



## **Harpenden Neighbourhood Development Plan**

### **Decision Statement**

This document sets out the decision of St Albans City and District Council on whether to make the Harpenden Neighbourhood Plan under section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended), following a positive referendum result.

#### Background

St Albans City and District Council approved the designation of the neighbourhood plan area for the Harpenden Neighbourhood Plan on 17 March 2016. The neighbourhood plan area covers the whole of Harpenden Town and Harpenden Rural Parishes.

The Harpenden Neighbourhood Plan was submitted to St Albans City and District Council and, following a statutory six week publicity period, was the subject of an independent examination.

St Albans City and District Council, with the agreement of the qualifying body (Harpenden Town Council and Harpenden Rural Parish Council), appointed Dr Andrew Freeman as the independent examiner of the Harpenden Neighbourhood Plan.

The examination was carried out by way of written representations. The examiner's final report was received 6 September 2018. It contains the Examiner's findings on legal and procedural matters and their assessment of the Harpenden Neighbourhood Plan against the basic conditions. The Examiner's Report concludes that, subject to modifications, the Harpenden Neighbourhood Plan satisfies the basic conditions and legal requirements and should proceed to referendum.

St Albans City and District Council, at its 18 October 2018 Cabinet meeting, considered the Examiner's report and recommended modifications to the Harpenden Neighbourhood Plan. Cabinet decided to accept the Examiner's modifications and agreed the Harpenden Neighbourhood Plan should proceed to referendum. In November 2018 a 'Decision Statement' was published in accordance with Regulation 18 of the Neighbourhood Planning (General) Regulations 2012 which set out the decision of St Albans City and District Council on whether the Harpenden Neighbourhood Plan could proceed to referendum and its reasons for its decision.

A referendum was held on 7 February 2019 in the parishes of Harpenden Town and Harpenden Rural and posed the question '*Do you want St Albans City and District Council to use the Neighbourhood Plan for Harpenden to help it decide planning applications in the neighbourhood area?*'. Voters were given the opportunity to vote YES or NO.

The results of the referendum were:

	Votes Recorded	Percentage
Number of votes cast for <b>YES</b>	4,490	89.39%
Number of votes cast for <b>NO</b>	533	10.61%

The number of ballot papers rejected was as follows:	Number of ballot papers
A want of an official mark	0
B voting for more answers than required	2
C writing or mark by which voter could be identified	3
D being unmarked or wholly void for uncertainty	24
Total	29

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 right (within the meaning of the Human Rights Act 1998).

St Albans City and District Council at its Full Council formally decided to 'make' the Harpenden Neighbourhood Plan as a statutory planning document at its meeting on 20 February 2019.

#### Decision

St Albans City and District Council 'makes' the Harpenden Neighbourhood Plan as a statutory planning document in accordance with Section 38A (4) (a) of the Planning and Compulsory Purchase Act 2004.

#### Reasons

Neighbourhood Plans enable local communities to shape and direct sustainable development in their local area.

The reason for the decision to 'make' the Harpenden Neighbourhood Plan is that subject to the Examiner's suggested modifications, the Harpenden Neighbourhood Plan has been independently examined and has been found to meet the Basic Conditions as set out in paragraph 8 of Schedule 4B, of the Town and Country Planning Act 1990 (as amended). The Harpenden Neighbourhood Plan has been endorsed by the community at referendum and otherwise complies with all the legal requirements of Plan production. The Harpenden Neighbourhood Plan meets European legislation and is compatible with the European Convention on Human Rights (within the meaning of the Human Rights Act 1998), and complies with the relevant provisions made by or under Section 38A and B of the Planning and Compulsory Purchase Act 2004 (as amended).

This decision statement and the Harpenden Neighbourhood Plan can be viewed on St Albans City and District Council's website at [www.stalbans.gov.uk](http://www.stalbans.gov.uk).