

## RECORD OF DECISION MADE UNDER DELEGATED AUTHORITY

### **PART 1 – PUBLIC DOCUMENT**

#### **SERVICE DIRECTORATE: Regulatory**

#### **1. DECISION TAKEN**

- 1.1 To “make” the Preston Parish Neighbourhood Plan 2018 – 2031 as part of the statutory development plan for North Hertfordshire.

#### **2. DECISION TAKER**

- 2.1. Ian Fullstone, Service Director – Regulatory in consultation with Cllr Paul Clark, Executive Member for Planning and Transport and Cllr Ian Mantle Deputy Executive Member for Planning and Transport.

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

2 April 2020

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

- 4.1. As reported within the Strategic Planning reports to Cabinet and within MIS, the Preston Parish Neighbourhood 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 neighbourhood 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 Preston Parish 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 Preston Parish Neighbourhood Plan has been subject to public consultation with residents and key stakeholders throughout its preparation and was the subject of a public referendum.

#### **7. FORWARD PLAN**

- 7.1 This decision is not a key Executive decision and has therefore not been referred to in the Forward Plan.

## **8. BACKGROUND/ RELEVANT CONSIDERATIONS**

- 8.1 The Preston Parish Neighbourhood Plan was submitted to the Council for examination in February 2019 and was subsequently publicised for comments for 6 weeks between March and April 2019. An independent examiner, Andrew Ashcroft was appointed by the Council in consultation with Preston Parish Council to undertake the independent examination of the neighbourhood plan. The examiner did not consider that a public hearing was necessary for this neighbourhood plan but issued a clarification note with questions for both the Parish and the District Councils.
- 8.2 After receiving the additional information from both the Parish and District Councils, the examiner issued his report which concluded that subject to making some minor modifications, the neighbourhood plan met the “basic conditions” and should proceed to a referendum.
- 8.3 The referendum took place on 5 March 2020. The residents of the Preston neighbourhood planning area voted in favour of the area’s neighbourhood plan. In total, 128 people voted “yes” and 13 people voted “no”. There were no rejected ballot papers. The turnout was 41% of the electorate. 91% of those voting voted in favour of the neighbourhood plan.
- 8.4 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. Delegated authority to “make” the neighbourhood plan following a successful referendum was granted by Cabinet on 11 June 2018 to the Service Director – Regulatory in consultation with the Executive Member for Planning and Transport. Once the neighbourhood plan is “made” it forms part of the statutory Development Plan when considering development proposals in the designated neighbourhood planning area of Preston.

## **9. LEGAL IMPLICATIONS**

- 9.1. Delegated authority to “make” a neighbourhood plan following a successful referendum was granted by Cabinet on 31 July 2018 to the Service Director – Regulatory in consultation with the Executive Member for Planning and Transport.
- 9.2. Section 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 requires the Council to “make” the Neighbourhood Plan as soon as reasonably practicable if more than half of those voting in the referendum have voted in favour of the proposal. The Council is content that the Preston Parish Neighbourhood 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.
- 9.3. Sections 38A (9) and (10) of the Planning and Compulsory Purchase Act 2004 requires the Council to publicise their decision (the “decision statement”) and reason for the decision and details of where and when it can be inspected. A copy of the decision statement should be sent to the Parish Council (as the qualifying body that initiated the process) and to any person who asked to be notified of the decision.

## **10. FINANCIAL IMPLICATIONS**

- 10.1 There are no direct financial implications arising from the decision to “make” the Preston Parish Neighbourhood Plan 2018 – 2031 as part of the statutory development plan for North Hertfordshire.

- 10.2 The Ministry of Housing, Communities and Local Government (MHCLG) allocated funding until March 2020 to assist local planning authorities to meet the legislative duties in relation to neighbourhood plans. Local authorities are eligible to apply for this funding once a date has been set for the referendum. A claim has therefore been submitted to the MHCLG for £20,000 in respect of the Preston Parish Neighbourhood Plan. This claim is currently subject to ministerial approval with a decision expected shortly. This will be used to cover the costs of the Inspector, undertaking the referendum and officer time.
- 10.3 There have been no announcements from the MHCLG in respect of funding for local planning authorities to support neighbourhood planning after April 2020, as such any unspent grant is placed in a reserve to cover on-going costs associated with neighbourhood planning.

## **11. RISK IMPLICATIONS**

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

## **12. EQUALITIES IMPLICATIONS**

- 12.1 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.
- 12.2 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 – June 2016 – Knebworth and Preston Neighbourhood Planning Areas ([Minute 16](#))
- 14.2. Cabinet Report – July 2018 – Strategic Planning Report ([Minute 21](#))
- 14.3 [Preston Parish Neighbourhood Plan 2<sup>nd</sup> Submission Draft](#) – February 2019
- 14.4 [Examiners Report for the Preston Parish Neighbourhood Plan](#) – October 2019
- 14.5 Cabinet Report – December 2019 – Preston Parish Neighbourhood Plan – Examiner’s Report ([Minute 66](#))
- 14.6 [Preston Referendum Result](#) – March 5 2020

**NOTIFICATION DATE**

2 April 2020



**Signature of Executive Member Consulted ...** .....  
Cllr Paul Clark, Executive Member for Planning and Transport

**Date .....**

**Signature of Decision Taker .....** Ian Fullstone .....  
Ian Fullstone, Service Director - Regulatory

**Please Note:** that *unless urgency provisions apply* EXECUTIVE decisions cannot be implemented until 5 clear working days have elapsed after the decision has been taken to allow for scrutiny call-in.

**Call-in does not apply to NON-EXECUTIVE DECISIONS**