

**CABINET
29 JUNE 2021**

PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: BALDOCK, BYGRAVE AND CLOTHALL NEIGHBOURHOOD PLAN

REPORT OF THE SERVICE DIRECTOR - REGULATORY

EXECUTIVE MEMBER: PLANNING

COUNCIL PRIORITY: BUILD THRIVING AND RESILIENT COMMUNITIES

1. EXECUTIVE SUMMARY

- 1.1. The report details the referendum results for the Baldock, Bygrave and Clothall Neighbourhood Plan and asks Cabinet to formally 'make' (adopt) the Plan.

2. RECOMMENDATIONS

- 2.1. That the result of the referendum for the Baldock, Bygrave and Clothall Neighbourhood Plan is noted.
- 2.2. To "make" the Baldock, Bygrave and Clothall Neighbourhood Plan as part of the statutory Development Plan for North Hertfordshire.

3. REASONS FOR RECOMMENDATIONS

- 3.1. As previously reported to Cabinet, the Baldock, Bygrave and Clothall Neighbourhood Plan has successfully been examined by an independent examiner and the referendum held on May 6th 2021 voted in favour of "making" the neighbourhood plan becoming part of the statutory development plan for North Hertfordshire.
- 3.2. Neighbourhood plans have normally been "made" by delegated authority, as approved by Cabinet in July 2018 (Minute 21). However, the designated neighbourhood planning area for Baldock, Bygrave and Clothall covers more than two wards and "making" the neighbourhood plan is therefore a key decision which must be taken by Cabinet.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1. None. 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).

- 4.2. The Baldock, Bygrave and Clothall 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.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1. The Baldock, Bygrave and Clothall Neighbourhood Plan has been subject to several rounds of public consultation with residents and key stakeholders during its preparation. Members have been kept informed of the progress of the neighbourhood plan through the reports to Cabinet.

6. FORWARD PLAN

- 6.1 This report contains a recommendation on a key Executive decision that was first notified to the public in the Forward Plan on the 24 May 2021.

7. BACKGROUND

- 7.1. In July 2018, Cabinet delegated a number of functions in relation to key stages in neighbourhood plan preparation to the Director of Regulatory Services in consultation with the Executive Member for Planning, Enterprise and Transport (Minute 21). It was recognised that decisions relating to neighbourhood planning areas covering multiple wards (such as Baldock, Bygrave & Clothall) would still need to be referred to Cabinet as a Key Decision.
- 7.2. The Baldock, Bygrave and Clothall neighbourhood plan was submitted to the Council in December 2019 and was subsequently publicised for comments for six weeks in February and March 2020. An independent examiner, John Parmiter was appointed by the Council in consultation with Bygrave Parish Council and the Baldock, Bygrave and Clothall Neighbourhood Planning Group 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 did ask for some additional information from the District Council and the neighbourhood plan steering group.
- 7.3. 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.
- 7.4. It was considered that there were reasonable grounds to depart from the examiner’s recommended modifications after a number of specific issues were raised by the Baldock, Bygrave and Clothall Neighbourhood Plan Steering Group (Cabinet, September 2020 – Minute 46). Further public consultation took place on the additional modifications between 6 November and 18 December 2020.
- 7.5. Following this additional period of public consultation and consideration of the representations made, Cabinet resolved that the neighbourhood plan should be subject to a referendum, Cabinet 26 January 2021, Minute 90.

8. RELEVANT CONSIDERATIONS

- 8.1. Once a neighbourhood plan has successfully passed all of the stages of preparation, including the examination and there is a favourable response to the referendum, where more than 50% of those voting vote in favour of the plan, then the local planning authority will “make” the neighbourhood plan.
- 8.2. The referendum for the was held on May 6th 2021. The residents of the Baldock, Bygrave and Clothall neighbourhood planning area voted in favour of the area’s neighbourhood plan. In total, 3,101 people voted “yes” and 413 people voted “no”. There were 75 ballot papers which were rejected. The turnout was 42.85% of the electorate. 88.15% of those voting voted in favour of the neighbourhood plan.
- 8.3. The local planning authority must “make” the neighbourhood plan within 8 weeks of the referendum. Once the neighbourhood plan is “made”, it will form part of the statutory development plan and the policies in the neighbourhood plan will be used in determining planning applications within the designated neighbourhood planning area for Baldock, Bygrave and Clothall.

