on the following question:

“Do you want East Hertfordshire District Council to use the Neighbourhood Plan for Hunsdon to help it decide planning applications in the neighbourhood area?”

- 3.2 With an overall successful ‘yes’ vote, the Council are now able to formally ‘make’ (adopt) the Neighbourhood Plan as part of the East Herts Development Plan.

Adoption

- 3.3 Following a successful referendum, the Hunsdon Neighbourhood Plan already forms part of the development plan. As such any planning applications within the Neighbourhood Area will be assessed using the plan alongside the East Herts District Plan (2018), the mineral and waste plans and all other material considerations.
- 3.4 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 Hunsdon Neighbourhood Plan does not breach the aforementioned obligations.
- 3.6 It is considered that the Hunsdon Neighbourhood 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’.
- 3.7 The final version of the Hunsdon Neighbourhood 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). However, the Hunsdon Neighbourhood Plan does not breach these obligations.

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 Hunsdon Neighbourhood Plan has been screened to determine whether a Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) is required. The report concluded that the Plan is not likely to have any significant environmental effects so an SEA and an HRA are not 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 are 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 to 'make' a neighbourhood plan under section 38A(4) of the 2004 Act.

Specific Wards

Hunsdon Parish. The Local Government Boundary Commission for England have published final recommendations for future electoral arrangements in East Herts. If approved by Parliament this will result in the boundaries of Hunsdon ward changing. The Neighbourhood Plan Area Designation will however remain in place until such time that a further review or update of the Neighbourhood Plan/s is undertaken.

7.0 Background papers, appendices, and other relevant material

7.1 Appendix A: Hunsdon Neighbourhood Plan 2019-2033

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