

## DELEGATED REPORT AND DECISION

**Wards Affected:** Quainton

**25 April 2016**

**QUAINTON 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 Quainton 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 Quainton 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 14 July 2016.

**2. Background and current position**

- 2.1 The Quainton Neighbourhood Plan was submitted to the Council on 26 November 2015 and was subsequently publicised for comments for 8 weeks until 9 February 2016. The Council then submitted the plan and representations for examination. Mr Christopher Collison was appointed by the Council, in consultation with the Quainton 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.

The draft examiner's report was received on 8 March 2016 and a final version of the report was received by the Council and sent to Quinton Parish Council on 17 March 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 for the financial year 2016/17 for £20,000 following the referendum date being set.

- 5.3 As the Quanton 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 Neighbourhod 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 Quainton Neighbourhood Plan has been consulted on in accordance with the 2012 Regulations – firstly the Draft Plan was the subject of consultation by the Quainton 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 Quainton 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: 25 April 2016

Background Papers:

- Quainton Neighbourhood Plan, submission version, November 2015
- Quainton Neighbourhood Plan Examiner's report, March 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	Policies should use the term ' <i>be supported</i> ' or ' <i>not be supported</i> ' instead of ' <i>be permitted</i> ' or ' <i>not be permitted</i> '	Agreed. This makes the plan have regard to national policies and more user friendly.
2	In Policy E2: <ul style="list-style-type: none"> <li>Replace the second paragraph with '<i>New development proposals must not significantly detract from those parts of the views on the Key Views and Vistas Map presented on page 24 that are visible from locations that are freely accessible to members of the general public</i>'</li> <li>In the third paragraph delete '<i>preserve</i>' and insert '<i>conserve</i>'</li> <li>Delete the panoramic views described as '<i>views from outside looking into the village</i>' from the Key Views and Vistas map on page 24 of the Neighbourhood Plan</li> </ul>	Agreed. This will help when implementing the policy and makes the plan have regard to national policies.
3	Replace Policy H1 with: <i>'Policy H1 Location of Development: Within the settlement boundary, defined on the map on page 10, proposals for new homes will be supported where they respect the character of the immediate locality; contribute to local distinctiveness; and maintain appropriate amenity of adjacent dwellings. Apart from the special circumstances set out in paragraph 55 of the Framework there is a presumption against development of new homes outside the settlement boundary in the open countryside except on sites adjoining the settlement boundary along Station Road, where a distinct boundary to open countryside can be achieved. Proposals for backland development of homes behind frontage dwellings will only be supported where a distinct boundary to open countryside can be achieved and where appropriate amenity of adjacent existing dwellings can be maintained. Development proposals in the open countryside outside the settlement boundary will be supported where they assist 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 developments that benefit businesses in the countryside area, communities and visitors, and which respect the character of the countryside and are appropriate in terms of highway capacity.'</i>	Agreed. This will help when implementing the policy and makes the plan have regard to national policies. It provides scope for enabling the plan to allow for further housing to come forward in the village to contribute to the growth needs identified in the Vale of Aylesbury Local Plan.
4	In Policy H2 delete the text and insert ' <i>Housing development schemes should demonstrate the proposed mix of size and type of dwellings reflects existing and projected needs in the village including 2 and 3 bedroom properties suitable for families with young children. Proposals for new homes that are designed to accommodate older residents through their lifetime will be supported. In developments of 4 or more homes 25% must be suitable for inhabitation by older residents.'</i>	Agreed. This will help when implementing the policy and makes the plan have regard to national policies.
5	In Policy CF1: <ul style="list-style-type: none"> <li>Delete the first sentence and insert '<i>Development proposals that prejudice the retention of community facilities will only be supported where it is clearly</i></li> </ul>	Agreed. This will help when implementing the policy and makes the plan have regard to national policies.

