

DELEGATED REPORT AND DECISION

Wards Affected: Quainton
31 October 2016

QUAINTON NEIGHBOURHOOD PLAN – COUNCIL REPORT FOR THE MAKING OF THE QUAINTON NEIGHBOURHOOD PLAN

Decision taker: Andy Kirkham (Forward Plans Manager)
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Executive Summary:

Following the successful examination and referendum of the Quainton Neighbourhood Plan, this delegated action report confirms the decision to 'make' the Quainton Neighbourhood Plan pursuant to the provisions of section 38(A)(4) of the Planning and Compulsory Purchase Act 2004.

1. Recommendation(s)

- 1.1 That the Council 'makes' the Quainton Neighbourhood Plan pursuant to the provisions of section 38(A)(4) of the Planning and Compulsory Purchase Act 2004.

2. Supporting information

- 2.1 The Quainton Neighbourhood Plan was submitted to the Council for examination in December 2015 and was subsequently publicised for comments for 8 weeks until 9 February 2016. All comments received were then submitted to the Examiner on 12 February 2016. The Plan was examined by Chris Collison. Neighbourhood plans should be examined where possible by written representations only, the examiner decided for Quainton a public hearing was not necessary.
- 2.2 The examiner's draft report was received on 8 March 2016 and a final version of the report was received by the Council on 17 March 2016. This concluded the plan meets the 'basic conditions' set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 and recommended that the Council should, subject to the modifications in the Examiner's report, proceed to referendum.
- 2.3 On 25 April 2016 the Forward Plans Manager made the delegated decision for the Council to accept and act upon the Examiner's report and that the Quainton Neighbourhood Plan, as proposed to be modified by the Examiner's Report, should proceed to referendum for the area recommended by the examiner – the Quainton Neighbourhood Area. A date of 14 July 2016 was set for the Referendum to take

place.

- 2.4 The residents of Quainton voted overwhelmingly in favour of the area's neighbourhood plan. In total, 374 people voted 'yes' and 21 voted 'no'. The turnout was 37.7%. 95% of those voting voted in favour of the plan.
- 2.5 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.
- 2.6 As with any planning decision, there is a risk of legal challenge. However, the right to challenge does not affect the fact that, having passed the referendum stage, the Council is required by law to 'make' the plan as soon as reasonably practicable after the referendum has been held.
- 2.7 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.
- 2.8 On 18 July 2016 Walsingham Planning informed AVDC of potential grounds to challenge the neighbourhood plan should it proceed to the 'making' stage. Walsingham are promoting a site South of The Strand (both in representation to the submitted neighbourhood plan and as a planning application (15/03583/AOP) for 31 dwellings. Following receipt of its own legal advice, agreed not to make the plan until these issues had been looked into. The main ground to be considered was that the SEA screening was out of date. Taking further advice, AVDC recommended the carrying out of a new SEA Screening of the Referendum version of the neighbourhood plan to consider if any changes to the plan since the original screening opinion of July 2015 altered the first screening. A draft screening report was circulated on 22 September for 3 week consultation with statutory consultees and the responses received were appended to the final screening report published 25 October 2016. The screening outcome was that a sustainability appraisal was not required to support the plan. Therefore the grounds of the potential legal challenge did not need to delay making the neighbourhood plan.

3. Options considered

- 3.1 Once a Plan has been supported by a majority of those voting following a referendum, the Council has no other option than to 'make' the Plan under section 38A (A)(4) of the Planning and Compulsory Purchase Act 2004. The Council is not subject to this duty if (and only if) the making of the plan would breach, or otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998). The neighbourhood plan, including in 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).
- 3.2 There are therefore no options open to the Council other than to 'make' the plan so that it will form part of the Development Plan for the district of Aylesbury Vale.

4. Resource implications

- 4.1 The Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012 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 or town council, neighbourhood forum or community organisation that is undertaking neighbourhood planning.
- 4.2 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 for the financial year 2016/17 for £20,000 following the referendum date being set.
- 4.3 The 'making of' the plan will not require any significant staffing implications in addition to those already employed by the Council. Officers in Development Management will be required to use the plan in decision making for planning proposals, but this will not add any significant resource pressures.

5. Decision

- 5.1 I agree the recommendations in paragraphs 1.1 of this report and have made the decision for the Council to Make the Quainton Neighbourhood Plan pursuant to the provisions of section 38(A)(4) of the Planning and Compulsory Purchase Act 2004.



Andy Kirkham, Forward Plans Manager

Date: 31 October 2016

Background Papers:

- Quainton Neighbourhood Plan 2016
- Quainton Neighbourhood Plan Examiner's report, March 2016
- Aylesbury Vale District Council Strategic Environmental Assessment Screening Report of the Quainton Neighbourhood Plan Referendum Version, Final Screening Outcome October 2016