

RECORD OF DECISION MADE UNDER DELEGATED AUTHORITY

***PART 1 – PUBLIC DOCUMENT**

SERVICE DIRECTORATE: REGULATORY

1. DECISION TAKEN

- 1.1. To approve the designation of a neighbourhood planning area for Charlton.
- 1.2. To approve the designation of a neighbourhood planning forum for the unparished area of Hitchin insofar as it relates to the area approved by recommendation 1.1 to lead neighbourhood planning in the area.

2. DECISION TAKER

- 2.1. Ian Fullstone, Director of Regulatory Services

3. DATE DECISION TAKEN:

- 4.1. 31 August 2021

4. REASON FOR DECISION

- 4.1. To ensure that the Council meets its statutory duties in relation to neighbourhood planning within the prescribed time period, as set out in the [report to Cabinet](#) on 20 July 2021.
- 4.2. To enable neighbourhood planning to take place in the unparished area of Charlton.

5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1. If no decision is taken, the neighbourhood planning area and the neighbourhood planning forum applied for would be designated by default at the end of the statutory 13 week period. The 13-week period expires on 8 September 2021.
- 5.2. If the applications were to be refused, the local planning authority would be under a statutory duty to exercise its powers to designate part or all of the area as part of a different neighbourhood planning area. Two options have been considered in the event that the applications were refused, either “adding” the proposed area to an adjacent neighbourhood planning area or to extend the proposed neighbourhood planning area into a wider area of Hitchin.
- 5.3. The first alternative considered was to “add” the Charlton area into an adjacent neighbourhood planning area which would allow the Parish Council to act as the Qualifying Body. There are three parishes which adjoin Charlton, two of which have designated neighbourhood planning areas. Preston Parish Council already has a “made” neighbourhood plan and to date St Ippolyts Parish Council has not actively progressed a neighbourhood plan. The third Parish Council adjoining Charlton, Offley has not pursued any neighbourhood planning initiatives.
- 5.4. The second alternative considered was to look at designating a wider neighbourhood planning area in Hitchin. However, the adjacent areas in Hitchin display very different characteristics to the rural hamlet of Charlton and it is difficult

to determine which parts of Hitchin would be appropriate to include in a coherent neighbourhood planning area for Charlton.

5.5. These alternatives are therefore not recommended.

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

6.1. As set out in the report to Cabinet on 20 July 2021, public consultation took place on the two applications between 9 June and 21 July 2021. This consultation included local councillors for Hitchin, statutory consultees, local community and voluntary organisations, developers and landowners.

6.2. The consultation period ended on 21 July 2021. In total, 10 representations were received, two in full support of the applications and eight made no comment on the application but included general advice to be considered in preparing a neighbourhood plan. The representations have been published and are available to view [online](#).

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 Charlton Society Neighbourhood Forum (CSNF) submitted applications to designate a neighbourhood planning forum and a neighbourhood planning area in May 2021, the documentation is available to view on the [website](#) and noted in the background papers 1 - 3. Consultation on the applications was undertaken between June and 21 July 2021.

8.2. A report was considered by Cabinet at the meeting on 20 July 2021, before the close of the consultation period. The report sets out the details of the applications for the designation of a neighbourhood planning area and a neighbourhood planning forum for Charlton. The report is attached as [Appendix A](#).

8.3. As set out in paragraph 6.2 above, there were 10 responses received to the consultation. Two of these responses were in full support of the application whilst the other representations made no direct comment on the applications but offered general advice on neighbourhood plan preparation.

8.4. As described in the report to Cabinet, the proposed neighbourhood planning area is considered to meet the spatial and geographical criteria set out in the neighbourhood planning guidance.

8.5. Given the small size of the area applied for, officers have also explored the idea of “adding” Charlton into the neighbourhood planning area designated for St Ippolyts. However, the CSNF believes that Charlton has a unique edge of town, rural character which could not be successfully included in a wider neighbourhood planning area, particularly as St Ippolyts Parish Council are not actively preparing a neighbourhood plan at the moment.

