Three Rivers District Council

Committee Report

Date 10th March 2025

THREE RIVERS DISTRICT COUNCIL

POLICY AND RESOURCES COMMITTEE
10th March 2025

PART I

Batchworth Neighbourhood Plan Referendum

(DoF)

1 Summary

1.1 The purpose of this report is to enable the Policy and Resources Committee to consider allowing the Batchworth Neighbourhood Development Plan to proceed to public referendum on 1 May 2025.

2 Background

2.1 Neighbourhood planning was introduced through the Localism Act 2011. New powers allowed qualifying bodies (Parish, Community or Town Councils) to produce Neighbourhood Development Plans (NDP). NDPs allow communities to set planning policies for their area.

2.2 Once adopted, NDPs become part of the development plan for the District and they must be considered when planning decisions are made, along with the Local Plan and national planning policy.

2.3 NDPs must be examined by a suitably qualified independent person, appointed by the Council and agreed by the qualifying body (Parish/Community Council). Neighbourhood plans must also pass a referendum of local voters by a simple majority. If a plan passes referendum, the Council must 'make' (adopt) it, unless it breaches EU[1] obligations or human rights legislation.

2.4 The Batchworth NDP (the Plan) has been produced by Batchworth Community Council in conjunction with the local community. The Plan does not seek to allocate sites for housing but provides policies which are to be considered in the determination of planning applications for development within the Batchworth Neighbourhood Plan Area.

2.5 The Batchworth Neighbourhood Plan Area was designated by resolution of the Policy and Resources Committee on 18 June 2018.

2.6 The Council has a duty to provide technical advice and support to communities producing a Neighbourhood Plan. Officers have assisted the Community Council by providing technical advice, feedback on draft versions of the Plan and supporting documents.

3 Details

3.1 In January 2024, Batchworth Community Council formally submitted the Draft Batchworth NDP and supporting documents to the District Council. On receipt of the Plan, legislation requires us only to determine whether the following legal requirements have been submitted by the qualifying body (Batchworth Community Council):

[1] Substituted by the Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018/1232 which came into force on 31 December 2020

- A map or statement which identifies the area to which the proposed neighbourhood development plan relates;
- A consultation statement;
- The proposed neighbourhood development plan;
- A statement explaining how the proposed neighbourhood development plan meets the 'basic conditions' as set out in the legislation; and
- Information to enable appropriate environmental assessments if required.

3.2 Once satisfied that the legal requirements had been met, we undertook a statutory six-week consultation between 23 July – 11 September 2024.

3.3 The Council, with the agreement of Batchworth Community Council, appointed Ann Skippers BSc (Hons) MRTPI FRSA AoU, as the independent Examiner of the Plan. The representations received from the formal consultation were considered by the Examiner.

3.4 The Examiner is required to check whether a NDP:

- Has been prepared and submitted for examination by a qualifying body
- Has been prepared for an area that has been properly designated for such plan preparation
- Meets the requirements to:
  - i) specify the period to which it has effect
  - ii) not include provision about excluded development
  - iii) not relate to more than one neighbourhood area, and
- That its policies relate to the development and use of land for a designated neighbourhood area.

3.5 The Examiner also has to consider whether a neighbourhood plan meets the Basic Conditions. In order to do this, 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 for the area, and
- Be compatible with European Union obligations[2] and, not breach, nor be in anyway incompatible, with the European Convention on Human Rights.

3.6 The Independent Examiner's Final Report on the Batchworth Neighbourhood Development Plan was issued on 6 January 2025 (see Appendix 1). The report was forwarded to the Community Council for their information.

[2] Substituted by the Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018/1232 which came into force on 31 December 2020

3.7 The Examiner has recommended:

- modifications to the Plan to ensure that the Basic Conditions and statutory requirements are satisfactory met;
- that the Plan, subject to modifications, should proceed to referendum;
- that the referendum area should be the same as the Neighbourhood Plan Area.

3.8 The Regulations set out that within 5 weeks, the Council should consider each of the recommendations in the Examiner's Report and decide what action to take in response to each recommendation.

3.9 Under Delegated Powers, officers published a Decision Statement onto the Council's website (Appendix 2), setting out that modifications proposed by the Examiner's Report have been accepted, the draft Batchworth Neighbourhood Plan has been altered as a result of it and that the Council intends the Plan to proceed to referendum. Officers are requesting Members confirm the Decision Statement and agree the Neighbourhood Plan progress to referendum

3.10 The modified Batchworth Neighbourhood Development Plan is attached as Appendix 3.

3.11 It is the Officers' opinion that following the modifications, the Plan is robust, meets the Basic Conditions and comprises a user-friendly and efficient document. On this basis, the modified Plan should proceed to a referendum in the Batchworth Neighbourhood Plan Area to determine whether local people support it.

