

COUNCIL

DATE OF MEETING: 20 MAY 2021

TITLE OF REPORT: CROOKHAM VILLAGE 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 Crookham Village Parish 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 Crookham Village Parish 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 August 2014, the Council designated Crookham Village Parish as a Neighbourhood Area for the purposes of neighbourhood planning. Crookham Village Parish Council as the qualifying body, submitted the draft Crookham Village Neighbourhood Plan and supporting documents to Hart District Council in July 2019.
- 3.2 Consultation on the submission Plan took place between July - September 2019. The Council, with the consent of Crookham Village Parish Council appointed an independent examiner (Andrew Ashcroft) to review the plan and consider whether it should proceed to referendum. The Examiner sought clarification on the evidence in support of Policy NE01 Preserving the Gap Between Settlements and a further round of consultation was undertaken in response to the additional evidence published during October/November 2019.
- 3.3 The Examiners Report received on 16 March 2020, 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 2 July 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 Crookham Village Parish on 6 May 2021. The referendum asked the following statutory question:

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

3.5 A total of 1231 valid votes were received, 90% (1115) voting in favour of the Plan.

4 ‘MAKING’ OF THE CROOKHAM VILLAGE 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. There is no discretion. 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 Crookham Village 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 Crookham Village Parish Neighbourhood Plan Adoption 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/crookham-village>

5 NEXT STEPS

5.1 The Crookham Village 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 Crookham Village 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 Crookham Village.

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APPENDICES

Appendix A – Crookham Village Parish Neighbourhood Plan Adoption Decision Statement

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Hart District Council Crookham Village Parish Neighbourhood Plan 2016 - 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 Crookham Village Parish 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 Crookham Village Neighbourhood Plan into legal force following the successful local referendum held on 6 May 2021.

2.0 Background

- 2.1 The Crookham Village Neighbourhood Plan Area, covering the whole parish was designated by Hart District Council on 7 August 2014, under the Neighbourhood Planning (General) Regulations (2012), which came into force on 6 April 2012.
- 2.2 The Crookham Village Neighbourhood Plan was submitted to Hart District Council on 25 July 2019. The Regulation 16 consultation took place between June and September 2019 whereby the Plan was publicised and comments were invited from the public and stakeholders. A second period of consultation was undertaken during October – November 2019 focussing on the evidence in support of Policy NE01 -Preserving the Gap Between Settlements.
- 2.3 Hart District Council appointed an Independent Examiner; Andrew Ashcroft, 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 16 March 2020 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 90% 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 Crookham Village and posed the statutory question: 'Do you want Hart District Council to use the Neighbourhood Plan for Crookham Village 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 to make the Crookham Village Parish Neighbourhood Plan 2016-2032, 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, Crookham Village Parish Council
 - The persons who asked to be notified of the decision.
- 4.2 The Decision Statement and the Crookham Village Parish Neighbourhood Plan can be viewed on the Council's website at

<https://www.hart.gov.uk/crookham-village> and on the Parish Council's website at <https://crookhamvillage.org.uk/> and in hard copy at Hart District Council Offices, Harlington Way, Crookham Village during normal opening hours.

Hart District Council
20 May 2021