

DELEGATED REPORT AND DECISION

Wards Affected: Pitstone
1 February 2016

PITSTONE 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 Pitstone 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 Pitstone 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 17 March 2016.

2. Background and current position

- 2.1 The Pitstone Neighbourhood Plan was submitted to the Council on 10 November 2015 and was subsequently publicised for comments for 6 weeks until 22 December 2015. The Council then submitted the plan and representations for examination. Mr Christopher Collison was appointed by the Council, in consultation with the Pitstone 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 Collison decided a hearing was not necessary.

- 2.2 The draft examiner's report was received on 14 January 2016 and a final version of the report was received by the Council and sent to Pitstone Parish Council on 18 January 2016. 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 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 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 Pitstone 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. 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 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 Pitstone Neighbourhood Plan has been consulted on in accordance with the 2012 Regulations – firstly the Draft Plan was the subject of consultation by the Pitstone 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 Pitstone 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: 1 February 2016

Background Papers:

- Pitstone Neighbourhood Plan, submission version, November 2015
- Pitstone Neighbourhood Plan Examiner's report, January 2016

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	The Implementation section of the submission plan should be transferred to a non-statutory annex to the Neighbourhood Plan.	Agreed. This aligns the plan to the guidance and makes it clear that these projects are not part of the Neighbourhood Development Plan although keeps them in the document for future use.
2	<p>Policy 1 – After '<i>plan period</i>' insert '<i>Proposals for development within the settlement boundary will be supported subject to compliance with the other Neighbourhood Plan Policies</i>'</p> <p>In paragraphs 2 and 3 delete '<i>not be permitted</i>' and insert '<i>not be supported</i>'</p> <p>In paragraph 3 replace i with '<i>they support the sustainable growth and expansion of a business or enterprise in the countryside area, both through conversion of existing buildings and well-designed new buildings; promote the development and diversification of agricultural and other land-based rural businesses; or support sustainable rural tourism and leisure development that benefit businesses in the countryside area, communities and visitors, and which respect the character of the countryside</i>'</p> <p>Replace ii with '<i>there are special circumstances for an isolated new home such as: the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or the design of the dwelling is of exceptional quality or innovative nature.;</i></p> <p>On the Policies Map and associate key delete reference to '<i>sites supported for development</i>'</p>	Agreed. This makes the plan have regard to national policies and more user friendly.
3	<p>Policy 2 – After '<i>provided that</i>' insert '<i>subject to viability</i>'.</p> <p>Delete '<i>a planning obligation is made for</i>'</p>	Agreed. This will help when implementing the policy.
4	The words of clarification included in the key to the Policies Map should be repeated in Policy 3	Agreed
5	<p>Policy 6 – Delete '<i>with the remainder no more than three storeys</i>' and insert '<i>rising to a maximum scale of three storeys only occasionally and where this would not affect the character of adjacent areas or the rural character of the village</i>'</p> <p>Replace the first part of iv) with '<i>where development could affect existing hedgerows or trees that contribute to Pitstone's rural or village character their landscape schemes include their retention. Where practicable, landscaping schemes should include planting of new trees (including orchard trees),...</i>'</p>	Agreed. This will help when implementing the policy and makes the plan have regard to national policies.
6	Policy 7 – Delete the text after ' <i>resisted</i> ' and insert ' <i>other than in very special circumstances</i> '	Agreed. This will help when implementing the policy.
7	Identified errors that are typographical in nature or arising from updates should be corrected. Modification of general text will be necessary to achieve consistency with the modified policies	Agreed
8	Page 2 – list of land use policies delete ' <i>Design</i> ' insert ' <i>Development</i> '	Agreed
9	1.15 – Sites of Special Scientific <i>Interest</i> , not <i>Importance</i>	Agreed
10	4.25 – After ' <i>failure of</i> ' insert ' <i>a</i> '	Agreed

11	4.27 – After ‘ <i>divide</i> ’ insert ‘ <i>it</i> ’	Agreed
12	The title to Policy 5 and title in the list of land use policies should refer to area not areas	Agreed
13	Appendix A of SEA needs correcting to refer to the correct name of the <i>Chilterns Area of Outstanding Natural Beauty</i> (para 1.15) – not <i>Chiltern</i> as it currently states	Agreed
14	Plan B key should state West Coast Main Line – There are no Chiltern Line services and no proposed HS2 link as shown in the plan key	Agreed
15	Pitstone Parish Charity and another representation states the designation of former allotments/facility on the Proposals Map and Plan B respectively should be updated	Agreed
16	The supporting text and policy title relating to Policy 7 should be adjusted so as to refer to the designation of a single area of Local Green Space	Agreed
17	A number of consequential modifications to the general text of the Neighbourhood Plan will be necessary as a result of recommended modifications relating to policies.	Agreed