8.6. As set out in the Cabinet report there was some concern about whether the CSNF could demonstrate that the requirements for the membership of a neighbourhood forum could be met in terms of the number of people involved in the CSNF. Officers have discussed this further with the CSNF and as a result, the CSNF have submitted a list of the members of the Forum which meets the criteria set out in the section 61F(5) of the Town and Country Planning Act 1990 as applied to

neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The list includes residents from the area with support from a business operator and one of the local ward councillors.

8.7. The designation of a neighbourhood planning forum lasts for 5 years, after which time the designation will expire.

8.8. In light of the above factors, it is recommended that the neighbourhood planning area and neighbourhood planning forum applied for are approved as:

- The small settlement of Charlton is well defined and the proposed neighbourhood planning area reflects this together with the surrounding farmland;
- The historic character of the hamlet is recognised in that most of the settlement is within the conservation area; and
- The proposed neighbourhood planning area is defined by recognisable physical features, including the A505, A602 and public rights of way; and
- There is a network in the area of community based groups to help prepare a neighbourhood plan.

9. LEGAL IMPLICATIONS

9.1. Authority for the Director of Regulatory Services to make the decision on the designation of the Charlton neighbourhood planning area and the designation of the Charlton Society Neighbourhood Forum to act as the Qualifying Body for the purposes of neighbourhood planning was resolved by Cabinet on 20 July 2021.

9.2. Section 61F (5), (6) and (7) of the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004 states that a local planning authority can designate a neighbourhood planning forum, sets out the conditions that must be met and if an application to designate a neighbourhood forum is refused states that the local planning authority must set out its reasons.

9.3. Section 61F (8) of the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004 states that the designation of a neighbourhood planning forum ceases to have effect at the end of 5 years.

9.4. Section 61G F (5) of the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004 states that if a local planning authority refuse the application because it is considered that the area is not appropriate to be designated, the authority must exercise their power of designation to secure some or all of the specified area forms part of one or more areas designated as neighbourhood areas.

9.5. The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016 requires that the local planning authority must determine the application for a neighbourhood planning forum within 13 weeks from the start of the consultation period.

10. FINANCIAL IMPLICATIONS

10.1. The Ministry of Housing, Communities and Local Government have announced that that a local authority can apply for a grant of £5,000 for designating a neighbourhood planning forum, up to a maximum of five neighbourhood planning forums. No neighbourhood planning forums have been designated in the district because other neighbourhood plans have been undertaken by Parish Councils.

- 10.2. If a neighbourhood planning forum is designated, the £5k grant from central government will be used to offset any costs incurred from helping the forum to prepare a neighbourhood plan and to undertake any public consultation. Any unspent grant funding remaining will be transferred to the Neighbourhood Plan earmarked reserve and ringfenced for any future neighbourhood plan expenditure.

11. RISK IMPLICATIONS

- 11.1. The Council's new risk Management Framework specifies that we will now actively manage and monitor risks scoring 4 or higher on the risk matrix.
- 11.2. The Local Plan holds a current risk score of 9. In relation to this report, the preparation of a neighbourhood plan could provide a policy framework for planning proposals for the proposed neighbourhood planning area.

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.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 The Social Value Act and "go local" policy do not apply to this decision.

14. ENVIRONMENTAL IMPLICATIONS

- 14.1. There are no known Environmental impacts or requirements that apply to this report.
- 14.2. When a neighbourhood planning forum and neighbourhood planning area are designated, the District Council, as "responsible authority" would determine if a neighbourhood plan would have significant environmental effects.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1 There are no human resource implications.

16. BACKGROUND PAPERS

- 16.1. [Charlton Society application to designate a neighbourhood planning forum and neighbourhood planning area](#)
- 16.2. [Charlton Society Constitution](#)
- 16.3. [Charlton – Map of the proposed neighbourhood planning area](#)

17. APPENDICES

- 17.1 Appendix A – [Cabinet report - 20 July 2021](#)

NOTIFICATION DATE : 3 September 2021

Date sent to all Members, put on website and appears in MIS – Committee, Member & Scrutiny Services can confirm this with you,



Signature of Executive Member Consulted

Date 31 August 2021

Signature of Decision Taker



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