

Three Rivers District Council

# **Batchworth Neighbourhood Plan: Referendum Result**

**Annual Council  
20<sup>th</sup> May 2025**

**PART I**

**Batchworth Neighbourhood Development Plan: Result of Referendum  
(DoF)**

**1 Summary**

- 1.1 The purpose of this report is following a positive referendum result, to enable Annual Council to 'make' the Batchworth Neighbourhood Development Plan (BNDP) part of the Development Plan for Three Rivers District Council in accordance with Regulation 19 of the Neighbourhood Planning (General) Regulations 2012. In this context 'make' refers to adopting the Neighbourhood Development Plan.

**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<sup>1</sup> obligations or human rights legislation.
- 2.4 The BNDP 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.

**3 Details**

- 3.1 In March 2025 the Policy & Resources Committee resolved to agree that modifications to the BNDP be made in accordance with the Examiner's Report and that the modified Batchworth Neighbourhood Development Plan (Appendix 1) proceed to referendum.
- 3.2 The BNDP referendum took place on 1 May 2025. Voters were asked 'Do you want Three Rivers District Council to use the Neighbourhood Plan for Batchworth to help it decide planning applications in the neighbourhood area?' Voters were given the opportunity to vote 'Yes' or 'No'.

---

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

3.3 The results were as follows:

	Votes Recorded	Percentage
Number of votes cast as Yes	2264	81.8%
Number of votes cast as No	505	18.2%

The number of ballot papers rejected was as follows	Number of ballot papers
A Want of official mark	0
B Voting for more than one answer	0
C Writing or mark by which voter could be identified	3
D Being unmarked or wholly void for uncertainty	103
E Rejected in part	0
<b>Total spoilt votes</b>	<b>106</b>

3.4 The electorate was 9,242, total votes cast was 2,875. The turnout was 31.1%. Although members may note there was a high number of rejected votes, it is believed this is because the referendum was combined with the County Council election; all electors in the Batchworth area were issued with ballot papers, however some may only have wanted to vote for the County Council election. This level of rejection is not unusual for a combined election.

3.5 The Declaration of Result can be found at Appendix 2.

3.6 In terms of next steps, The legislation<sup>2</sup> and regulations<sup>3</sup> require that were more than 50% of those voting in the referendum vote 'yes', then the Council is required to 'make' the Plan within 8 weeks. The BNDP would then form part of the statutory Development Plan for the area. In this context 'make' refers to adopting the Neighbourhood Development Plan.

3.7 The Plan has been screened for Strategic Environmental Assessment (SEA) and the Screening Opinion was that SEA is not required. The Council is satisfied that the making of the BNDP does not breach any EU obligations or the European Convention on Human Rights, as enacted in the Human Rights Act 1998.

3.8 The BNDP should therefore be 'made'.

3.9 It must be noted that given more than half of those who voted in the referendum have voted in favour of the Neighbourhood Plan, significant weight can be given to the plan in Decision Making, even before it is officially 'made' by Annual Council.

#### 4 Options and Reasons for Recommendations

4.1 The BNDP has been independently examined and has been found to meet the Basic Conditions. The BNDP has been endorsed by the community at referendum and otherwise complies with all the legal requirements of Plan production. It is considered that the BNDP meets European legislation and is compatible with the European Convention on Human Rights within the meaning

<sup>2</sup> Section 34A(4) of the Planning and Compulsory Purchase Act 2004

<sup>3</sup> Neighbourhood Planning (General) Regulations 2012

of the Human Rights Act 1998. The Council has therefore no option but to comply with the legislation and proceed the Batchworth Neighbourhood Development Plan to be 'made'.

## **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 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 Not choosing to 'make' the plan could leave the Council vulnerable to legal challenge.

## **8 Environmental Implications**

- 8.1 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<sup>4</sup>. The Examiner was satisfied that the neighbourhood plan meets this requirement.

## **9 Equal Opportunities, Staffing, Environmental, Community Safety, Public Health, Customer Services Centre Implications**

- 9.1 None specific.

## **10 Communications and Website Implications**

- 10.1 All the documents relating to the referendum of the Batchworth Neighbourhood Development Plan are available on the Council's website.

## **11 Risk and Health & Safety Implications**

- 11.1 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.
- 11.2 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.

<b>Nature of Risk</b>	<b>Consequence</b>	<b>Suggested Control Measures</b>	<b>Response (tolerate, treat, terminate, transfer)</b>	<b>Risk Rating (combination of likelihood and impact)</b>
If the Council	Legal costs	Agree to	Tolerate	6

---

<sup>4</sup> Substituted by the Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018/1232 which came into force on 31 December 2020

decides not to proceed the BNDP to be 'made' it may result in a legal challenge		'make' the NDP		
---	--	----------------	--	--

- 11.3 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.

<b>Very Likely</b> ----- <b>Likelihood</b> ----- <b>Remote</b>	<b>Low</b> 4	<b>High</b> 8	<b>Very High</b> 12	<b>Very High</b> 16
	<b>Low</b> 3	<b>Medium</b> 6	<b>High</b> 9	<b>Very High</b> 12
	<b>Low</b> 2	<b>Low</b> 4	<b>Medium</b> 6	<b>High</b> 8
	<b>Low</b> 1	<b>Low</b> 2	<b>Low</b> 3	<b>Low</b> 4
<b>Impact</b> Low -----> <b>Unacceptable</b>				

#### Impact Score

4 (Catastrophic)  
 3 (Critical)  
 2 (Significant)  
 1 (Marginal)

#### Likelihood Score

4 (Very Likely (≥80%))  
 3 (Likely (21-79%))  
 2 (Unlikely (6-20%))  
 1 (Remote (≤5%))

- 11.4 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.

## 12 Recommendation

- That Council acknowledges the results of the referendum where 81.8% voted YES to the question 'Do you want Three Rivers District Council to use the Neighbourhood Plan for Batchworth to help it decide planning applications in the neighbourhood area?'
- That Council make the Batchworth Neighbourhood Development Plan in accordance with Section 38A(4)(a) of the Planning and Compulsory Purchase Act 2004.

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

### **13 Background Papers**

Town and Country Planning Act 1990 (as amended)

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

Community Infrastructure Levy Regulations 2010 (as amended)

Neighbourhood Planning (General) Regulations 2012 (as amended)

The Neighbourhood Planning (Referendums) Regulations 2012

National Planning Policy Framework (December 2024)

Planning Practice Guidance

Batchworth Neighbourhood Development Plan

Batchworth Neighbourhood Development Plan Independent Examiner's Report

### **14 APPENDICES**

**Appendix 1:** Batchworth Neighbourhood Development Plan (Referendum Version)

**Appendix 2:** Declaration of Result

