

## **RECORD OF DECISION MADE UNDER DELEGATED AUTHORITY**

**DIRECTORATE** : *Planning, Housing and Enterprise*

### **1. DECISION TAKEN**

- 1.1 To “make” the Pirton Neighbourhood Development Plan as part of the statutory development plan for North Hertfordshire.

### **2. DECISION TAKER**

- 2.1 Ian Fullstone, Head of Development and Building Control in consultation with Cllr David Levett, Executive Member for Planning and Enterprise.

Cabinet at its meeting of 23 January 2018 resolved at Item 86, resolution (4) That the decision to “make” the Pirton Neighbourhood Plan be delegated to the Head of Development and Building Control, in consultation with the Executive Member for Planning and Enterprise.

### **3. DATE DECISION TAKEN**

- 3.1 24 April 2018

### **4. REASON FOR DECISION**

- 4.1 As reported within the Strategic Planning reports to Cabinet and within MIS, the Pirton Neighbourhood Development Plan has successfully been examined by an independent Examiner and the subsequent referendum was also successful. As such, there is no reason not to ‘make’ the plan which means that it becomes part of the statutory development plan for North Hertfordshire.

### **5. ALTERNATIVE OPTIONS CONSIDERED**

- 5.1 Once a Plan has been supported by a majority of those voting following a referendum, the Council has no other option than to “make” the Plan under section 38A (A)(4) of the Planning and Compulsory Purchase Act 2004 unless the making of the plan would breach, or otherwise be incompatible with any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).
- 5.2 The Pirton Neighbourhood Plan, including its preparation, does not breach, and would not otherwise be incompatible with any EU obligation or any of the Convention rights. Therefore the only available option open to the Council is to make the plan part of the Development Plan for North Hertfordshire.

### **6. CONSULTATION (INCLUDING THE EFFECT ON STAKEHOLDERS, PARTNERS AND THE PUBLIC)**

- 6.1 The Pirton Neighbourhood Development Plan has been subject to significant public consultation with residents and key stakeholders throughout its preparation and was the subject of a public referendum.

## 7. RELEVANT CONSIDERATIONS

- 7.1 The Pirton Neighbourhood Development Plan was submitted to the Council for examination in October 2016 and was subsequently publicised for comments for 6 weeks between 9 February and 23 March 2017. An independent examiner, Ann Skippers MRTPI, was appointed by the Council in consultation with Pirton Parish Council to undertake the independent examination of the neighbourhood plan. The examiner's report concluded that subject to making some minor modifications, the neighbourhood plan met the "basic conditions" and should proceed to a referendum. A report was considered by Cabinet on 23 January 2018 where it was agreed that a referendum should be conducted and that the decision to "make" the Pirton Neighbourhood Development Plan should be delegated to the Head of Development and Building Control, in consultation with the Executive Member for Planning and Enterprise.
- 7.2 The referendum took place on 8 March 2018. The residents of Pirton Parish voted overwhelmingly in favour of the area's neighbourhood plan. In total, 520 people voted "yes", 18 people voted "no" and there was 1 rejected ballot paper. The turnout was 56.7% of the electorate. 96% of those voting voted in favour of the plan.
- 7.3 Once a Neighbourhood Plan has successfully passed all of the stages of preparation, including the Examination and the Referendum, it is "made" by the local planning authority. Once the neighbourhood plan is "made" it forms part of the statutory development plan and it will be a material planning consideration when considering development proposals in Pirton Parish.

## 8. LEGAL IMPLICATIONS

- 8.1 Section 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 requires the Council to "make" the Neighbourhood Plan if more than half of those voting in the referendum have voted in favour. The Council is content that the Pirton Neighbourhood Development Plan meets the specified basic conditions, does not breach the European Convention on Human Rights and is not incompatible with EU obligations arising from the Habitats Regulations Assessments and other directives.

## 9. FINANCIAL IMPLICATIONS

- 9.1 The Ministry of Housing, Communities and Local Government (MHCLG) allocated funding until March 2018 to assist local planning authorities to meet the legislative duties in relation to neighbourhood plans. A claim has been submitted to the MHCLG for £20,000 in respect of the Pirton Neighbourhood Development Plan. There have been no announcements from the MHCLG in respect of funding for local planning authorities to support neighbourhood planning from April 2018.

## 10. RISK IMPLICATIONS

- 10.1 There are no direct risk implications from this report.

## 11. EQUALITIES IMPLICATIONS

- 11.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

11.2 There are not considered to be any direct equality issues arising from this report. Future individual schemes or considerations may well be subject to appropriate review to ensure they comply with latest equality legislative need. Any risks and opportunities identified will also be subject to assessment for impact on those that share a protected characteristic.

12. SOCIAL VALUE IMPLICATIONS

12.1 As the recommendations made in this report do not constitute a public service contract, the measurement of "social value" as required by the Public Services (Social Value) Act 2012 need not be applied, although equalities implications and opportunities are identified in the relevant section at paragraph 13.

13. HUMAN RESOURCE IMPLICATIONS

13.1 None.

14. BACKGROUND PAPERS

14.1 Cabinet Report – January 2014 – Designation of Neighbourhood Planning Area (Minute 102)

14.2 Pirton Neighbourhood Plan Pre-Examination Version – October 2016

14.3 Pirton Neighbourhood Plan – Examiners Report – December 2017

14.4 Cabinet Report – January 2018 – Pirton Neighbourhood Plan – Examiner's Report (Minute 86)

14.5 Pirton Referendum Result – March 8 2018

15. NOTIFICATION DATE

15.1 27 April 2018

Signature of Cllr David Levett, Executive Member for Planning and Enterprise



Signature of Ian Fullstone, Head of Development and Building Control

