

WELWYN HATFIELD BOROUGH COUNCIL
CABINET – 7 MARCH 2023

Recommendation from the Cabinet Planning and Parking Panel on 16 February 2023:

40. NORTHAW AND CUFFLEY NEIGHBOURHOOD PLAN EXAMINER'S REPORT

Report of the Assistant Director (Planning) on the Examiner's Report of the Northaw and Cuffley Neighbourhood Plan.

Following the conclusion of the consultation on the submitted Northaw and Cuffley Neighbourhood Plan in September 2022, an Independent Examiner was appointed by Welwyn Hatfield Borough Council with the consent of Northaw and Cuffley Parish Council to conduct an examination of the plan.

The purpose of the independent examination process is to ensure the plan meets a set of nationally prescribed basic conditions and to recommend if the plan should proceed to a referendum.

The Examiner submitted his report to Welwyn Hatfield Borough Council on the 27 January 2023. The Examiner has recommended modifications and, subject to these modifications, recommends the plan to proceed to referendum. These modifications have been made to several policies to ensure the Neighbourhood Plan would meet the basic conditions and other legal requirements, the two main modifications that the Examiner has recommended were the deletion of 2 housing site policies, specifically Policy S1 which is the Meadway and policy S2 East of Northaw Road East, these are allocated in the Welwyn Hatfield local plan as HS27 and HS28 respectively.

The reason for removing the sites from the Neighbourhood Plan is that it would be allocating a site in the Green Belt for residential purposes and it is established practice in the NPPF that release of the land from the Green Belt is a strategic matter rather than a neighbourhood planning matter. If the Welwyn Hatfield local Plan were to be adopted a future review of the Northaw and Cuffley Neighbourhood Plan could look to include these sites to provide any further policy guidance.

Other modifications recommended by the Examiner seek to provide clarification and to ensure that policies are aligned with national and local policy, including planning and hybrid matters. So the referendum, subject to the examiners, recommendations, will be the 4 May 2023 to coincide with the local elections. If the plan proceed to referendum, the question put to residents within the neighbourhood area will be as follows: "Do you want Welwyn Hatfield borough council to use the Northaw and Cuffley Neighbourhood Plan to help it decide planning applications in the neighbourhood area".

The plan will require a majority vote, so at least 50% in favour of the plan to be able to move forward to be made by Welwyn Hatfield Borough Council. There is no minimum or maximum turnout required and if the plan is made it will form part of the statutory development plan for the borough and will be used in the determination of planning applications. Like the examination, Welwyn Hatfield borough council are responsible and liable for conducting and holding a referendum, current provisions allow an application for these costs to be met. However, it is anticipated that these costs will be recoverable through grants received from the Department for levelling up housing and communities upon issuing a statement detailing the council's intention to send the Plan to referendum £20,000 can be claimed which can be offset against the cost of the examination and the referendum.

The following points were raised and discussed:

- Members wanted clarification on the relationship between the Northaw and Cuffley Neighbourhood Plan and the Local Plan. Officers stated that in order to meet the basic conditions the Neighbourhood plan needs to be in conformity with the local plan and the strategic policies within it, so it does not conflict with anything that is in the Neighbourhood Plan and sits alongside the Local Plan.
- Members asked, as the referendum is planned to be held on 4 May 2023 with the local elections, would people be voting on the referendum at the polling station like they would with the elections and how would this work. Officers stated residents that live within the neighbourhood area would receive a poll card and would go to the polling station as they would for the elections and they would simply have to answer 'yes' or 'no' to the question.
- Members asked how the referendum works in terms of voting and what constitutes a pass. Officers said anything above 51% would be a pass.
- Members queried the 51% required in terms of majority and asked if there was a minimum turnout. Officers said there is no minimum turnout. So, in theory, if only 10 people voted and 6 of them voted for and 4 voted against then it would pass.
- Members asked how this will that be a fair assessment. The chair stated it was on the same day as local elections so there should be a fairly good turnout of people voting.
- Members noted that a lot of villages and parishes were carrying out their own neighbourhood plans. It would be up to the people of Northaw and Cuffley to decide what they want, and this will give them the opportunity to do so.
- Members asked in future if the local plan is reviewed after adoption or if national planning rules change, would the neighbourhood plan also have to be adapted. Officers said the parish will always have an opportunity if they wish to update their plan to a different plan. Any changes will not mean that the plan is void or out of date. The plan has got a lot of development management policies that will guide forms of development in the borough.

RESOLVED:
(unanimous)

That the Cabinet Planning and Parking Panel recommended to Cabinet/ Full Council that:

- i. subject to the modifications recommended in the examiner's report being agreed, the Northaw and Cuffley Neighbourhood Plan should proceed to referendum; and,
- ii. should the Northaw and Cuffley Neighbourhood Plan receive a majority vote in favour at referendum, Welwyn Hatfield Borough Council formally 'makes' the Northaw and Cuffley Plan, to enable it to form part of the Development Plan for the borough.

The reports of the Cabinet Planning and Parking Panel can be viewed in full here:

<https://democracy.welhat.gov.uk/ieListDocuments.aspx?CId=266&MId=1504&Ver=4>