

DELEGATED REPORT AND DECISION

Wards Affected: Long Crendon

30 June 2017

LONG CRENDON 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 Long Crendon 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 Long Crendon 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 7 September 2017.

2. Background and current position

2.1 The Long Crendon Neighbourhood Plan was submitted to the Council on 8 March 2017 and was subsequently publicised for comments for 6 weeks until 19 April 2017. The Council then submitted the plan and representations for examination. Mr. Derek Stebbing B.A. (Hons), Dip E.P., MRTPI of Intelligent Plans and Examinations (IPE) Ltd, was appointed by the Council, in consultation with the Long Crendon 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. Stebbing decided a hearing was not

necessary.

The draft examiner's report was received on 2 June 2017 and a final version of the report was received by the Council and sent to Long Crendon Parish Council on 16 June 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 Long Crendon 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 Long Crendon Neighbourhood Plan has been consulted on in accordance with the 2012 Regulations – firstly the Draft Plan was the subject of consultation by the Long Crendon 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 Long Crendon 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: 30 June 2017

Background Papers:

- Long Crendon Neighbourhood Plan, submission version, March 2017
- Long Crendon Neighbourhood Plan Examiner's report, June 2017

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	<p>Policy LC1 (Long Crendon Settlement Boundary)</p> <p>Add new 2nd paragraph to the policy as follows:</p> <p>“The Plan is required to make provision for the development of at least 82 new dwellings during the Plan period. This will be achieved by the development of the sites allocated in Policies LC2 and LC3, and by other appropriate developments which satisfy the policies of the Plan.”</p>	<p>Agreed. This makes the plan have regard to national policies and more user friendly.</p> <p>Demonstrates how the plan contributes to the growth needs identified in the emerging Vale of Aylesbury Local Plan.</p>
2	<p>Policy LC1 (Long Crendon Settlement Boundary)</p> <ul style="list-style-type: none"> Delete the word “infill” in the 3rd line of the policy. 	<p>Agreed. This will help when implementing the policy and more user friendly.</p>
3	<p>Policy LC1 (Long Crendon Settlement Boundary)</p> <p>Delete the words “necessary or suited to a countryside location” in the 7th line of the policy and replace with “appropriate forms of development within rural areas”.</p>	<p>Agreed. This will help when implementing the policy and makes the plan have regard to national policies.</p>
4	<p>Policy LC4 (Housing for Older People)</p> <p>Delete the word “infill” in the 4th line of the policy.</p>	<p>Agreed. This will help when implementing the policy and more user friendly.</p>
5	<p>Policy LC5 (Key Employment Sites)</p> <ul style="list-style-type: none"> Insert the words “within Use Classes B1, B2 and B8” after “additional employment” in the 1st line of the policy 	<p>Agreed. This will help when implementing the policy.</p>
6	<p>Policy LC14 (Green Infrastructure & Biodiversity)</p> <p>Add new sentence at the end of the 2nd paragraph of the policy wording as follows: “Proposals which lead to the creation of connected green spaces to assist in species adaptation to climate change will also be supported.”</p>	<p>Agreed. This makes the plan have regard to national policies.</p>
7	<p>Section 3.3 – Special Historic & Landscape Character</p> <p>Amend 2nd sentence of this section to read: “There are 116 listing entries for Long Crendon Parish on the National Heritage List for England, including the grade 1 listed church of St. Mary, Notley Abbey House, enclosing wall at Notley Abbey House and dovecote to north-east of Notley Farm and three grade II* listed entries.” Delete existing text of that sentence.</p> <p>Add new 3rd sentence to this section to read: “There is also one Scheduled Monument in the Parish on the National Heritage List for England.”</p> <p>Add new 4th sentence to this section to read: “Appendix C contains a list of the locally important buildings of note in the Parish, which also make an important contribution to the sense</p>	<p>Agreed. This will help when implementing the policy and makes the plan have regard to national policies. Supports the enhancement and conservation of heritage assets.</p>

	of place and local identity.”	
8	Section 6.1 – Vision <ul style="list-style-type: none"> Delete the word “preserved” in the 2nd line of this section, and replace with “conserved and enhanced”. 	Agreed. This makes the plan have regard to national policies and more user friendly.
9	Policy LC1 (Long Crendon Settlement Boundary) <p>Add new text to the final line of the policy, such that the final line will now read:</p> <ul style="list-style-type: none"> “.. policies relating to the historic environment, heritage assets, landscape character and protecting the natural environment.” 	Agreed. This makes the plan have regard to national policies and more user friendly. Contributes towards sustainable development.
10	Policy LC2 (New Homes on land off Westfield Road) <ul style="list-style-type: none"> Amend clause iii) of the policy to now read: “Each scheme has full regard to the special interest, character and appearance of the setting of nearby Listed Buildings...etc”. 	Agreed. This makes the plan have regard to national policies. Supports the enhancement and conservation of heritage assets.
11	Policy LC3 (New Homes off Sandy Lane) <p>Amend clause ii) of the policy to now read: “Each scheme has full regard to the special interest, character and appearance of the setting of the Long Crendon Conservation Area...etc”.</p> <p>Add new 3rd paragraph to the text of the policy to read: “Development proposals should include provision for an archaeological investigation of each parcel of land prior to the commencement of any development.”</p>	Agreed. This makes the plan have regard to national policies and more user friendly. Supports the enhancement and conservation of heritage assets.
12	Policy LC9 (General Design Principles) <p>Add new Clause viii) to read: “The proposals take full account of any relevant considerations concerning the historic environment and heritage assets in the area.”</p>	Agreed. This makes the plan have regard to national policies and more user friendly. Supports the enhancement and conservation of heritage assets.
13	Policy LC7 (Long Crendon Primary School) <p>Amend the text of the policy to read: “Proposals for the provision of additional school facilities at Long Crendon Primary School, if that proves to be necessary, will be supported, provided that this does not adversely affect the amenities of local residents and there are sufficient off-street car parking spaces available”</p>	Agreed. This will help when implementing the policy and makes the plan more user friendly
14	Policy LC14 (Green Infrastructure & Biodiversity) <p>Amend clause iv) of the policy to read: “protect national and local, notable rare and threatened, species.” and delete existing text.</p>	Agreed. This makes the plan have regard to national policies.