

COUNCIL

DATE OF MEETING: 20 MAY 2021

TITLE OF REPORT: CRONDALL PARISH NEIGHBOURHOOD PLAN –
BRINGING INTO LEGAL FORCE

Report of: Head of Place

Cabinet Portfolio: Place

I PURPOSE OF REPORT

- 1.1. Following a positive referendum result for the Crondall Neighbourhood Plan held on 6 May 2021, the purpose of this report is to bring the Neighbourhood Plan into legal force to form part of the statutory development plan for Hart District.

2 RECOMMENDATION:

- 2.1 That under Section 38A(4) of the Planning and Compulsory Purchase Act 2004 the Crondall Neighbourhood Plan be 'made' (brought into legal force) to form part of the statutory Hart Development Plan with immediate effect.

3 BACKGROUND

- 3.1 In September 2016, the Council designated Crondall Parish as a Neighbourhood Area for the purposes of neighbourhood planning. Crondall Parish Council as the qualifying body, submitted the draft Crondall Neighbourhood Plan and supporting documents to Hart District Council in June 2019.
- 3.2 Consultation on the submission Plan took place between June – July 2019. The Council, with the consent of Crondall Parish Council appointed an independent examiner (Nigel McGurk) to review the plan and consider whether it should proceed to referendum. The Examiners Report recommended that, subject to a number of modifications required to ensure the Plan met the required basic conditions as set out in legislation, the Plan should proceed to referendum. Cabinet agreed to these modifications and to proceed to referendum on 5 March 2020 and a decision statement was published to this effect.
- 3.3 The referendum was however, delayed due to the Covid – 19 pandemic, albeit Planning Guidance was amended to state that where the local planning authority had issued a decision statement detailing its intention to send a neighbourhood plan to referendum, that plan can be given 'significant' weight in decision-making, so far as the plan is material to the application.
- 3.4 A local referendum was held in Crondall on 6 May 2021. The referendum asked the following statutory question:

Do you want Hart District Council to use the Neighbourhood Plan for Crondall Neighbourhood Planning Area to help it decide planning applications in the neighbourhood area?

- 3.5 A total of 634 valid votes were received, 83% (538) voting in favour of the Plan.

4 'MAKING' OF THE CRONDALL NEIGHBOURHOOD PLAN

- 4.1 Paragraph 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 obliges the Council to 'make' a Neighbourhood Plan if more than half of those voting in a referendum have voted in favour of the Plan being used to help decide planning applications in the area. The Council is not subject to this duty only if the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).
- 4.2 More than half of those voting for the Crondall Neighbourhood Plan voted in favour of the Plan being used to help decide planning applications. In addition, it is considered that the plan, including its preparation, does not breach and would not otherwise be incompatible with, any EU obligation or any of the Convention rights, the Plan must be 'made' by the Council.
- 4.3 The Neighbourhood Planning (General) Regulations 2012 (as amended) obliges the Council to then, as soon as possible after deciding to make a Neighbourhood Development Plan, publish a statement setting out the decision and details of where and when the decision statement may be inspected. The Crondall Neighbourhood Plan Decision Statement is attached at Appendix A.
- 4.4 The final version of the Neighbourhood Plan can be viewed at <https://www.hart.gov.uk/crondall>

5 NEXT STEPS

- 5.1 The Crondall Neighbourhood Plan will be published on the Council's website along with relevant supporting information including the Decision Statement. Notification of the decision will also be sent to Crondall Parish Council as the Qualifying Body and to all those who have requested to be notified.
- 5.2 Once 'made', the Plan has full weight as part of the development plan for Hart District in relation to the determination of planning applications in the parish of Crondall.

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APPENDICES

Appendix A – Crondall Parish Neighbourhood Plan Adoption Decision Statement

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Hart District Council Crondall Parish Neighbourhood Plan 2017 - 2032 Neighbourhood Plan Adoption Decision Statement

Published pursuant to the Localism Act 2011 Schedule 38A(9) and Regulation 19 of the Neighbourhood Planning (General) Regulations 2012 (as amended)

1.0 Summary

- 1.1 In accordance with the above regulations and following a positive referendum result, Hart District Council has made the Crondall Neighbourhood Plan (“the Plan”) part of the Development Plan at a Council meeting on 20 May 2021
- 1.2 This document sets out the Council’s considerations and formal decision in bringing the Crondall Neighbourhood Plan into legal force following the successful local referendum held on 6 May 2021.

2.0 Background

- 2.1 The Crondall Neighbourhood Plan Area, covering the whole parish was designated by Hart District Council on 1 September 2016, under the Neighbourhood Planning (General) Regulations (2012), which came into force on 6 April 2012.
- 2.2 The Crondall Neighbourhood Plan was submitted to Hart District Council on 17 June 2019. The Regulation 16 consultation took place between June and July 2019 whereby the Plan was publicised and comments were invited from the public and stakeholders.
- 2.3 Hart District Council appointed an Independent Examiner; Nigel McGurk, to review whether the Plan met the basic conditions required by legislation and whether the plan should proceed to referendum.
- 2.4 The Examiner’s Report was received on 8 November 2019 and concluded that subject to the modifications in the examiner’s report the Plan meets the Basic Conditions and should proceed to referendum.

2.5 Referendums were postponed during 2020/21 due to the covid-19 pandemic and subsequently held on 6 May 2021, where 83% of those who voted, voted in favour of the Plan.

3.0 Decision and reasons

3.1 Paragraph 38A (4)(a) of the Planning and Compulsory Purchase Act 2004 as amended requires that the Council must make the neighbourhood plan if more than half of those voting have voted in favour of the plan. The Council is not subject to this duty if the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).

3.2 The referendum held on 6 May 2021 met the requirements of the Localism Act 2011, it was held in the parish of Crondall and posed the statutory question: 'Do you want Hart District Council to use the Neighbourhood Plan for Crondall Neighbourhood Planning Area to help it decide planning applications in the neighbourhood area'.

3.3 The count took place on 8 May 2021 and greater than 50% of those who voted were in favour of the plan being used to help decide planning applications in the Plan area.

3.4 The Council has assessed that the Plan including its preparation does not breach, and would not otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998). The Plan preparation process was compliant with legal and procedural requirements and more than half of those who voted in the referendum, voted in favour of making the Plan.

3.5 The Council decided at the Council meeting on 20 May 2021 to make the Crondall Parish Neighbourhood Plan 2017-2032, part of the Development Plan for Hart District.

4. Other Information

4.1 In accordance with Regulation 19(b) of the Regulations, a copy of this Decision Statement will be sent to:

- The qualifying body, namely, Crondall Parish Council
- The persons who asked to be notified of the decision.

4.2 The Decision Statement and the Crondall Parish Neighbourhood Plan can be viewed on the Council's website at <https://www.hart.gov.uk/crondall>, and on the Parish Council's website at <https://www.crondall-pc.gov.uk/> and in hard copy at Hart District Council Offices, Harlington Way, Crondall during normal opening hours.