

DELEGATED REPORT AND DECISION

Wards Affected: Haddenham

4 June 2015

HADDENHAM NEIGHBOURHOOD PLAN - MODIFICATIONS ARISING FROM THE EXAMINER'S REPORT

Decision taker: Andy Kirkham (Forward Plans Manager)

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Executive Summary:

Following the examination of the Haddenham Neighbourhood Plan, this delegated action report considers and makes decisions on the modifications to the Plan which have been proposed by the Examiner in the Examiner's report, including the area for the referendum.

1. Recommendation(s)

- 1.1 That the Council's response to the modifications set out in the Examiner's report which are detailed in the Annex to this report, be agreed and that the Haddenham Neighbourhood Plan as so modified proceed to referendum.
- 1.2 That the area for the referendum, as recommended by the Examiner to be the same as the neighbourhood area, be agreed and that the referendum take place on 16 July 2015.

2. Background and current position

- 2.1 The Haddenham Neighbourhood Plan was submitted to the Council on 27 January 2015 and was subsequently publicised for comments for 6 weeks until 17 March 2015. The Council then submitted the plan and representations for examination. Mr Nigel McGurk was appointed by the Council, in consultation with the Haddenham Parish Council to examine the plan. The general rule pursuant to paragraph 9 of Schedule 4B of the Town and Country Planning Act 1990 (as inserted by Schedule 10 of the Localism Act 2011) is that the examination takes the form of the consideration of written issues, but the examiner can hold a hearing where he considers that the consideration of oral representations is necessary to ensure adequate examination of the issue or to enable a person to put forward a fair case. In this case, Mr McGurk decided a hearing was not necessary.

2.2 The draft examiner's report was received on 4 May 2015 and a final version of the report was received by the Council and sent to Haddenham Parish Council on 7 May 2015. The Council is now required to decide what action to take in response to each of the Examiner's recommendations. His recommendations address:

(a) modifications to the plan and its content in order to ensure that it complies with the basic conditions that all neighbourhood plans must meet; and

(b) the area over which the referendum will take place.

2.3 Subject to the Examiner's modifications and the Council's response (as set out in the Annex to this report), the Neighbourhood Plan as so modified can proceed to the Referendum stage. The revision of the Plan to take into account the Examiner's modifications and other minor updating and typographical corrections will be published before the Referendum.

3. **Options**

3.1 The Forward Plans Manager has delegated authority to make decisions on an Examiner's report that recommend no or only minor changes to a Neighbourhood plan after consultation with the Local Member and the Cabinet Member for Strategic Planning.

3.2 The various options are as follows:-

1. Decide not to progress the Plan in light of the Examiner's report

This option would only be necessary if the Examiner recommends that the Plan should not proceed to referendum or if the Council consider the modifications are not in accordance with the legal requirements. As the Examiner recommends the Plan as modified should proceed to Referendum and the modifications meet the legal requirements, this option cannot be justified.

2. Act upon the Examiner's report and progress the plan to referendum

In this case, the Examiner's modifications are minor and the Local Member and the Cabinet Member for Strategic Planning are in agreement with the Council's response on those modifications and, therefore option 2 is the preferred option.

4. **Implications**

4.1 Policy

4.2 The National Planning Policy Framework (NPPF) sets out that Neighbourhood Plans must be in general conformity with the strategic policies of the Development Plan. Neighbourhood Plans should reflect these policies, and neighbourhoods should plan positively to support them. Neighbourhood Plans and Neighbourhood Development Orders should not promote less development than is set out in the Local Plan, or undermine its strategic policies. In our district, the strategic policies are

set out in the adopted Aylesbury Vale District Local Plan (AVDLP).

- 4.3 Once a Neighbourhood Plan has successfully passed all of the stages of preparation, including an Examination and Referendum, it is 'made' by the local planning authority and forms part of the authority's Development Plan, meaning it will be a material consideration when considering development proposals.

5.0 Resources

- 5.1 Finance: The Localism Act 2011 ("the Act") and the Neighbourhood Planning (General) Regulations 2012 ("the 2012 Regulations") place new duties on local planning authorities in relation to Neighbourhood Planning. These new duties have considerable implications for staff resources and include taking decisions at key stages in the process; being proactive in providing advice to communities about neighbourhood planning; providing advice or assistance to a parish council, neighbourhood forum or community organisation that is undertaking neighbourhood planning.

- 5.2 In recognition of the additional burdens that these new duties place on local planning authorities, the Department for Communities and Local Government (DCLG) has made available grants to local planning authorities up to £30,000 for each neighbourhood plan. The payment of the Extra Burdens Grant is phased so that £5,000 is available when the neighbourhood area is designated; a further £5,000 when the plan is submitted and publicised; and the final £20,000 following successful examination.

