

RECORD OF DECISION MADE UNDER DELEGATED AUTHORITY

PART 1 – PUBLIC DOCUMENT

SERVICE DIRECTORATE: Regulatory

1. DECISION TAKEN

- 1.1 To “make” the Ashwell Neighbourhood Plan 2021 – 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 Ruth Brown, Executive Member for Planning and Cllr Ian Mantle, Deputy Executive Member for Planning and Transport.

3. DATE DECISION TAKEN

Xx April 2022

4. REASON FOR DECISION

- 4.1. As reported within the Strategic Planning reports to Cabinet, the Ashwell 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 Ashwell 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 Ashwell 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 Ashwell Neighbourhood Plan was submitted to the Council for examination in February 2021 and was subsequently publicised for comments for 6 weeks between March and April 2021. An independent examiner, Andrew Ashcroft was appointed by the Council in consultation with Ashwell 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 3 March 2021. The residents of the Ashwell neighbourhood planning area voted in favour of the area’s neighbourhood plan. In total, 364 people voted “yes” and 24 people voted “no”. There were no rejected ballot papers. The turnout was 25% of the electorate. 93.8% 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 Ashwell.

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 Ashwell 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 Ashwell Neighbourhood Plan 2021 – 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 2022 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 will be submitted in the current claim period to the Department for Levelling Up, Housing and Communities (DLUHC) for £20,000 in respect of the Ashwell Neighbourhood Plan. This claim will be 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 DLUHC in respect of funding for local planning authorities to support neighbourhood planning after April 2022, 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. ENVIRONMENTAL IMPLICATIONS

- 14.1 There are no known environmental impacts or requirements that apply to this report.
- 14.2 The Council, as “responsible authority”, determines if the neighbourhood plan is likely to have significant environmental effects. It was determined, in a Screening Determination, dated June 2020 that the neighbourhood plan would not require a Strategic Environmental Assessment.

15. BACKGROUND PAPERS

- 15.1 Cabinet Report – March 2014 – Ashwell Neighbourhood Planning Area ([Minute 127](#))
- 15.2. Cabinet Report – June 2021 – Strategic Planning Report ([Minute 9](#))
- 15.3 [Ashwell Neighbourhood Plan](#)

- 15.4 [Examiners Report for the Ashwell Neighbourhood Plan – October 2021](#)
- 15.5 Cabinet Report – December 2021 – Ashwell Neighbourhood Plan – Examiner’s Report ([Minute 62](#))
- 15.6 [Ashwell Referendum Result](#) – March 3 2022

NOTIFICATION DATE

Xx April 2022

Signature of Executive Member Consulted
Cllr Ruth Brown, Executive Member for Planning

Date

Signature of Decision Taker
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