

## DELEGATED REPORT AND DECISION

**Wards Affected:** Weston Turville  
**06/06/2018**

### **WESTON TURVILLE NEIGHBOURHOOD PLAN - MODIFICATIONS ARISING FROM THE EXAMINER'S REPORT**

Decision taker: Peter Williams (Planning Policy Specialist)  
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#### **Executive Summary:**

Following the examination of the Weston Turville 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 Weston Turville 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 19 July.

#### **2. Background and current position**

- 2.1 The Weston Turville Neighbourhood Plan was submitted to the Council on 26 January 2018 and was subsequently publicised for comments for 6 weeks until 6 March 2018. The Council then submitted the plan and representations for examination. J Andrew S Freeman BSc(Hons) DipTP DipEM FRTPI of Intelligent Plans and Examinations (IPE) Ltd, was appointed by the Council, in consultation with the Weston Turville 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 they consider 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. Freeman decided a hearing was not necessary.

The draft examiner's report was received on 27 April 2018 and a final version of the report was received by the Council and sent to Weston Turville Parish Council on **14 May 2018**. The Council is now required to decide what action to take in response to each of the Examiner's recommendations. The 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 Planning Policy Specialist 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 Weston Turville 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 Planning Policy 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 Weston Turville Neighbourhood Plan has been consulted on in accordance with the 2012 Regulations – firstly the Draft Plan was the subject of consultation by the Weston Turville 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 Weston Turville Neighbourhood Plan, as proposed to be modified by the Examiner's Report, should proceed to referendum for the area recommended by the Examiner.



Peter Williams, Planning Policy Specialist

Date: 06/06/18

Background Papers:

- Weston Turville Neighbourhood Plan, submission version, January 2018
- Weston Turville Neighbourhood Plan Examiner's report, May 2018

## 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		In the first sentence of Para 2.4, substitute "indicates" for "states".	Agreed. This makes the plan more compliant with policy.
PM2		Add the following new paragraph after Paragraph 3.2: "In recent years several archaeological excavations have taken place ahead of development in the parish and the results have indicated archaeological potential for Roman and Medieval finds. Excavations near Akeman Street to the north of the parish uncovered numerous late Iron Age and Roman farmsteads on either side of the road. In 2012 a significant Roman site was discovered on the "Hampden Fields" development area which will be protected from development of the site."	Agreed. This will help when implementing the policy and more user friendly. This makes the plan more compliant with National planning policy.
PM3		In the second paragraph of the Vision, delete "landscaping and green spaces" and replace with "landscaping, green spaces and heritage assets".	Agreed. This will help when implementing the policy.
PM4		Add the following to the objectives under the Environment, Heritage and Conservation heading: "To conserve and enhance the significance of the heritage assets in the parish and their settings, including the special interest, character and appearance of the conservation area."	Agreed. This makes the plan more compliant more user friendly and reduces any potential room for interpretation errors in relation to affordable housing
PM5		In Policy H1, criterion II, substitute "or the replacement of an existing building with a well-designed new building" for "and well designed new buildings".	Agreed. This improves the clarity of the policy and encourages the used of SUDS for flood risk mitigation.
PM6		At the end of Policy H1, add the following criterion: "IV they meet other policies in this Neighbourhood Plan and the adopted Local Plan	Agreed. This will help when give adequate regard to the SSSI and supports infrastructure.
PM7		After Paragraph 6.7, add the following new paragraph: "In interpreting Policy H2, Intelligent Plans and Examinations (IPE) Ltd, Regency Offices, 37 Gay Street, Bath BA1 2NT Registered in England and Wales. Company Reg. No. 10100118. VAT Reg. No. 237 7641 84 19 reference will be made to the Weston Turville Conservation Area document and to the Local Green Spaces Report." As footnotes, provide links to these two documents.	Agreed. This will help when implementing the policy.

