

DELEGATED REPORT AND DECISION

Wards Affected: Waddesdon
21 August 2017

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

Decision taker: Andy Kirkham (Forward Plans Manager)
Author: Stephanie Buller (Neighbourhood Planning Officer) Tel: (01296) 585461

Executive Summary:

Following the examination of the Waddesdon 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 Waddesdon 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 takes place on Thursday 19 October.

2. Background and current position

- 2.1 The Waddesdon Neighbourhood Plan was submitted to the Council on 19 May 2017 and was subsequently publicised for comments for 6 weeks –until –3 July 2017. The Council then submitted the plan and representations for examination to Mr. Derek Stebbing B.A. (Hons), Dip E.P., MRTPI of Intelligent Plans and Examinations (IPE) Ltd, who was appointed by the Council, in consultation with the Waddesdon 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.

- 2.2 In this case, Mr. Stebbing decided a hearing was not necessary.
- 2.3 The draft examiner's report was received on 8 August 2017 and a final version of the report was received by the Council and sent to Waddesdon Parish Council on 18 August 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.
- 2.4 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. 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 Waddesdon 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 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 Waddesdon Neighbourhood Plan has been consulted on in accordance with the 2012 Regulations – firstly the Draft Plan was the subject of consultation by the Waddesdon 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 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 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 Waddesdon 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: 21 August 2017

Background Papers:

- Waddesdon Neighbourhood Plan, submission version, May 2017
- Waddesdon Neighbourhood Plan Examiner's report, August 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	P. 26	<p>Policy WAD1 (Waddesdon Settlement Boundary)</p> <p>Delete the existing policy wording, and replace with the following text:</p> <p>“The Neighbourhood Plan designates a Waddesdon Settlement Boundary, as shown on the Policies Map, within which proposals for development will be supported. However, development within the Settlement Boundary will not be supported where the proposed development would not be in keeping with the historic character and development pattern of the village.</p> <p>Development proposals on land outside the defined Settlement Boundary will not be supported unless it is a rural exception housing site, necessary for the purposes of agriculture or forestry, or for enterprise, diversification, recreation or tourism that benefits the rural economy without harming countryside interests. Such proposals will be assessed in terms of their potential impact upon the visual setting and landscape features of the site and its surroundings, the potential impact upon the biodiversity of the area, the potential impacts of traffic, noise and illumination, and other relevant planning considerations including the policies in this Plan. Proposals which fail to demonstrate that these impacts can be satisfactorily addressed and mitigated will not be supported. New isolated homes in the countryside will not be supported unless there are special circumstances such as the need for a rural worker’s dwelling.”</p>	<p>Agreed. This makes the plan have regard to national policies and more user friendly. This also improves the flexibility of the plan if further growth is identified as being required as part of the local plan process. The policy still retains its consistency with other adopted neighbourhood plans through the implementation of a settlement boundary.</p>
PM2	P.28	<p>Policy WAD2 (Housing Site Allocation)</p> <p>Delete clause iii of the policy, and replace with:</p> <p>“iii. The scheme provides for safe and convenient access routes for pedestrians and cyclists to schools, shops and other amenities, public transport enhancements in the vicinity of the site and an appropriate vehicular access onto the A41;”</p>	<p>Agreed. Has better regard to national policy. will support policy implementation and Contributes towards sustainable development.</p>

