

East Herts Council Report

Executive pre-meeting

Date of meeting: Tuesday 25 June 2024

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

Report title: Request for Area Designation for Neighbourhood Planning: Hertford Castle Plus, Hertford Town Council

Ward(s) affected: Hertford Bengoe; Hertford Castle; Hertford Kingsmead;

Summary – To consider an application for the designation of another Neighbourhood Area within Hertford.

RECOMMENDATIONS FOR EXECUTIVE:

- a) The consultation responses, as detailed in Appendix C to this report, be received and considered; and**
- b) The application, submitted by Hertford Town Council, for the designation of Hertford Castle Plus as a Neighbourhood Area for the purposes of producing a neighbourhood plan, be supported**

1.0 Proposal(s)

- 1.1 The designation of a Neighbourhood Plan Area is the first formal stage in the Plan making process. In accordance with the requirements of Section 5 -7 of the Neighbourhood Planning (General) Regulations 2012 (as amended), Hertford Town Council must make a request to the local planning authority, East Herts Council (EHC), to designate a Neighbourhood Area. EHC must then determine the application.

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 an application for the designation of a Neighbourhood Area to the Council on 5th March 2024. The application was made in writing by Hertford Town Council with an attached plan setting the area to which the application relates. The letter and plan form **Appendix A** and **Appendix B** to this report.
- 2.4 The Area Designation covers Hertford Castle ward and the parts of Bengoe and Kingsmead wards (Hertford Town Council wards of Bengoe South and Kingsmead West) not already included in existing designated neighbourhood areas. Hertford Town Council have decided this will be called Hertford Castle Plus Neighbourhood Area.
- 2.5 In 2023, following the recommendation of the Local Government Boundary Commission for England, Parliament approved changes to the electoral arrangements in East Herts. The boundaries of Kingsmead and Bengoe wards changed to include areas that were previously in Castle Ward. However, the Kingsmead and Bengoe Neighbourhood Plan area designations relate to the previous ward boundaries and will remain in place until such time that a further review or update of the Neighbourhood Plan/s is undertaken. Therefore to ensure all areas of Hertford are covered by a

neighbourhood plan, Hertford Town Council are requesting that the Hertford Castle Plus Neighbourhood Area cover Hertford Castle, Bengoe South and Kingsmead West wards. It will give the communities in those wards the opportunity to engage in the creation of a neighbourhood plan. Neighbourhood plans allow communities to have a direct say about challenges they have identified in their local area. These can include the development of residential housing developments, small businesses, local shops and other amenities, as well as the preservation of green spaces.

- 2.6 Agreement to the designation of a Neighbourhood Area is required by the District Council as Local Planning Authority (LPA) before a Neighbourhood Plan can be formulated.

Consultation

- 2.7 The application has been advertised in accordance with the Regulations for a 7 week period between 4 April and 23 May 2024.
- 2.8 Six consultation responses were received, including one late response, submitted after the consultation period ended. Most of the responses are supportive of the neighbourhood area designation and view it as a positive opportunity to develop a neighbourhood plan to address local issues. Two of the responses identify priorities that they would like considered in the neighbourhood plan, including provision for equestrians, pedestrianisation of Hertford Town Centre, the future uses of County Hall and town centre regeneration opportunities. These issues should be taken into account whilst developing the neighbourhood plan, however, do not affect the Neighbourhood Area designation decision.
- 2.9 One of the responses is concerned the proposed neighbourhood area is too large and suggests that Kingsmead West ward should be incorporated into the existing Kingsmead Neighbourhood Plan and that Bengoe South ward should be included in the existing Bengoe Neighbourhood Plan. This response is considered in section 3 of this report.

