

## **CABINET**

**23 SEPTEMBER 2025**

### **PART 1 – PUBLIC DOCUMENT**

#### **TITLE OF REPORT: CODICOTE NEIGHBOURHOOD PLAN – REFERENDUM**

REPORT OF NIGEL SMITH, DIRECTOR – PLACE

EXECUTIVE MEMBER FOR PLACE: CLLR DONNA WRIGHT

COUNCIL PRIORITY: THRIVING COMMUNITIES / RESPONSIBLE GROWTH /  
SUSTAINABILITY

#### **1. EXECUTIVE SUMMARY**

- 1.1 To consider the result of the referendum for the Codicote Neighbourhood Plan and to formally “make” the Neighbourhood Plan so that it becomes part of the statutory development plan for North Hertfordshire.

#### **2. RECOMMENDATIONS**

- 2.1. That the result of the referendum for the Codicote Neighbourhood Plan should be noted.
- 2.2. That the Codicote Neighbourhood Plan 2024 – 2031 is “made” and becomes part of the statutory development plan for North Hertfordshire.

#### **3. REASONS FOR RECOMMENDATIONS**

- 3.1. As reported to [Cabinet](#) in June 2025 (Minute 8), the Codicote Neighbourhood Plan has successfully been examined by an independent examiner and the subsequent referendum, held in August was successful, with more than 50% of those voting in favour of the Codicote Neighbourhood Plan.

#### **4. ALTERNATIVE OPTIONS CONSIDERED**

- 4.1. 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 neighbourhood 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 Codicote Neighbourhood Plan 2024 - 2031, 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 Neighbourhood Plan part of the Development Plan for North Hertfordshire.

## **5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS**

- 5.1. The Codicote Neighbourhood Plan has been subject to public consultation with residents and key stakeholders throughout its preparation and was the subject of a public referendum. Members have been kept informed of the progress of this neighbourhood plan, either through the Strategic Planning reports or specific 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 25 July 2025.

## **7. BACKGROUND**

- 7.1. The Codicote Neighbourhood Plan 2024 – 2031 was submitted to the Council for examination in October 2024 and was subsequently publicised for public consultation between December 2024 and January 2025. An independent examiner, Andrew Mead was appointed by the Council in consultation with Codicote Parish Council to undertake an independent examination of the neighbourhood plan.
- 7.2. The examination of the neighbourhood plan took place between April and May 2025 and was conducted by written representations. The examiner's report was issued on 14 May 2025, with the recommendation *"I recommend that the Plan, once modified, proceeds to referendum on the basis that it has met all the relevant legal requirements."*

## **8. RELEVANT CONSIDERATIONS**

- 8.1. Cabinet noted the Examiner's report in June 2025 and approved that a referendum should take place for the Codicote Neighbourhood Plan (Minute 8).
- 8.2. The referendum took place on 15 August 2025. The residents of the Codicote neighbourhood planning area (which coincides with the Parish boundary) voted in favour of the neighbourhood plan. In total, 534 people voted "yes" and 57 people voted "no". There was one rejected ballot paper. The turnout was 20.63% of the electorate, with 90.2% of those voting, voting in favour of the Neighbourhood Plan.
- 8.3. Previously, neighbourhood plans have been "made" through a delegated decision by the Service Director in consultation with the Executive Member, but Codicote Parish includes two electoral wards and therefore the decision to "make" the Codicote Neighbourhood Plan must be made by Cabinet.
- 8.4. 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 Codicote.

## **9. LEGAL IMPLICATIONS**

- 9.1. Under the Terms of Reference for Cabinet Paragraph 5.7.18 of the Constitution states that the Cabinet should exercise the Council's functions as Local Planning Authority except where functions are reserved by law to the responsibility of the Council or delegated to the Service Director: Place.

- 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 Codicote 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 in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended).
- 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 Codicote Neighbourhood Plan 2024 – 2031 as part of the statutory development plan for North Hertfordshire.
- 10.2. Previously, up to March 2025, the Ministry of Housing, Communities and Local Government (MHCLG) allocated funding to assist local planning authorities funding to help meet the legislative requirements in relation to neighbourhood plans. Local authorities were eligible to apply for funding (£20,000) once a date had been set for a referendum.
- 10.3. MHCLG have withdrawn funding to support neighbourhood planning groups in the preparation of a neighbourhood plan and to date have not confirmed whether funding for local planning authorities will be made available for this financial year (2025/26). If MHCLG do make an announcement about funding for neighbourhood planning activities and the Codicote Neighbourhood Plan fulfils the criteria, Officers will make a claim.

## **11. RISK IMPLICATIONS**

- 11.1. Good Risk Management supports and enhances the decision-making process, increasing the likelihood of the Council meeting its objectives and enabling it to respond quickly and effectively to change. When taking decisions, risks and opportunities must be considered.
- 11.2. There are no pertinent risks associated with 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.

### **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. 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 October 2024 that the neighbourhood plan would not require a Strategic Environmental Assessment.

### **15. HUMAN RESOURCE IMPLICATIONS**

- 15.1 There are no implications arising from this report.

### **16. CONTACT OFFICERS**

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### **17. BACKGROUND PAPERS**

- 17.1 Cabinet reports:

[Codicote Neighbourhood Plan Area – June 24 2014](#) (Minute 17)  
[Codicote Neighbourhood Plan – November 19 2024](#) (Minute 65)  
[Codicote Neighbourhood Plan – 24 June 2025](#) (Minute 8)

- 17.2 The following background papers are all available on the following webpage: [Codicote Neighbourhood Plan](#)

- Codicote Neighbourhood Plan 2024 – 2031 Submission Version – October 2024
- Independent Examiner's Questions – March 2025
- District and Parish Council responses to the Examiner's Questions – March 2025
- Independent Examiner's Report for the Codicote Neighbourhood Plan – May 2025