		<p>Delete clause vi of the policy, and replace with:</p> <p>“vi. The scheme provides for any necessary traffic management measures and environmental improvements in the Waddesdon area that are required by the Highways Authority in connection with the development of this site;”</p> <p>Delete clause vii of the Policy, and replace with:</p> <p>“vii. The scheme includes provision for the relocation of the existing allotments on the development site to a suitable alternative site within Waddesdon Parish, and that the relocation of the allotments shall be implemented prior to the development of the site;”</p> <p>Add new clause viii to the Policy, as follows:</p> <p>“viii. An archaeological assessment of the site is undertaken and submitted to Buckinghamshire County Council for evaluation, prior to any development of the site.”</p>	
PM3	P.30	<p>Policy WAD3 (Affordable Housing)</p> <p>Add new 2nd paragraph to the text of the Policy, as follows:</p> <p>“Proposals for the development of appropriate rural exception sites outside the defined Waddesdon Settlement Boundary for affordable housing will be supported, provided that the scheme is supported by the necessary evidence demonstrating that there is a local need for the housing and that it will be retained in perpetuity for that purpose.”</p>	<p>Agreed. Has better regard to national level policy. Will support sustainable development. Will allow for further affordable housing provision if this should be required.</p>
PM4	P.32	<p>Policy WAD5 (Commercial Buildings)</p> <p>Delete the 2nd sentence of the Policy, and replace with:</p> <p>“Proposals for the redevelopment or change of use of existing premises used for retail or other local services will not be supported, unless there is clear evidence submitted that the existing premises and/or the use of those premises is no longer economically viable”.</p>	<p>Agreed. This will help when implementing the policy and more user friendly.</p>

PM5	P.33	<p>Policy WAD6 (Employment Land)</p> <p>Delete the 1st paragraph of the Policy, and replace with:</p> <p>“Proposals for the redevelopment or change of use of redundant land or buildings in employment or commercial use to non-employment uses will not be supported, unless there is clear evidence submitted that the existing site and/or premises are no longer economically viable for continued employment or commercial uses”.</p>	<p>Agreed. This makes the plan have regard to national policies and more user friendly.</p>
PM6	P.34	<p>Policy WAD7 (Community Facilities)</p> <p>Add new sentence at the end of the 1st paragraph of the Policy wording as follows:</p> <p>“The community facilities and amenities that are subject to this policy are the health, educational and other public service facilities, including the fire station and the police station, and amenities presently within the village of Waddesdon”.</p> <p>Delete the words “to be constructed to an equal or higher value and quality.” at the end of the 2nd paragraph of the Policy, and replace with “where feasible.”</p>	<p>Agreed. This makes the plan have regard to national policies and will help in implementing the policy.</p>
PM7	P.31	<p>Policy WAD4 (Waddesdon Manor, Waddesdon Estate and The National Trust)</p> <p>Amend clause ii. of the Policy to read:</p> <p>“ii. any necessary traffic management measures within the village of Waddesdon are agreed and implemented in accordance with the requirements of the Highways Authority.”</p>	<p>Agreed. This will help when implementing the policy and makes the plan have regard to national policies. Supports the retention of local assets.</p>
PM8	P.35	<p>Policy WAD8 (Design in the Conservation Area)</p> <p>Replace the words “..preserve and enhance” in the 1st line of the Policy, and “..preserve or enhance” in the 5th and 19th lines of the Policy with: “..conserve and enhance” in each case.</p> <p>Delete the 4th paragraph of the Policy wording, and replace with:</p> <p>“Any proposals for alterations or modernisation of retail or other commercial buildings, in particular in the High Street, should be designed to sustain or, where</p>	<p>Agreed. This makes the plan have regard to national policies and will support policy implementation. and is sympathetic towards local heritage.</p>

		<p>practicable, enhance their contribution to the historic or architectural interest of the area. Where possible, they should retain any traditional shopfront or other architectural detailing or street furniture that contributes to the historic or architectural interest of the area, and ensure that the design and installation of new or replacement shopfronts, signage or other infrastructure is as unobtrusive as possible. Loss of historic architectural detailing and street furniture to support commercial use should be clearly justified.”</p>	
PM9	P.36	<p>Policy WAD9 (Design in the Setting of the Conservation Area)</p> <p>Delete existing Policy wording, and replace with:</p> <p>“Development proposals that would affect the setting of the Conservation Area will only be supported where they are accompanied by information assessing the contribution of the land to the setting of the Conservation Area, including its enjoyment, and can demonstrate that proposals have been designed to protect and enhance the character or appearance of the Conservation Area.”</p> <p>Policies Map – Delete the Policy notation regarding Policy WAD9 from the Map.</p>	<p>Agreed. This makes the plan have regard to national policies including the requirement for policies in the plan to be sufficiently evidenced. The plan has regard to local policy standards for development. Supports the enhancement and conservation of heritage assets.</p>
PM10	P.37	<p>Policy WAD10 (Views Into and Out of the Conservation Area)</p> <p>Delete existing Policy wording, and replace with:</p> <p>“Proposals for the development of land that contributes to the appreciation and enjoyment of the Conservation Area including land in its setting, will only be supported if they do not obstruct views to the Conservation Area from beyond the village, and views of the surrounding countryside from within the village of Waddesdon that contribute to the special interest of the area the character or appearance of which it is desirable to preserve or enhance.”</p> <p>Policies Map – Delete the Policy notation regarding Policy WAD10 from the Map.</p>	<p>Agreed. This makes the plan have regard to national policies. Supports the enhancement and conservation of heritage assets.</p>
PM11	P.43	<p>Policy WAD14 (Local Green Spaces)</p> <p>Site iii. – Amend description to read “War Memorial and the green space forming its setting”</p>	<p>Agreed. This makes the policy more user friendly.</p>