- 5.3 As the Haddenham Neighbourhood Plan has now also successfully passed examination the outstanding grant monies for this plan should be claimable in the next claims period.

- 5.4 The Extra Burdens Grant of £30,000 is expected, by Government, to cover the costs of the examination and the referendum. The extra burdens funding for this particular plan is also likely to cover the majority of staff costs. Staff resources to support Neighbourhood Planning will come from the existing staff within the Forward Plans team. There will, however, be additional costs to Democratic Services team in respect of carrying out the Referendum, although it is expected the Extra Burdens Grant will cover the Referendum costs. Decisions on any significant resource issues for the Council, as a result of officer involvement in Neighbourhood Planning, will be taken separately, as necessary.

- 5.5 The impact of the delegated decision on revenue costs or income is set out above and, in addition, the costs associated with the publicity of the plan; the independent examination and the holding of any future referendum will be met from the Forward Plans budget.

6.0 Legal issues

- (a) Neighbourhood planning is part of the Government's initiative to empower local communities to take forward planning proposals at a local level. The Act and the subsequent 2012 Regulations confer specific

functions on local planning authorities in relation to neighbourhood planning.

- (b) The Haddenham Neighbourhood Plan has been consulted on in accordance with the 2012 Regulations – firstly the Draft Plan was the subject of consultation by the Haddenham Parish Council under Regulation 14 and, following the submission of the plan to the Council, the plan was publicised pursuant to Regulation 16.
- (c) As with any planning decision, there is a risk of legal challenge to the plan and/or judicial review of the council's decision to proceed with the referendum. The risk of challenge is being managed by ensuring that the regulations are followed and that the Council's decision making process is clear and transparent.

7.0 Other Implications

- 7.1 A Neighbourhood Plan must meet the basic conditions set out in paragraph 8 (2) of Schedule 4B to the Town and Country Planning Act 1990. The Examiner's report has confirmed that the Plan, as modified, meets all the basic conditions and officers are satisfied that there are no conflicts with these aspects. The Examiner also considered the area for the referendum and recommended that it should not extend beyond the neighbourhood area to which the plan relates. Officers are satisfied with his recommendation in this respect.
- 7.2 The consultations on the draft plan have helped to raise awareness of the development of the plan

8.0 **Decision**

- 8.1 I agree the recommendations in paragraphs 1.1 and 1.2 of this report and have made the decision for the Council to receive and act upon the Examiner's report and that the Haddenham Neighbourhood Plan, as proposed to be modified by the Examiner's Report, should proceed to referendum for the area recommended by the Examiner



Andy Kirkham, Forward Plans Manager

Date: 4 June 2015

Background Papers:

- Haddenham Neighbourhood Plan, submission version, January 2015
- Haddenham Neighbourhood Plan Examiner's report, May 2015

Modifications recommended by the Examiner and the Council's response

	Examiner's Report	Aylesbury Vale District Council Response
	Modifications to policies and supporting text	
1	Foreword - Delete first, second and third paragraphs. Delete first part of second sentence of final paragraph and commence sentence " <i>It defines where...</i> "	Agreed. This makes the plan more concise and user friendly.
2	Contents - Show Chapter headings only. Remove references to Annex's	Agreed. This makes the plan more concise and user friendly.
3	Introduction - Delete second paragraph, add the missing " <i>be</i> " to line three of third paragraph. Delete fourth paragraph.	Agreed. This makes the plan more concise and user friendly.
4	Delete paragraphs 2.2 to 2.2.2	Agreed. This makes the plan more concise and user friendly.
5	Delete paragraphs 2.3, 2.3.1, 2.5 and 2.5.1	Agreed. This makes the plan more concise and user friendly.
6	Delete paragraphs 4.0.1 and 4.0.2 and replace with " <i>The Neighbourhood Plan has emerged through community engagement. A Consultation Statement was produced and submitted, setting out the detail of the consultation process.</i> "	Agreed. This makes the plan more concise and user friendly. It helps detail the Consultation part of the process.
7	Delete paragraphs 4.0.3 and 4.0.4 and replace with " <i>Community engagement provided an important insight into what is most important to us as a community. It has informed the plan-making process.</i> "	Agreed. This makes the plan more concise and user friendly. It helps detail the Consultation part of the process.
8	Delete paragraphs 4.1 – 4.1.2	Agreed. This makes the plan more concise and user friendly.
9	Delete paragraph 4.4	Agreed. This makes the plan more concise and user friendly.
10	Vision and Objectives – first paragraph, line 7, replace " <i>feel</i> " with " <i>feeling</i> ". Second paragraph, delete "In parallel with the evolving VALP...Parish Council." and begin paragraph " <i>This Plan uses six cross-cutting...</i> ". Figure 7 change "Rationalize" to "Rationalise"	Agreed. This gives greater clarity.
11	HD1 – change wording to " <i>The Neighbourhood Plan supports sustainable growth. To achieve this, Policies HD2 – HD6 allocate specific development sites in the Neighbourhood Area. If essential to meet an agricultural...elsewhere.</i> "	Agreed. This gives greater clarity and means the policy meets the Basic Conditions in terms of sustainable development.
12	Phasing – remove all references to phasing in Policies HD2 – HD5	Agreed. This provides greater flexibility for sustainable development.
13	HD2 – change first bullet point to "Provide <i>up to</i> 300 dwellings..."	Agreed. This provides greater flexibility.
14	HD3 – change to "... <i>Conserves or enhances the setting of the Conservation Area...</i> ". Second bullet point, line 2, add "... <i>of...</i> ". First bullet point, add " <i>up to</i> " before "50" and "25". Ensure that the Policy HD3 allocation is correctly shown on the Proposals Map. Delete end of final sentence "...where the application...Phase 1".	Agreed. This provides consistency with National Policy. Amendments to Proposals Map provides consistency with the Policy.
15	HD4 – change to "... <i>Conserves or enhances the setting of the Conservation Area...</i> ". First bullet point, add " <i>up to</i> " before "10"	Agreed. This provides consistency with National Policy and allows greater flexibility.
16	HD5 – change last bullet point to " <i>allocates land for the provision of a ... burial ground.</i> " First bullet point, add " <i>up to</i> " before "85"	Agreed. This provides greater flexibility.
17	HD6 – change second bullet point to "... <i>12 metres...</i> ". First line,	Agreed. This gives consistency and provides

