

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

**Date:** 11 August 2023

**Report by:** Councillor Vicky Glover-Ward – Executive Member for Planning and Growth

**Report title:** Watton-at-Stone Neighbourhood Plan 2017-2033 – Examiner’s Report and Referendum Decision

**Ward(s) affected:** Watton-at-Stone

---

### **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 Watton-at-Stone Neighbourhood Plan, as detailed at Appendix A, be received and considered; and
- (B) The Watton-at-Stone Neighbourhood Plan 2017-2033, 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 Watton-at-Stone Parish Council applied for designation as a Neighbourhood Area in February 2016; the Neighbourhood Area was then designated on the 5<sup>th</sup> April 2016.
- 2.3 The Neighbourhood Plan Group carried out early community engagement between 2016 and 2020 and then undertook a Pre-Submission Consultation between the 17<sup>th</sup> January and the 6<sup>th</sup> March 2022 under Regulation 14 of the 2012 Regulations. The Neighbourhood Plan was then submitted to East Herts Council on the 29<sup>th</sup> September 2022 and a six-week consultation on the submission plan was undertaken from the 8<sup>th</sup> November to the 20<sup>th</sup> December 2022, under Regulation 16.
- 2.4 A neighbourhood plan can be narrow or broad in scope and can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The Watton-at-Stone Neighbourhood Plan has a strong vision for delivering sustainable development and this has been translated into a set of objectives and policies. It seeks to protect character and heritage, whilst delivering new development and infrastructure to meet local needs. There is particular focus on the following areas:
- Delivering new development with significant community

benefits for the village.

- Promotion of high quality design, including a design code;
- Protection of heritage assets and local character;
- Enhancing green and blue infrastructure and the natural environment, including the designation of new local green spaces;
- Supporting a vibrant economy;
- Improving access to services and facilities and identifying protected recreational areas;
- Ensuring connectivity through improvements to sustainable transport, particularly new pedestrian and cycle links.

2.5 District Plan Policy VILL1 Group 1 Villages, requires Watton-at-Stone to accommodate at least a 10% increase in housing stock between 2017 and 2033, which amounts to 92 dwellings. The policy accepts there may be a need for a change to the Green Belt boundary, to accommodate growth. The National Planning Policy Framework (NPPF) confirms that where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through neighbourhood plans.

2.6 Consistent with the District Plan the opportunity was taken during the preparation of the Watton-at-Stone Neighbourhood Plan to exceed the required 10% growth in return for significant community benefits, including a circular walk for the village, new football pitches and a wetland meadow. The Neighbourhood Plan (Policy WAS1) proposes 144 homes in the plan period, including two strategic sites (for 60 dwellings each) on the edge of the village, that require changes to the Green Belt boundary.

### *Independent Examination*

2.7 In order to comply with relevant regulations, a neighbourhood

plan must be reviewed by an Independent Neighbourhood Planning Examiner. East Herts Council and Watton-at-Stone 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.

2.8 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 31<sup>st</sup> July 2023. 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**

3.1 The Independent Examiner (IE) assesses the Neighbourhood Plan against the basic conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan in the area;
- be compatible with European Union (EU) obligations and European Convention on Human Rights (ECHR); and
- not breach the requirements of Chapter 8 of Part 6 of the

## Conservation of Habitats and Species Regulations 2017

### *Independent Examiner's Report*

- 3.2 The IE commends the Neighbourhood Plan for being well researched, well-evidenced and clearly laid out. He considers that the Plan is of a very high quality and if made, will become a key part of the statutory development plan. He also pays tribute to two particular aspects of the Neighbourhood Plan, the vision and objectives that are clearly derived from the responses to the consultation and the plans and photographs, which he states are of an unusually high standard.
- 3.3 The IE summarises that the Watton-at-Stone Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a limited number of necessary modifications. The proposed modifications primarily relate to the following issues:
- changes to policy wording to ensure clarity and to allow consistent application by EHDC through the development management process;
  - Changes to policy wording to ensure national policy compliance;
  - Removal of one protected recreational open space allocation and four local green space sites because they do not meet national designation requirements;
  - Site boundary amendments to the allocation boundary of WAS3 to reflect land ownership and to incorporate land for use of open space (remaining in the Green Belt), to help facilitate effective design, and delivery of the bridge over the River Beane and the circular walk.
- 3.4 The IE concludes in paragraph 53 of the report, that with the modifications, the draft Neighbourhood Plan will meet the basic conditions and should proceed to referendum.

- 3.5 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 such as numbering and minor changes to the supporting text. Some minor typographical errors and factual updates have also been made. This is in line with the approach the IE has recommended in paragraph 55 of his report.
- 3.6 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:*

- 3.7 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 Watton-at-Stone Neighbourhood Plan area.
- 3.8 The IE stated the neighbourhood area is appropriate for the referendum area, and that there is no evidence to suggest otherwise. The referendum area should therefore be based on the neighbourhood area approved as of 5<sup>th</sup> April 2016.

*Proceeding to Referendum:*

- 3.9 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.
- 3.10 It is recommended that the modifications proposed by the IE be accepted, and that the proposed Neighbourhood Plan for

Watton-at-Stone should proceed to a referendum. An updated version of the Neighbourhood Plan which incorporates the IE modifications can be viewed at **Appendix B**.

#### **4.0 Options**

4.1 The Council could choose not to recommend that the Watton-at-Stone Neighbourhood Area Plan proceed to referendum.

#### **5.0 Risks**

5.1 If the Watton-at-Stone 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**

The Watton-at-Stone Neighbourhood Plan has been informed by an Strategic Environmental Assessment (SEA). 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 formal

decision has been made to proceed to referendum.

### **Health and Safety**

No

### **Human Resources**

No

### **Human Rights**

No

### **Legal**

The Council must make a decision on whether to send the Watton-at-Stone Neighbourhood Area Plan to referendum in accordance with Regulation 18 of the Neighbourhood Planning (General) Regulations 2012 (as amended).

### **Specific Wards**

Watton-at-Stone

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

**Appendix A:** Examiner's Report

**Appendix B:** Watton-at-Stone Neighbourhood Plan: 2017-2033

### **Contact Member**

Councillor Vicky Glover-Ward – Executive Member for Planning and Growth [vicky.glover-ward@eastherts.gov.uk](mailto:vicky.glover-ward@eastherts.gov.uk)

### **Contact Officer**

Sara Saunders – Head of Planning and Building Control, Tel: 01992 531656. [sara.saunders@eastherts.gov.uk](mailto:sara.saunders@eastherts.gov.uk)

**Report Author**

Laura Guy – Principal Planning Officer, Tel: 01992 531553.

[laura.guy@eastherts.gov.uk](mailto:laura.guy@eastherts.gov.uk)