PM12	P.43	<p>Policy WAD14 (Local Green Spaces)</p> <p>For improved geographical accuracy, amend description of site viii) to read: “Land to the north and east of New Street and Little Britain”</p> <p>Add new 3rd paragraph to the text of the Policy to read:</p> <p>“The Local Green Space located to the north and east of New Street and Little Britain (site viii) should be considered as a potential site for the relocation of allotments displaced by the proposed residential development on the housing allocation site (Policy WAD2), and also for biodiversity enhancements. A Management Plan should be prepared to address these matters as part of any proposal affecting the future use of the site.”</p>	<p>Agreed. Supports National level policy and safeguards biodiversity assets and retains essential recreational assets.</p>
PM13	P.45	<p>Section 5 (Implementation)</p> <p>Add new sub-section (to follow paragraph 5.10) to read:</p> <p>“Water Supply and Sewerage Infrastructure</p> <p>5.11 It is essential that developers demonstrate that adequate water supply and sewerage capacity exists both on and off the site to serve new developments in the Plan area, and that it would not lead to problems for existing users. In some circumstances, this may make it necessary for developers to carry out appropriate studies to establish whether the proposed development will lead to overloading of existing water and sewerage infrastructure. Where there is a capacity problem and no improvements are programmed by Thames Water, then the developer will need to contact Thames Water to agree what improvements to water and sewerage infrastructure are required and how they will be funded prior to the occupation of any part of the development.”</p>	<p>Agreed. Improves the policy wording making the plan more user friendly and facilitates sustainable development. Including through the provision of adequate infrastructure</p>
PM14	P.39	<p>Policy WAD12 (Traffic and Car Parking)</p>	<p>Agreed. Improved policy wording has better regard to National level policy. Policy encourages</p>

		<p>Re-title the Policy to read “Transport and Car Parking”</p> <p>Add new 1st paragraph to the Policy wording, to read:</p> <p>“Proposals for new development in the Plan area should, where possible, promote sustainable forms of transport, including measures to promote walking, cycling and the use of public transport in the Plan area.</p> <p>Amend the existing 1st paragraph of the Policy wording, to read:</p> <p>“Development proposals will not be supported on transport grounds where the residual cumulative impacts of development on the highway network are assessed as being severe. Mitigation measures may be required in order to address the negative impacts of traffic generation arising from development proposals. Such mitigation measures could include the requirement for improved facilities for pedestrians, cyclists and public transport in the area, and will be secured by legal agreements linked to planning permissions granted.”</p> <p>Add new final paragraph to the Policy wording, to read:</p> <p>“The proposed cycleway from Aylesbury Vale Parkway station to Waddesdon Manor and village is supported, and any proposals for development which affect the proposed alignment of this cycleway will not be supported.”</p>	<p>sustainable development and active travel in line with district level policy.</p>
PM15	P.39	<p>Policy WAD13 (Green Infrastructure and Biodiversity)</p> <p>Add new 4th paragraph to the Policy wording, to read:</p> <p>“All proposals for development in the Plan area must ensure that any potential impacts upon rare and threatened species are fully assessed, and that, where necessary, mitigation measures are incorporated to safeguard and protect those species.”</p>	<p>Agreed. Has regard to national and district level policy and protects rare and threatened species.</p>