

East Herts Council Report

Executive Meeting

Date of meeting: Tuesday 11 July 2023

Report by: Councillor Ben Crystall– Leader of the Council

Report title: Adoption of Kingsmead Neighbourhood Plan 2019-2033

Ward(s) affected: Hertford Kingsmead

Summary

- The Kingsmead Neighbourhood Plan went to referendum on the 4th May 2023. A majority voted in favour of the Neighbourhood Plan and as such the Council now has the opportunity to formally make (adopt) the Kingsmead Neighbourhood Plan in accordance with the Planning and Compulsory Purchase Act 2004.

RECOMMENDATIONS FOR EXECUTIVE:

(A) To recommend to Council that the Kingsmead Neighbourhood Area Plan 2019-2033, as detailed at Appendix A to this report, be formally made (adopted).

1.0 Proposal(s)

- 1.1 Following the successful neighbourhood plan referendum on 4th May 2023, the Council are now able to make (adopt) the Kingsmead Neighbourhood Plan.
- 1.2 The Kingsmead Neighbourhood Plan became part of the statutory development plan for the district once it was approved at referendum and will be used by development

management in the determination of planning applications submitted in the neighbourhood area. Unless a neighbourhood plan breaches human rights or EU obligations, the local planning authority is required to formally make the neighbourhood plan.

2.0 Background

- 2.1 Neighbourhood Planning was introduced by the Government under the Localism Act in 2011. Neighbourhood planning provides an opportunity for local communities to produce a planning document that shapes and influences future development within their local area.
- 2.2 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.
- 2.3. Hertford Town Council submitted a request for the neighbourhood area designation of Kingsmead in October 2019 and this was agreed on 11 February 2020. The area designation reflected the Kingsmead ward boundaries at that time. Subsequently, on the recommendation of the Local Government Boundary Commission for England, Parliament approved changes to the electoral arrangements in East Herts. From May 2023, the boundaries of Kingsmead ward changed to include an area that was previously in Castle ward. However, the area covered by the Kingsmead Neighbourhood Plan is the part of Kingsmead Ward that is coterminous with the ward boundaries prior to 4 May 2023.

- 2.4 The Neighbourhood plan group undertook a pre-submission (Regulation 14) consultation between 7th November and 20th December 2021. Hertford Town Council submitted the Neighbourhood Plan to East Herts Council in July 2022 and the District Council carried out a six-week (Regulation 16) consultation on the submission plan between September and November 2022.
- 2.5 The Neighbourhood Plan was then assessed by an Independent Examiner between January and March 2023. The examiner recommended that the plan proceed, subject to recommended modifications, to referendum. On 17th March 2023, the Council made the decision, via the non-key decision process, to proceed to a referendum.

3.0 Reason(s)

- 3.1 The Referendum took place on 4th May 2023 with a 33% turnout. There was an overall 'yes' vote of 1,281 votes (93%), against 97 (7%) 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 Kingsmead Neighbourhood Area voted on the following question:

“Do you want East Hertfordshire District Council to use the Neighbourhood Plan for Kingsmead Neighbourhood Area 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 Kingsmead 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 local plans and all other relevant material considerations.
- 3.4 There are narrow circumstances where the local planning authority is not required to make the neighbourhood plan. 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). The Kingsmead Neighbourhood Plan does not breach the aforementioned obligations.
- 3.5 It is considered that the Kingsmead Neighbourhood Plan positively contributes to the East Herts Development Management process providing a strong community vision that contributes to sustainable development. The Plan focuses on particular areas such as:
- Enhancing biodiversity and green infrastructure, including the designation of new local green spaces, important views and protected open spaces.
 - Improving access to services and facilities
 - Promotion of high quality design and protection of heritage assets and local character, including the identification of non-designated heritage assets, which have local historic significance
 - Encouraging walking and cycling connectivity

3.6 As such the Neighbourhood Plan can proceed to be formally made.

3.7 The final version of the Kingsmead 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, 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 Kingsmead 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 would not 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 public consultation and a referendum.

Community Safety

No

Data Protection

No

Equalities

No

Environmental Sustainability

The Kingsmead 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

No

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

Kingsmead Ward. On the recommendation of the Local Government Boundary Commission for England, Parliament approved changes to the electoral arrangements in East Herts. From May 2023, the boundaries of Kingsmead ward changed to include an area that was previously in Castle ward. 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: Kingsmead Neighbourhood Plan 2019-2033

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