

ITEM 1

DELEGATED REPORT AND DECISION

Wards Affected: Edlesborough
16 OCTOBER 2017

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

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

Following the successful examination and referendum of the Edlesborough Neighbourhood Plan, this delegated action report confirms the decision to 'make' the Edlesborough 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 Edlesborough 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 Edlesborough Neighbourhood Plan was submitted to the Council for examination in April 2017 and was subsequently publicised for comments for 6 weeks until 18 May 2017. All comments received were then submitted to the Examiner on 21 May 2017. The Plan was examined by Mr. Patrick T Whitehead DipTP(Nott), MRTPI of Intelligent Plans and Examinations (IPE) Ltd. Neighbourhood plans should be examined where possible by written representations only, the examiner decided for Edlesborough a public hearing was not necessary.
- 2.2 The examiner's draft report for fact checking was received on 12 July 2017 and a final version of the report was received by the Council on 28 July 2017. 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 21 August 2017 the Forward Plans Manager made the delegated decision for the Council to accept and act upon the Examiner's report and that the

Edlesborough Neighbourhood Plan, as proposed to be modified by the Examiner's Report, should proceed to referendum for the area recommended by the examiner – the Edlesborough Neighbourhood Area. A date of 5 October 2017 was set for the Referendum to take place.

- 2.4 The residents of Edlesborough voted overwhelmingly in favour of the area's neighbourhood plan. In total, 866 people voted 'yes' and 115 voted 'no'. The turnout was 45% of the electorate. 88% 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 There have been no legal challenges to this Plan to date, at the time of making this decision statement.

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 2017/18 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 Edlesborough 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: 16 OCTOBER 2017

Background Papers:

- Edlesborough Neighbourhood Plan 2017
- Edlesborough Neighbourhood Plan Examiner's report, July 2017
- Edlesborough Neighbourhood Plan Sustainability Appraisal/Strategic Environmental Assessment April 2017