

DELEGATED REPORT AND DECISION

Wards Affected: IVINGHOE

25 October 2018

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

Decision taker: Charlotte Stevens (Planning Policy Manager)

Author: Stephanie Buller (Neighbourhood Planning Officer) Tel: (01296) 585461

Executive Summary:

Following the examination of the Ivinghoe 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 Ivinghoe 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 6 December

2. Background and current position

- 2.1 The Ivinghoe Neighbourhood Plan was submitted to the Council on 5 June 2018 and was subsequently publicised for comments for 6 weeks until 10 August 2018. The Council then submitted the plan and representations for examination. Andrew Mead BSc (Hons) MRTPI MIQ of Intelligent Plans and Examinations (IPE) Ltd, was appointed by the Council, in consultation with the Ivinghoe 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 they consider 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. Mead decided a hearing was not necessary.

final version of the report was received by the Council and sent to Ivinghoe Parish Council on 9 October 2018. The Council is now required to decide what action to take in response to each of the Examiner's recommendations. The 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 Planning Policy 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 Growth Strategy.

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 Growth Strategy 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 for the financial year 2017/18 for £20,000 following the referendum date being set.

5.3 As the Ivinghoe 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 £20,000 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. If there is a legal challenge on a decision regarding the neighbourhood plan this will potentially have a significant impact on expected costs and will have to be managed as the situation arises. Decisions on any significant unexpected 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 Planning Policy 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 Ivinghoe Neighbourhood Plan has been consulted on in accordance with the 2012 Regulations – firstly the Draft Plan was the subject of consultation by the Ivinghoe 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 Ivinghoe Neighbourhood Plan, as proposed to be modified by the Examiner's Report, should proceed to referendum for the area recommended by the Examiner.



Charlotte Stevens , Planning Policy Manager

Date: 25 October 2018

Background Papers:

- Ivinghoe Neighbourhood Plan, submission version, 2018
- Ivinghoe Neighbourhood Plan Examiner's report, October 2018

ANNEX Modifications recommended by the Examiner and the Council's response

	Page No. / Para No.	Examiner's Report	Aylesbury Vale District Council Response
		Modifications to policies and supporting text	
PM1	12	Delete: "... March ...". Insert: "... April ...".	Agreed. Content error
PM2	11, 3.4	Delete the four bullet points and insert: <ul style="list-style-type: none"> • have regard to national policy; • be in general conformity with strategic local policy; • contribute to the achievement of sustainable development; • be compatible with EU obligations; and meet prescribed conditions and comply with prescribed matters.	Agreed. Improvement in clarity, relevance and conformity with national policy
PM3	Inset A: Ivinghoe Settlement Boundary	Amend the boundary to exclude the area of Green Belt in the south east of the Inset. As a consequence of this modification, make a similar adjustment to Fig 3 Ivinghoe Settlement Boundaries.	Agreed. consistency with NPPF/PPG.
PM4	Policy HSG1 viii	Delete: "character and appearance". Insert: " character or appearance ".	Agreed. Content relevance and usability.
PM5	Policy TEL1	Delete: "... up to date ...". Add at end of policy " ... subject to the provision of agreed mitigation or a detailed design solution to safeguard the rural character and countryside setting and avoid adverse wider landscape and visual impact, including on the AONB and valued landscapes. "	Agreed. Usability, relevance and clarity in decision making.
PM6	Policy ENV1	Delete: "... should not occur...". Insert: "... take account of the ...".	Agreed. Content error

PM7	Policy ENV1	Delete: "... no net loss and where possible...". Insert: "... a biodiversity net gain where possible ... ".	Agreed. Accuracy.
PM8	Policy ENV2	Delete: "... be in terms of ..." Insert: "... include... ".	Agreed. Usability and clarity in decision making.
PM9	Appendix 3	Delete: Apps 3.2, 3.3, 3.5 and 3.7. Insert: Consolidated designations map supplied by AVDC with the addition of the Green Belt and with the BB key expanded so that its definition is clear.	Agreed. Clarity for decision makers.
PM10	Appendix 3.6	Delete: App 3.6.	Agreed. Content error