	add "up to" before "43"	greater flexibility.
18	HD7 – delete the first three bullet points and re-word Policy as " <i>Plot sub-division and the conversion of bungalows into two-storey dwellings will be permitted if it can be demonstrated to be of a scale, density...other buildings.</i> "	Agreed. This gives greater clarity.
19	HD8 – delete the final sentence	Agreed. This gives greater clarity.
20	HD9 – remove the second sentence and replace it at the end of the second paragraph of 6.13 in the supporting text.	Agreed. This makes the plan more user friendly.
21	HD10 – change end of second sentence to "...development proposals which <i>will</i> ". Change second bullet point, second sentence to " <i>Incorporate 24.7 sq m of accessible public open space per new resident to support...future uses.</i> " Sixth bullet point, line one, change "if" to " <i>of</i> ". Sixth bullet point, line three to read "...routes to the <i>core</i> " of". Penultimate bullet point, last line, change to " <i>and provides lights that can be switched on and off.</i> "	Agreed. This gives greater clarity.
22	TGA1 – Delete	Agreed. This policy fails to have regard to National Policy and therefore fails to meet the Basic Conditions.
23	TGA2 – Line 1, change "All new developments" to " <i>All new housing developments</i> "	Agreed. This gives greater clarity.
24	TGA3 – change wording to " <i>The provision of easily accessible...buggies and the incorporation of dual-use...cycling networks will be supported</i> "	Agreed. This gives greater clarity.
25	TGA5 - Delete	Agreed. This Policy refers to matters outside the control of the Neighbourhood Plan.
26	HWS1 – include a new paragraph of supporting text. This should be set out that Local Green Spaces have been designated in the Neighbourhood Plan to afford special protection to green areas of particular importance to the local community. It should also state, briefly but specifically, why each green area is demonstrably special to the local community and what the particular local significance of each space comprises. The boundaries of each Local Green Space should be provided, in this section, on clearly defined maps showing the precise boundaries. This should be in addition to the small scale Policy Map at the rear of the Neighbourhood Plan.	Agreed. This will give further background information that is important for the content of the Policy and will help ensure it is delivered.
27	HWS2 – change wording to " <i>The retention and enhancement of local services...commercial services will be supported</i> ". Delete " <i>...beyond doubt...</i> "	Agreed. This gives greater clarity.
28	SRL2 – "...a green space being <i>provided</i> as part of the development..."	Agreed. This gives greater clarity.
29	SRL3 – reword the first two paragraphs to read " <i>Proposals impacting on trees, other than those of poor quality, should be accompanied by a Tree and Hedgerow Survey and demonstrate an approach in accordance with national best practice, as set out in BS5837. Landscaping proposals should include native species and habitats to respect the distinctive local landscape character and should seek to demonstrate a net gain in biodiversity in accordance with the Defra Biodiversity Impact Calculator.</i> " Delete the first bullet point. Change third bullet point to read " <i>Proposals requiring the provision of ecological information should demonstrate that they have taken BS42020 into account.</i> "	Agreed. This gives greater clarity on the requirements of the Policy and helps to achieve sustainable development.
30	RBJ2 – Delete	Agreed. This makes the plan more deliverable and user friendly.
33	Other Matters – Delete Chapter 13.	Agreed. This makes the plan more concise and user friendly.