3.12 The Council's election team have requested that the referendum be combined with the County Council elections due to take place on 1 May 2025. Officers agree this is the best approach.

3.13 Should the referendum return a positive result the Council must 'make' the plan within eight weeks of the referendum date unless legal issues arise which are unresolved by the end of this eight-week period.

3.14 Subject to the result of the referendum and any legal issues, the intention is for the Plan to be brought to the next available Full Council meeting after the referendum with a recommendation that the Plan be made.

4 Options and Reasons for Recommendations

4.1 The officer recommendation is that the Policy & Resources Committee agree that the Batchworth Neighbourhood Development Plan should proceed to referendum which is proposed for 1 May 2025.

5 Policy/Budget Reference and Implications

5.1 The recommendations in this report are within the Council's agreed policy and budgets.

6 Financial Implications

6.1 A Government backed neighbourhood planning grant allows LPAs to claim £20,000 from when they issue a decision statement detailing their intention to send the plan to referendum. This will cover the costs of the referendum.

6.2 Producing an NDP allows Parish and Town Councils to increase the amount of Community Infrastructure Levy (CIL) funds they receive from developments within their area from 15% to 25%.

7 Legal Implications

7.1 The Council's discretion with regards to proceeding to referendum or otherwise is strictly limited by statute and in this case the requirements for proceeding to referendum have been following modifications to the Batchworth Neighbourhood Development Plan.

8 Communications and Website Implications

8.1 All the documents relating to the Examination of the Batchworth Neighbourhood Development Plan are available on the Council's website. Electoral Services will be responsible for any communications relating to the referendum.

9 Risk and Health & Safety Implications

9.1 The Council has agreed its risk management strategy which can be found on the website at http://www.threerivers.gov.uk. In addition, the risks of the proposals in the report have also been assessed against the Council's duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.

9.2 The subject of this report is covered by the Planning Policy and Conservation service plan. Any risks resulting from this report will be included in the risk register and, if necessary, managed within this plan.

Nature of Risk	**Consequence**	**Suggested Control Measures**	**Response** *(tolerate, treat terminate, transfer)*	**Risk Rating** *(combination of likelihood and impact)*
Reputational damage of failing to agree Neighbourhood Plan proceed to referendum	The Council has a duty to support the Community Council in their preparation of the Neighbourhood Plan. It could be negatively perceived if the Council does not follow the examiners recommendations without a strong reason for doing so.	Agree the NDP proceed to referendum	Tolerate	Low 3

9.3 The above risks are scored using the matrix below. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood scores 6 or less.

Likelihood				
Very Likely ▼ Remote	Low 4	High 8	Very High 12	Very High 16
	Low 3	Medium 6	High 9	Very High 12
	Low 2	Low 4	Medium 6	High 8
	Low 1	Low 2	Low 3	Low 4
	Impact Low ----------► Unacceptable			

Impact Score	Likelihood Score
4 (Catastrophic)	4 (Very Likely (≥80%))
3 (Critical)	3 (Likely (21-79%))
2 (Significant)	2 (Unlikely (6-20%))
1 (Marginal)	1 (Remote (≤5%))

9.4 In the officers' opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan and are therefore operational risks. The effectiveness of the management of operational risks is reviewed by the Audit Committee annually.

10 Staffing Implications

10.1 The referendum will be organised by Electoral Services.

11 Environmental Implications

11.1 Part of the role of the Independent Examiner is to consider whether the neighbourhood plan would breach, or otherwise be incompatible with retained European Union obligations[3]. The Examiner was satisfied that the neighbourhood plan meets this requirement.

12 Customer Services Centre Implications

12.1 The Customer Service Centre will be briefed about the referendum.

13 Recommendation

[3] Substituted by the Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018/1232 which came into force on 31 December 2020

13.1 That the Policy & Resources Committee agree that the Batchworth Neighbourhood Development Plan proceed to referendum which is proposed for 1 May 2025.

Report prepared by: Aaron Roberts (Senior Planning Policy Officer)

14 Background Papers

National Planning Policy Framework (December 2024)

Planning Practice Guidance

Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011)

Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

15 APPENDICES

Appendix 1: Examiner's Final Report on the Batchworth Neighbourhood Development Plan

Appendix 2: Decision Statement

Appendix 3: Modified Batchworth Neighbourhood Development Plan

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DISTRICT COUNCIL