

DELEGATED REPORT AND DECISION

Wards Affected: Steeple Claydon
20 September 2017

**STEEPLE CLAYDON NEIGHBOURHOOD PLAN - MODIFICATIONS
ARISING FROM THE EXAMINER'S REPORT**

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Executive Summary:

Following the examination of the Steeple Claydon 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 Steeple Claydon 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 30 November.

2. Background and current position

- 2.1 The Steeple Claydon Neighbourhood Plan was submitted to the Council on 31 May 2017 and was subsequently publicised for comments for 6 weeks until 12 July 2017. The Council then submitted the plan and representations for examination. Patrick T Whitehead DipTP(Nott), MRTPI of Intelligent Plans and Examinations (IPE) Ltd, was appointed by the Council, in consultation with the Steeple Claydon 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.

Whitehead decided a hearing was not necessary.

The draft examiner's report was received on 22 August 2017 and a final version of the report was received by the Council and sent to Steeple Claydon Parish Council on 13 September 2017. 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 2017/18 for £20,000 following the referendum date being set.

5.3 As the Steeple Claydon 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 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 Steeple Claydon Neighbourhood Plan has been consulted on in accordance with the 2012 Regulations – firstly the Draft Plan was the subject of consultation by the Steeple Claydon 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 Steeple Claydon 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: 20 September 2017

Background Papers:

- Steeple Claydon Neighbourhood Plan, submission version, May 2017
- Steeple Claydon Neighbourhood Plan Examiner's report, Sept.2017

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

	Page No.	Examiner's Report	Aylesbury Vale District Council Response
		Modifications to policies and supporting text	
PM1	Pg. 22	<p>Policy SC1</p> <p>Amend the second sentence by deleting the word "infill" as follows:</p> <p><i>"...proposals for infill development within the Settlement Boundary will be supported, provided:"</i></p> <p>And delete the word "infill" in the third sentence of paragraph 5.9 of the supporting text and amend the text in brackets: "(defined here as <u>generally</u> five or fewer dwellings)".</p> <p>Amend the first criterion as follows:</p> <p><i>"i. They comprise <u>generally no more than 5 houses on a site not exceeding 0.20 hectares, unless evidence can be provided to support a larger scheme;</u>"</i></p> <p>Amend the introductory sentence to criteria iii) – vi) as follows:</p> <p><i>"Development proposals, other than for rural housing exception schemes, on land outside the Settlement Boundary will not be permitted in the countryside unless:"</i></p> <p>Amend criterion iii) as follows:</p> <p><i>"..both through conversion the re-use of existing redundant or disused buildings and well-designed new buildings;"</i></p> <p>Amend criterion iv) as follows:</p> <p><i>"They promote the development and diversification of agricultural and other land-based rural businesses, including meeting the essential need for a rural worker."</i></p> <p>Appendix A – Policies Map:</p> <p>The Settlement Boundary will require amendment to include the land east of Buckingham Road for which planning permission has been granted through the appeal process.</p>	<p>Agreed. This makes the plan more compliant with National and Local Planning policies. The proposed modifications additionally make the policy more user friendly and takes into account the change in local planning history in relation to the recently approved appeal - Land east of Buckingham Road</p>

PM2	Pg. 23	<p>Policy SC2</p> <p>Amend criterion iv) as follows:</p> <p><i>“The convenience food retail scheme (class A1) comprises a single building of a gross net retail floor area of no more than 280 m², dedicated delivery area and car parking;”</i></p> <p>And provide an additional criterion as follows:</p> <p><i>“xiii) The scheme layout should provide appropriate green infrastructure to ensure a net gain in biodiversity for the site”.</i></p>	<p>Agreed. This will help when implementing the policy and more user friendly. This makes the plan more compliant with National planning policy and supports both green infrastructure and biodiversity.</p>
PM3	Pg. 25	<p>Policy SC3</p> <p>Amend the Policy by deleting criterion ii) in its entirety and re-numbering the remaining criteria as i) – iv).</p>	<p>Agreed. This will help when implementing the policy.</p>
PM4	Pg. 27	<p>Policy SC5</p> <p>Provide an additional criterion as follows:</p> <p><i>“v) The scheme layout should provide appropriate green infrastructure to ensure a net gain in biodiversity for the site”.</i></p>	<p>Agreed. This makes the plan more compliant with National planning policy and supports both green infrastructure and biodiversity.</p>
PM5	Pg. 28	<p>Policy SC6</p> <p>The following sites to be deleted from the list of Local Green Spaces:</p> <ul style="list-style-type: none"> ● <i>The Herd’s Hill allotments</i> ● <i>The Queen Catherine Road allotments</i> 	<p>Agreed. The Claydon Estate, the owners of the site, have objected to their designation as a Local Green Space and instead have agreed to begin negotiations into a tenure agreement with the Steeple Claydon Allotment and Horticultural Society (SCAHS). The parish council have accepted the Estate’s proposal and AVDC believes that this is a more sustainable outcome in the long term as it should secure the continued use of the land as allotments. Allotments are protected from development in the currently adopted Local Plan and will be by policies in the emerging Local Plan too.</p>
PM6	Pg. 29	<p>Policy SC7</p> <p>Provide additional text to follow the second paragraph ending in “...for the ongoing benefit of the</p>	<p>Agreed. This will help when implementing the policy and more user friendly.</p>

		<p>local community.” as follows:</p> <p><u>“In the case of proposals involving the loss of commercial facilities it must be demonstrated through a viability assessment that they are no longer viable and that they have been subjected to an 18 month marketing period at an appropriate valuation and in a manner agreed with the Local Planning Authority.”</u></p>	
PM7	Pg.30	<p>Policy SC8</p> <p>Amend the text of the third bullet point as follows:</p> <p><u>“The glimpse public views of open countryside south between buildings from on the south side of Queen Catherine Road to the open countryside should not be obstructed respected.”</u></p> <p>And the following text should be added to paragraph 5.29:</p> <p>“The open nature of development on the south side of Queen Catherine Road provides important and locally valued views towards the open countryside beyond. This local distinctiveness should be recognised and respected by proposals for new developments”.</p>	<p>Agreed. This will help when implementing the policy and makes the plan have regard to national policies.</p>