



Wheathampstead Neighbourhood Plan

Decision Statement

This document sets out the decision of St Albans City and District Council on whether to make the Wheathampstead 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 Wheathampstead Neighbourhood Plan in 2015. The Neighbourhood Plan Area covers the parish boundary as it existed prior to the Community Governance Review (CGR). The CGR resulted in a relatively minor amendment to the Parish boundary, with an area including part of Aldwickbury School, Wheathampstead Road, Croftwell, Long Buftlers and Poynings Close transferred from Wheathampstead Parish to Harpenden Town from 1st April 2023. For the avoidance of doubt, the Neighbourhood Plan Area covers the parish boundary as it existed prior to the Community Governance Review (CGR).

The Wheathampstead 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 (Wheathampstead Parish Council), appointed an independent examiner for the Wheathampstead Neighbourhood Plan.

The examination was carried out by way of written representations. The examiner's final report was received 1 August 2022. It contains the Examiner's findings on legal and procedural matters and their assessment of the Wheathampstead Neighbourhood Plan against the basic conditions. The Examiner's Report concludes that, subject to relatively minor modifications, the Wheathampstead Neighbourhood Plan satisfies the basic conditions and legal requirements and should proceed to referendum.

In December 2022 Policy Committee accepted the Examiner's recommendations that the Wheathampstead Neighbourhood Plan (with the recommended modifications) should proceed to referendum. In December 2022 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 Wheathampstead Neighbourhood Plan could proceed to referendum and its reasons for its decision.

The Wheathampstead Neighbourhood Plan referendum took place on 4 May 2023. Voters were asked the question 'Do you want St Albans City and District Council to use the Neighbourhood Plan for Wheathampstead to help it decide planning applications in the neighbourhood area?' Voters were given the opportunity to vote YES or NO.

The results were as follows:

	Votes Recorded	Percentage
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Number of votes cast for YES	1,551	83%
Number of votes cast for NO	316	17%

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	0
C writing or mark by which voter could be identified	0
D being unmarked or wholly void for uncertainty	80
Total	80

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 Council meeting formally decided to ‘make’ the Wheathampstead Neighbourhood Plan as a statutory planning document at its meeting on 12 July 2023.

Decision

St Albans City and District Council ‘makes’ the Wheathampstead 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 Wheathampstead Neighbourhood Plan is that subject to the Examiner’s suggested modifications, the Wheathampstead 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 Wheathampstead Neighbourhood Plan has been endorsed by the community at referendum and otherwise complies with all the legal requirements of Plan production. The Wheathampstead 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 Wheathampstead Neighbourhood Plan can be viewed on St Albans City and District Council’s website at www.stalbans.gov.uk.