PM8		In Policy H2, replace the fifth bullet point with the following: “It conserves and enhances the significance of any heritage asset and/or the special interest, character and appearance of the conservation area and their settings.”	Agreed. This will help when implementing the policy and makes the plan have regard to national policy and heritage guidance.
PM9		In the second sentence of Paragraph 6.8, add “and its positive features” after “The importance of this area”. Add a footnote reference to the Conservation Area report.	Agreed. The examiner has set out the justification for the standard and the modification ensures that this will be superseded by new local plan policy when adopted.
PM10		In the second sentence of Policy H3, replace “Development within it” with “Development within it, or affecting its setting,”.	
PM11		For the fourth bullet point of Policy H4, substitute the following: “In developments with over 10 units of market or affordable housing, at least one of the units shall be designed to be accessible for those with limited mobility”. Add a footnote referencing the advice of Age UK.	
PM12		In Policy T1, delete “,in consultation with the Parish Council,”.	
PM13		In Policy T1, where there is reference to “current planning policies and in accordance with the Local Highway Authority”, add a footnote referencing the Aylesbury Transport Strategy. For Section 106 “agreement”, substitute “obligation”.	
PM14		In Policy T2, add a footnote reference to the Buckinghamshire County Council Local Transport Plan and to the Government’s technical guidance on cycling and walking infrastructure.	
PM15		In Policy T3, substitute “Local Highway Authority guidance” for “DfT thresholds”. Intelligent Plans and Examinations (IPE) Ltd, Regency Offices, 37 Gay Street, Bath BA1 2NT Registered in England and Wales. Company Reg. No. 10100118. VAT Reg. No. 237 7641 84 20 Add a footnote reference to the guidance.	
PM16		In Policy T3, where there is reference to “current industry standards and the Highways Authority policies”, delete “current industry standards and”. Add a footnote reference to the Local Highways Authority guidance.	
PM17		Delete the third paragraph of Policy T3. Substitute the following: “New development should be proximate to a bus stop and linked to that stop by a suitable public footpath.” Retain the footnote	

		reference to “Inclusive Mobility”.	
PM18		Delete Figure 8. Replace with the depiction as shown on “Weston Turville Neighbourhood Plan – Local Green Spaces” dated 04/04/2018.	
PM19		In Policy E1, delete reference to “Land to the rear of Brookside” (and in Figure 8). Change the first sentence of the policy to refer to Figure 8.	
PM20		In Policy E1, delete reference to “Land to the rear of Brookside” (and in Figure 8). Change the first sentence of the policy to refer to Figure 8.	
PM21		For Para 6.21, substitute the following: “In order to determine whether no net loss and enhancement to biodiversity can be delivered by a development, an ecological assessment by a suitably experienced ecologist should be undertaken. Surveys should be completed following relevant good practice guidance; any departures from such guidance should be justified. Mitigation and enhancement measures should be appropriate to the local area, detailed and with a commitment to delivery. Funding may be required to ensure delivery of long-term management of biodiversity assets to secure a long-term net gain where possible. Intelligent Plans and Examinations (IPE) Ltd, Regency Offices, 37 Gay Street, Bath BA1 2NT Registered in England and Wales. Company Reg. No. 10100118. VAT Reg. No. 237 7641 84 21 Examples of good practice guidance are: • CIEEM6 Guidelines for Preliminary Ecological Appraisal • CIEEM Guidelines for Ecological Impact Assessment in the UK • Bat Conservation Trust Bat surveys for Professional Ecologists: Good Practice Guidelines 3rd Edition (Collins 2016).”	
PM22		Delete Para 6.22. Insert “In achieving net gains to biodiversity, reference should be made to the District Council’s proposed Supplementary Planning Document together with guidance from Natural England.”	
PM23		In the first bullet point of Policy E3, delete “the Biodiversity Impact Calculator” and insert “an appropriate recognised mechanism to achieve no net loss and a net gain”.	
PM24		Replace the text of Policy HE1 with the following: “Developer contributions will be sought in relation to residential development in accordance with the Community Infrastructure Regulations 2010 (as amended) to fund improvements to service capacity for health facilities where the Clinical Commissioning Group has demonstrated that the development will create pressure on service	

		provision and a requirement can be justified.”	
PM25		Replace the text of Policy HE2 with the following: “Developer contributions will be sought in relation to residential development in accordance with the Community Infrastructure Regulations 2010 (as amended) towards the funding of new school places to expand the capacity of existing schools or provision of new education facilities.”	
PM26		In the second paragraph of Policy B1, insert the following words after “viable”: “.This will require evidence that the property has been actively marketed, commensurate with its use, at an open market value for a period of 6 Council of the Institute of Ecology and Environmental Management. Intelligent Plans and Examinations (IPE) Ltd, Regency Offices, 37 Gay Street, Bath BA1 2NT Registered in England and Wales. Company Reg. No. 10100118. VAT Reg. No. 237 7641 84 22 at least 12 months and the proposal accords with Policy C2.”	
PM27		In Policy B2, replace “18 months” with “12 months”.	
PM28		In Policy B3, where there is reference to “industry standards” in the second bullet point, add a footnote reference to the Open Reach industry standards.	
PM29		In Policy B3, final bullet point, delete, “such as BDUK/Aylesbury Vale Broadband Company and the LPA through a new homes”.	
PM30		In Policy H4, first bullet point, substitute 25% for 30%.	
PM31		In Policy C2, after “actively marketed”, insert “where appropriate”.	