

# **East Herts Council Non-Key Decision Report**

**Date:** **28 January 2023**

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

**Report title:** **Walkern Neighbourhood Plan First Revision 2021- 2033: Pre- Submission Regulation 14 Consultation**

**Ward(s) affected:** **Walkern Ward**

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## **Summary:**

- This purpose of this report is to agree the Council's response to the Walkern Neighbourhood Plan Revision: Pre-Submission consultation (Regulation 14).

## **RECOMMENDATIONS FOR DECISION: That:**

**(A) Walkern Parish Council be advised that the District Council welcomes the opportunity to comment on the Walkern Neighbourhood Plan First Revision Pre-Submission Version and that the response at 'Appendix A' be submitted to the Parish Council for their consideration.**

## **1.0 Proposal(s)**

1.1 The purpose of this report is to agree the Council's response to Walkern Neighbourhood Plan First Revision Pre- Submission Draft Consultation (Regulation 14).

## 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 The Neighbourhood Planning Act 2017 (Schedule A2) identifies the circumstances that can arise as qualifying bodies seek to review made neighbourhood plans. This new Schedule to the Planning and Compulsory Purchase Act 2004 Section 38A (11A) introduces a process for the modification of neighbourhood plans.

2.3 National Planning Guidance<sup>1</sup>explains that there are three types of modification which can be made to a neighbourhood plan:

- Minor modifications, which do not materially affect the policies in the plan;
- Material modifications which do not change the nature of the plan or order would require examination but not a referendum;
- Material modifications which do change the nature of the plan or order would require examination and a referendum. For example, significant new sites for development.

2.4 East Herts Council received an application from Walkern Parish Council for the designation of a Neighbourhood Area for the parish in July 2014. The Walkern Neighbourhood Area, which

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<sup>1</sup> NPPG Neighbourhood Planning Paragraph 106 (Reference ID: 41-106-20190509)

is contiguous with the parish boundaries, was then designated on the 6<sup>th</sup> January 2015. The existing Walkern Neighbourhood Plan was subsequently 'made' in July 2018.

- 2.5 In 2020 Walkern Parish Council decided to undertake a review of the Neighbourhood Plan following the adoption of the District Plan (2018) and the impact of growth to the east of Stevenage. Monitoring revealed the need for policy updates and there was concern that the Green Belt and the environment in the Rural Area Beyond the Green Belt needed further protection. Following consultation with the local community and stakeholders, Walkern Parish Council have now published the pre-submission draft of the First Revision Neighbourhood Plan for consultation.

### **3.0 Reason**

- 3.1 Before a plan is formally submitted to the local planning authority, Walkern Parish Council must carry out a pre-submission consultation and publicity in accordance with Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 (as amended).
- 3.2 A public consultation is currently being held, which runs from 3 January 2023 to 15 February 2023.
- 3.3 The consultation documents are available on the Walkern Neighbourhood Plan website at: [Neighbourhood Plan - Walkern Parish Council](#).
- 3.4 The main modifications to the Neighbourhood Plan are outlined below:
  - Identification of a 'Countryside Gap' to strengthen the District Plan Policy for the Rural Area Beyond the Green Belt.

- Inclusion of non-designated heritage assets.
- Additional protection of the natural environment, including identification of a tree charter.
- New areas of open space and local green space
- Updates to design, housing and community policies in light of new policy/guidance and changes to the local context.

3.5 The Neighbourhood Plan Revision does not allocate any sites for development. Development of the site at Froghall Lane for up to 85 dwellings (won at appeal) has satisfied the village housing requirement as set out in District Plan Policies DPS3 and VILL1.

3.6 The Plan Revision is a positive planning document that is responding to the strategic priorities in the development plan in a pragmatic way. The plan is well written, well-evidenced and the policies are locally specific. The Council particularly supports the proactive approach taken to protect and enhance Walkern's natural environment and local character. However, some further work is still necessary to ensure all the policies are effective, particularly in the following areas:

- Clarity is needed around terminology used within some of the policies to provide the decision-maker with a clearer framework within which to operate;
- Clarity on the deliverability and effectiveness of some of the policies to ensure they meet the basic conditions.

3.7 It is noted that the Parish Council have produced a modification statement (see **Appendix C**), in accordance with Regulation 14 (v) of the Neighbourhood Planning (General) Regulations 2012 (as amended). This document sets out the proposed changes to the existing neighbourhood plan and concludes that the proposed modifications are material but do not change the nature of the Plan. This means the Plan

Revision would be subject to examination but not a referendum. On the basis of the Regulation 14 consultation, the Council agrees with the Parish Council's conclusion and will set out this position formally at the submission stage, in accordance with the Neighbourhood Plan (General) Regulations 2012 (as amended).

- 3.8 East Herts District Council welcomes the opportunity to comment on the pre-submission Neighbourhood Plan Revision. Whilst there are still a number of stages to complete before the Plan can potentially be adopted (including a further public consultation (Reg.16), examination and referendum), the Parish Council should be commended for their hard work to date.
- 3.9 **Appendix 'A'** contains the Council's response to the draft Neighbourhood Plan. **Appendix 'B'** contains a copy of the draft Neighbourhood Plan Revision. **Appendix 'C'** contains a copy of the draft Modification Statement.

## **4.0 Options**

- 4.1 The Council could choose not to comment on the Pre-submission Neighbourhood Plan.

## **5.0 Risks**

- 5.1 If the Council does not comment on the Neighbourhood Plan Revision then the Council's view would not be taken into consideration during the re-draft of the Plan.

## **6.0 Implications/Consultations**

- 6.1 The Neighbourhood Plan is currently subject to public consultation. A future consultation will also take place (Regulation 16 consultation) in due course. East Herts Council

will lead on the Regulation 16 consultation.

## **Community Safety**

No

## **Data Protection**

No

## **Equalities**

No

## **Environmental Sustainability**

The Plan contains policies that aim to protect the environment.

## **Financial**

No

## **Health and Safety**

No

## **Human Resources**

No

## **Human Rights**

No

## **Legal**

No

## **Specific Wards**

Walkern

## **7.0 Background papers, appendices and other relevant material**

### **7.1 Appendix A: Council's response: Schedule of Comments**

7.2 **Appendix B:** Walkern Neighbourhood Area Plan First Revision: Pre-Submission Document

7.3 **Appendix C:** Walkern Neighbourhood Area Plan First Revision: Modifications statement

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