9. LEGAL IMPLICATIONS

- 9.1. 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 Baldock, Bygrave and Clothall 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.
- 9.2. 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.
- 9.3. Section 38A (3A) of the Planning and Compulsory Purchase Act 2004 states that a neighbourhood plan is part of the Development Plan if it has been approved by referendum and Section 38 (6) states that decisions on planning proposals must be made in accordance with the development plan unless material considerations indicate otherwise.

10. FINANCIAL IMPLICATIONS

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

- 10.2. In response to the COVID-19 pandemic, the Ministry of Housing, Communities and Local Government changed the ways in which payments were made to local planning authorities for the work involved in neighbourhood planning. A claim for £20,000 was submitted to MHCLG in March 2021 when a decision statement had been published detailing the intention to hold a referendum for the neighbourhood plan. This claim is currently subject to ministerial approval with a decision expected shortly.
- 10.3. Historically, neighbourhood planning activity has predominantly been funded through an annual allocation of £10,000 in the approved revenue budget. Any expenditure above this level in a given year has been funded from the neighbourhood plan reserve. The annual £10k has been removed for 2021/22 as a cost saving. Any neighbourhood planning expenditure (including that which requires 'forward funding' by the Council such as the examination of plans prior to referendum) will be funded from the reserve which stands at £98,200.
- 10.4. The £20k funding from Central Government will be used to offset any costs of the referendum, and any funding left will be transferred to the reserve and will be ringfenced for any future neighbourhood plan expenditure. If the £20k claim is not successful then there will be enough in the reserve to cover any future referendum 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 neighbourhood plan will provide a policy framework for planning proposals and help to achieve sustainable development in the neighbourhood planning area for Baldock, Bygrave and Clothall.

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" requirements do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

- 14.1. There are no known Environmental impacts or requirements that apply to this report.

14.2 The District Council, as “responsible authority”, determines if the plan is likely to have significant environmental effects. It was determined, in a Screening Determination of April 2019, that the neighbourhood plan would not require a Strategic Environmental Assessment.

15. HUMAN RESOURCE IMPLICATIONS

15.1 None.

16. CONTACT OFFICERS

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17. BACKGROUND PAPERS

17.1. Cabinet reports:

[Baldock, Bygrave and Clothall Neighbourhood Plan – January 2021 \(Minute 90\)](#)

[Strategic Planning Matters Report and Addendum : Baldock, Bygrave and Clothall Neighbourhood Plan – Proposed Modifications Consultation – September 2020 \(Minute 46\)](#)

[Baldock, Bygrave and Clothall Neighbourhood Plan – Proposed Submission Version \(Regulation 16\) Consultation – January 2020](#)

[Strategic Planning Matters – July 2018](#)

[Designation of a Neighbourhood Planning Area for Baldock, Bygrave and Clothall – July 2017](#)

17.2. Other information:

[MHCLG letter to Chief Planning Officers – 22 June 2020](#)

17.3. The following background papers are all available on the following webpage:
<https://www.north-herts.gov.uk/home/planning/planning-policy/neighbourhood-planning/baldock-bygrave-and-clothall-neighbourhood-plan>

Baldock, Bygrave and Clothall Neighbourhood Plan – Proposed Submission Version – December 2019

Baldock, Bygrave and Clothall Neighbourhood Plan – Examiners Questions – July 2020

Baldock, Bygrave and Clothall Neighbourhood Plan – Examiners Report – August 2020

Schedule of proposed additional modifications – November 2020