	<p><i>demonstrated they are no longer fit for purpose or viable, or that an equivalent alternative facility is available within the Parish'</i></p> <ul style="list-style-type: none"> <li>• Delete the second sentence after '<i>supported</i>' and insert '<i>subject to demonstration of satisfactory arrangements for traffic and parking provision and the safeguarding of residential amenity.</i>'</li> <li>• Continue the third sentence with '<i>subject to viability considerations.</i>'</li> </ul>	
6	In Policy NE1 delete the final paragraph, and all references to Secondary Local Green Spaces (including the map presented as Appendix B on page 22) should be deleted from the Neighbourhood Plan.	Agreed. This makes the plan have regard to national policies.
7	In Policy NE2: <ul style="list-style-type: none"> <li>• Delete the first sentence and insert '<i>Development proposals that demonstrate they will conserve or enhance the natural environment including achievement of a positive biodiversity impact or new green infrastructure will be supported.</i>'</li> <li>• Delete the second sentence which should be transferred to the paragraphs that justify, explain and otherwise support the policy.</li> </ul>	Agreed. This will help when implementing the policy and makes the plan have regard to national policies.
8	In Policy LE1: <ul style="list-style-type: none"> <li>• In paragraph 1 after '<i>congestion and</i>' insert '<i>adverse</i>'</li> <li>• In paragraph 1 delete '<i>unacceptable</i>' and insert '<i>significant</i>'</li> <li>• In paragraph 3 after '<i>opportunities</i>' insert '<i>available to</i>'</li> <li>• In paragraph 4 after '<i>manoeuvring</i>' insert '<i>space</i>'</li> </ul>	Agreed. This makes the plan have regard to national policies and more user friendly.
9	In Policy T2: <ul style="list-style-type: none"> <li>• Delete '<i>Any development must not</i>' and insert '<i>Development proposals will be supported where they demonstrate they will not</i>' and</li> <li>• Delete the second and third sentences</li> </ul>	Agreed. This makes the plan have regard to national policies and more user friendly.
10	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. <ul style="list-style-type: none"> <li>• The '<i>Quinton Parish Map</i>' on page 3 of the submission plan should be further labelled as '<i>Quinton Neighbourhood Plan Area</i>'</li> <li>• 2.1 The plan states that '<i>the policies in the Neighbourhood Development Plan need to be in general conformity with the strategic policies set out in the adopted Local Plan</i>'. In accordance with the Guidelines, it is not only the policies that need to be in general conformity, but the whole plan. Amend – '<i>the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan.</i>'</li> <li>• I note a number of discrepancies between the consultation statement and the community engagement summary on page 8 of the Submission Version of the Neighbourhood Plan. Firstly, the plan refers to a questionnaire and 'Have Your Say Day' being organized in November and December 2011, whilst the consultation statement says both these events were undertaken in November 2011. Secondly, the plan states that the response rate from the questionnaire represents '<i>39% of parish households</i>', whilst the consultation statement refers to '<i>a return rate of over 40%</i>'. Whilst these recommended changes are not required to meet the basic conditions, these anomalies should be addressed.</li> <li>• 6.1 replace the first sentence with '<i>In November 2011 and</i></li> </ul>	Agreed. Makes the plan user friendly and remove discrepancies between submitted plan documents.

	<p><i>December 2011, a paper questionnaire and 'Have Your Say Day' activity was undertaken to gather views from the community.'</i></p> <ul style="list-style-type: none"> <li>• Adjust the second objective listed on page 11 so that it is self-contained</li> <li>• Insertion of a heading '<i>Land use Planning Policies</i>' before section 11 of plan would assist users of the document</li> <li>• 11.2 The figure title '<i>proposed 2015 conservation area</i>' should be updated</li> <li>• 13.5 Number figures in the plan and refer to these number and if necessary, page numbers in the text rather than stating '<i>as shown in the map above</i>'</li> <li>• 13.7 and 13.8 – modify the text so that the paragraphs do not introduce aspects of policy that are additional to those included in Policy H1</li> <li>• 16 '<i>Outdoor Facilities</i>' is a subheading of '<i>15 Community Facilities</i>' and hence should not be numbered, consistent with '<i>built facilities</i>'</li> <li>• 18.1 The sentences relating to views and the key views and vistas map should be repositioned to be close to Policy E2 where views are referred to</li> <li>• 18.3 The text should be adjusted so as not to introduce additional policy components</li> <li>• The policy title to Policy T1 could be amended to '<i>Parking provision</i>' to better reflect the subject matter</li> <li>• Supporting text in section 20 Parking should be adjusted so as not to introduce additional policy components</li> <li>• Supporting text in Section 22 could be extended to include the sentence '<i>It may be necessary for developers to fund studies to ascertain whether a proposed development will lead to overloading of existing wastewater and water infrastructure.</i>'</li> <li>• 22.3 and 22.4 – Delete the paragraphs as they introduce aspects of policy (broadband and LED lights) that are additional to those included in Policy I1</li> <li>• 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.</li> </ul>	
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