

Three Rivers District Council

# Committee Report

Date: 10<sup>th</sup> June 2024

Report Originator	Head of Service sponsor	Date Originated	
Lead Member Name:	Area of Responsibility:		
CMT Date:	14 <sup>th</sup> May 2024		
JLT Date (if applicable):	9 <sup>th</sup> May 2024		
REASON FOR REPORT			
Reason	JLT/CMT Feedback for Officer and further instructions		Recommendation to JLT/CMT:
Consultees consulted	Finance Yes/No Date:	Legal Yes/No Date:	Head of Service/Other Yes/No Date:
Consultees to be consulted following CMT before report publication	Chief Executive	Shared Director of Finance	
PROPOSED ROUTE FOR FURTHER APPROVAL			
			Date
Committee			
Council (if required)			

- **POLICY AND RESOURCES COMMITTEE**

## PART I

### DRAFT BATCHWORTH NEIGHBOURHOOD PLAN FOR CONSULTATION

#### 1 Summary

- 1.1 Batchworth Parish Council have formally submitted their draft Neighbourhood Plan to Three Rivers District Council. It is now a statutory requirement for Three Rivers to consult on the draft Neighbourhood Plan and this report seeks agreement from the Policy and Resources Committee to go out for consultation.

#### 2 Details

- 2.1 Neighbourhood planning was introduced through the Localism Act 2011. New powers allowed qualifying bodies (Parish 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/Town 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 obligations or human rights legislation.

- 2.4 The Batchworth NDP (the Plan) has been produced by Batchworth Parish Council (the Parish) 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 & 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 Parish by providing technical advice, feedback on draft versions of the Plan and supporting documents.
- 2.7 In January 2024 Batchworth Parish Council formally submitted the Draft Batchworth NDP and supporting documents to the District Council. Where a qualifying body submits a plan proposal to the local planning authority, it must include:
  - 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.
- 2.8 Officers have considered the submitted documents and are satisfied that the above legal requirements have been met. The Council is now required to undertake a statutory six-week consultation on the draft Batchworth NDP.
- 2.9 The consultation will be hosted on the Council's 'Have Your Say' consultation platform. It will be publicised in the Watford Observer, on the Council's website and social media platforms. Should the Community Council wish to further publicise the consultation they are welcome to.
- 2.10 Following this consultation, the Council will appoint an independent examiner who will consider the representations received.
- 2.11 The examiner will check whether the 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:
    - specify the period to which it has effect

- not include provision about excluded development
  - not relate to more than one neighbourhood area
  - That its policies relate to the development and use of land for a designated neighbourhood area
- 2.12 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.
- 2.13 Following examination Officers will consider the examiner’s proposed modifications and then bring a final draft of the Batchworth NDP to be agreed at Policy and Resources Committee and Full Council.
- 2.14 Following Full Council the Batchworth Neighbourhood Plan will go out to referendum, and if successful will be adopted by the Council as part of its development plan for the area.
- 2.15 In conjunction with Batchworth NDP, the Council needs to re-consulting on amended supporting documents (not the Plan itself) for the Sarratt Neighbourhood Plan. The Inspector asked the Parish Council to make changes to some of the supporting documents, and advised the Council to reconsult, following which examination will resume.
- 2.16 The draft Neighbourhood Plans and supporting documents for both Sarratt and Batchworth are contained in the appendices to this report for Members’ information.

### **3 Options and Reasons for Recommendations**

- 3.1 It is a statutory requirement that the Council consult on the draft Neighbourhood Plan and as such there are no alternative options.

### **4 Policy/Budget Reference and Implications**

- 4.1 The recommendations in this report are within the Council’s agreed policy and budgets.

**Financial, Legal, Staffing, Equal Opportunities, Environmental, Community Safety, Public Health, Customer Services Centre, Communications & Website, Risk Management and Health & Safety Implications**

None specific.

### **5 Financial Implications**

- 5.1 The consultation on the Batchworth NDP will be covered by existing Planning Policy service budgets.

## **6 Legal Implications**

- 6.1 The report and recommendations outline the current legal position with regard to proceeding to the next stage in the process. The Council's discretion with regards to proceeding to consultation or otherwise is strictly limited by statute and in this case the requirements for proceeding to consultation are considered to have been met.

## **7 Staffing Implications**

- 7.1 None specific.

## **8 Equal Opportunities Implications**

- 8.1 Impact Assessment

The Equality Impact and Outcomes Assessment (EIA) focusses specifically on the consultation. The Neighbourhood Plan itself has been prepared by Batchworth Parish Council as such the Parish Council will have considered their equalities duties during the Plan preparation. The consultation will be designed to include equalities questions and aims to reach as many people with protected characteristics as possible.

## **9 Climate Change and Sustainability Implications**

- 9.1 A Sustainable Appraisal scoping report has been produced as part of the NDP preparation.

## **10 Community Safety Implications**

- 10.1 None specific.

## **11 Public Health implications**

- 11.1 None specific.

## **12 Customer Services Centre Implications**

The Customer Services Centre will be briefed on whom to contact regarding the consultation.

## **13 Communications and Website Implications**

Consultation documents will be added to the website and the consultation will be publicised through the Council's social media accounts.

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

- 14.1 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.

14.2 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/these plan.

Nature of Risk	Consequence	Suggested Control Measures	Response <i>(tolerate, treat, terminate, transfer)</i>	Risk Rating <i>(combination of likelihood and impact)</i>
Failing to consult would leave the Council vulnerable to legal challenge	Legal costs and reputational costs		Tolerate	6

14.3 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.

Very Likely ----- Likelihood ----- 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**

- 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%))

In the officers' opinion, of the new risks above, were they to come about, the following would seriously prejudice the achievement of the Strategic Plan and are therefore strategic risks. The management of strategic risks are reviewed by the Policy and Resources Committee.

## **15 Recommendation**

15.1 That:

- The Policy & Resources Committee note the report and agree the Batchworth NDP for consultation; and
- Note that the Council will be reconsulting on the Sarratt Neighbourhood Plan

Report prepared by: Sujeet Sharma, Principal Planning Officer

### **APPENDICES**

Appendix 1 – Batchworth Neighbourhood Plan (Submission Version)

Appendix 2 – Basic Conditions Statement Batchworth NDP

Appendix 3 - Basic Conditions Statement Batchworth SEA – HRA

Appendix 4 – Consultation Statement 1 Batchworth NDP

Appendix 5 – Consultation Statement 2 Batchworth NDP

Appendix 6 – Consultation Statement 3 Batchworth NDP

Appendix 7 – Consultation Statement 4 Batchworth NDP

Appendix 8 – Batchworth NDP Design Code

Appendix 9 – Draft Sarrat NDP

Appendix 10 – Sarratt Basic Conditions Statement

Appendix 11 – Sarratt Consultation Statement

Appendix 12 – Sarratt SEA – HRA Screening Report

Appendix 13 - Sarratt Key Views Assessment