2.10 The comments received are set out in **Appendix C** to this report.

3.0 Reason(s)

- 3.1 The two main areas of consideration to be taken into account when determining an application for the designation of a Neighbourhood Area are set out in Schedule 9 of the Localism Act 2011. One of these is that the authority determining the application must have regard to the desirability of maintaining the existing boundaries of neighbourhood plan areas already designated. The other area of consideration is that a specified area must be one that consists of, or includes the whole or any part of the area of the (Parish) Council.
- 3.2 The proposed Neighbourhood Development Plan Area is contiguous with the existing neighbourhood areas of Sele, Bengoe and Kingsmead in Hertford and also Brickendon Liberty, Hertford Heath and Hertingfordbury. Therefore, there is no overlap with existing neighbourhood area boundaries.
- 3.3 The proposed area designation is the last area administered by Hertford Town Council to be designated as a neighbourhood area. As outlined above, due to the ward boundary changes in 2023, the area includes all of Castle ward, but also the parts of Bengoe and Kingsmead wards that are not included in existing neighbourhood areas.
- 3.4 Neighbourhood Planning legislation allows local planning authorities to amend the boundaries of existing designated neighbourhood areas (if an application is submitted), but any existing adopted Neighbourhood Plans would not relate to the new area. So, the suggestion in the consultation response, to extend Bengoe and Kingsmead neighbourhood areas, would require the existing neighbourhood plans in those neighbourhood areas (adopted in 2021 and 2023) to be replaced to cover larger neighbourhood areas.

- 3.5 This option has not been proposed by Hertford Town Council and the proposed designation of Hertford Castle Plus Neighbourhood Area complies with the legislation. To ensure the whole administrative area of Hertford is covered by a Neighbourhood Plan, Hertford Town Council consider it is appropriate to designate the Neighbourhood Area. This is a logical and sensible approach, to ensure all of Hertford's community has the opportunity to engage in the neighbourhood plan process. The Localism Act allows for all or part of a parish to be designated, so the proposed Castle Plus area designation is not considered too large.
- 3.6 At this stage no ideas have been developed about the content of the Plan. However, this will be led by Hertford Town Council in due course, with community engagement. The Council encourages Neighbourhood Plans to be developed in a positive and proactive manner to support the strategic objectives of the District Plan. It is East Herts Council's role to advise and support Neighbourhood Plans as they progress.

Conclusion

- 3.7 In light of the above considerations, designation of a Hertford Castle Plus Neighbourhood Area, for neighbourhood planning purposes is supported.

4.0 Options

- 4.1 The Local Planning Authority must determine whether the area should be designated as a Neighbourhood Area in accordance with The Neighbourhood Planning (General) Regulations 2012 (as amended). The proposed application meets the requirements of the legislation so refusing the application would be contrary to the legal requirements.

5.0 Risks

5.1 Designated Neighbourhood Areas allow for the development of Neighbourhood Plans. Neighbourhood planning enables residents and businesses/organisations to set out proposals for their local area, which will inform future planning decisions. The process encourages the local community to shape their locality. If the neighbourhood area is not designated, then there is a risk that the community in Hertford may feel less engaged in the plan making process.

6.0 Implications/Consultations

6.1 The area designation has been subject to public consultation for over 6 weeks, in accordance with Neighbourhood Planning Regulations 2012 (as amended). The designation of the neighbourhood area, which will allow for the development of a neighbourhood plan, is expected to have positive implications for the Council because it empowers communities to shape the development and growth in their local area, complying with national policy and the objective in the East Herts Corporate Plan to encourage neighbourhood planning.

Community Safety

There are no direct community safety implications as a result of this report.

Data Protection

All consultees have consented to the processing of their personal data for the reasons set out in the associated privacy notice.

Equalities

There are no direct equality, diversity, or inclusion implications in this report. The Neighbourhood Plan process is an opportunity to reach out to those whose voices sometimes go unheard.

Environmental Sustainability

There are no direct sustainability implications in this report. A future neighbourhood plan will be screened for its environmental impacts in accordance with the Neighbourhood Planning Regulations 2012 (as

amended). The Neighbourhood Plan process is an opportunity to include policies on climate change mitigation and adaptation contributing to meeting wider environmental and sustainability objectives.

Financial

There are no additional financial implications beyond officer time as a result of this report. The Local Planning Authority is required to take decisions at key stages in the neighbourhood planning process.

Government grants will be available to the Council if a neighbourhood plan progresses to Examination and Referendum.

Health and Safety

There are no direct health and safety implications as a result of this report.

Human Resources

There are no direct human resources implications as a result of this report.

Human Rights

There are no direct human rights implications as a result of this report.

Legal

The Local Planning Authority must determine whether the area should be designated as a Neighbourhood Area in accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended)

Specific Wards

Castle ward, and parts of Kingsmead ward and Bengo ward in Hertford

7.0 Background papers, appendices and other relevant material

7.1 Appendix A: Hertford Town Council Neighbourhood Area Designation Request Letter

7.2 Appendix B: Map of Hertford Castle Plus Neighbourhood Area Designation

7.3 Appendix C: Consultation responses

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