

## DELEGATED REPORT AND DECISION

**Wards Affected:** Great Horwood  
**16 January 2015**

**GREAT HORWOOD 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 Great Horwood 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.

**1.0 Recommendations**

- 1.1 That the Council's response to the modifications set out in the Examiner's report which are detailed in the Appendix 1 to this report, be agreed and that the Great Horwood 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 (as shown on Appendix 2), be agreed and that the referendum take place on 5 March 2015.

**2.0 Background and current position**

- 2.1 The Great Horwood Neighbourhood Plan was submitted to the Council on 21 July 2014 and was subsequently publicised for comments for 7 weeks until 8 September 2014. The Council then submitted the plan and representations for examination. Mr Julian Jackson was appointed by the Council, in consultation with the Great Horwood 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 Jackson decided a hearing was necessary. A public hearing was held on 27 November 2014 to discuss specific matters on the basic conditions

statement and procedures followed, community engagement and consultation, evidence base, heritage, infrastructure, Policy 1 and the three allocated sites (Policies 2,3 and 4).

2.2 The draft examiner's report was received on 5 January 2015 and a final version of the report was received by the Council and sent to Great Horwood Parish Council on 8 January 2015. 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 (see Appendix 1) 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.

### 3.0 Options

3.1 The Planning Manager (Forward Plans) 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 Strategic Planning.

3.2 The options are as follows:-

#### 1. Decide not to progress the Plan in light of the Examiner's report

This option would only be necessary in the event an Examiner recommended 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 for Great Horwood 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 Strategic Planning are in agreement with the Council's response on those modifications and to progress the plan to a referendum at the earliest opportunity. Therefore option 2 is the preferred option.

### 4.0 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) saved policies from 2007.

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 then 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 up to £30,000 for each neighbourhood plan. The payment of the Extra Burdens Grant is phased so that £5,000 is available when the neighbourhood area is designated; a further £5,000 when the plan is submitted and publicised; and the final £20,000 following successful examination.

5.3 As the Great Horwood 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 £30,000 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.

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 a 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 (as amended) confer specific functions on local planning authorities in relation to neighbourhood planning.
- (b) The Great Horwood Neighbourhood Plan has been consulted on in accordance with the 2012 Regulations (as amended) – firstly the Draft Plan was the subject of consultation by the Great Horwood 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 the council's decision to proceed with the referendum. In Great Horwood there are a number of interested developers which the 'making' of the neighbourhood plan will have an impact on.

## 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 and empower the local community.

## 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 Great Horwood 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: 16 January 2015

Background Papers:

- Great Horwood Neighbourhood Plan, Submission version, July 2014
- Great Horwood Neighbourhood Plan Examiner's report, January 2015

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

	Examiner's Report	Aylesbury Vale District Council Response
	Modifications (grouped by policy in plan order)	
1	<p><b>Policy 1 –</b></p> <p>Criterion i. – delete first “no more than” and replace with “up to approximately” before “15”; delete second “no more than” and replace with “up to about” before “0.5”</p> <p>Criterion ii. – add “up to” before “35%” and after “dwellings” add “on the whole site”</p> <p>Criterion iii. – delete “, if desired,” and after “custom build” add “if a demand is demonstrated for such units at the time a planning application is made”</p> <p>After criterion iv. – add an additional criterion – “overall a mix of housing types is provided that is reflective of the most up to date assessment of housing needs arising in the Parish”</p> <p>Criterion v. – replace “preserve” with “sustain or enhance”</p> <p>Paragraph 4.6 line 7 – add “approximately” before “45”</p> <p>Paragraph 4.8 – Delete first sentence</p> <p>Line 5 – before “15” add “up to approximately”</p> <p>Paragraph 4.9 line 2 – delete “proposed status of Great Horwood as a ‘small village’” and replace with “relatively small size of Great Horwood and its limited level of service availability”</p> <p>Paragraph 4.12 lines 3 &amp; 4 – add “approximately” before “15”; delete “no more than” and replace with “up to about” before “0.5”</p> <p>Paragraph 4.14 – Line 1 – add “up to” before “35%”; after “dwellings” add “on a whole site” and after “homes” delete the remainder of the sentence and replace with “,subject to site-specific viability considerations”</p> <p>Line 4 – after “determine” add “after taking into account current housing needs in the Parish”</p>	<p>Agreed. These give greater clarity when implementing the policy and address the NPPF in terms of viability considerations.</p>
2	<p><b>Policy 2 –</b></p> <p>After “The Neighbourhood Plan allocates” add “0.5 ha of”, before “15” add “approximately” and replace “2020 – 2031” with “before 2020”</p> <p>Before “Development proposals” add “The remainder of the site, as shown on the Policies Map, shall not be developed unless an adopted Local Plan requires additional housing</p>	<p>Agreed. AVDC has no concerns to altering the phasing for Policy 2. In the case of other changes, these give greater clarity when implementing the policy.</p>

	<p>to be provided in Great Horwood or a review of the Neighbourhood Plan allocates this land for housing.”</p> <p>After “Development proposals” add “for the land allocated for housing”</p> <p>Delete criterion i.</p> <p>Criterion v. – replace “adjoining” with “adjacent”</p> <p>On Inset A of the Policies Map the area covered by Policy 2 be amended to show the western part extending to 0.5 ha as being allocated for housing and to show, in contrasting notation, the remaining land to the east designated as a reserve site.</p> <p>Paragraph 4.17 line 2 – replace “later” with “early”</p> <p>Paragraph 4.18 line 1 – replace “north western” with “northern”</p> <p>Paragraph 4.19 line 1 – replace “The site has the capacity for” with “The part of the site allocated for housing has the capacity for approximately”</p>	
3	<p><b>Policy 3 –</b></p> <p>After “The Neighbourhood Plan allocates” add “0.5 ha of”, before “15” add “approximately”, after “new village park” add “,subject to the provision of the latter being fairly and reasonably related in scale and kind to the proposed housing development”.</p> <p>Criterion ii. – at the start add “0.4 ha of”; after “gap” delete “shall be designed” and replace with “is allocated”</p> <p>Criterion xi. – at the start add “Improved” and delete “to both fields”</p> <p>On Inset A of the Policies Map the area covered by Policy 3 be amended to show the western part extending to 0.4 ha as being allocated for a public park and to show, in contrasting notation, 0.5 ha to the east allocated for housing and the remaining land reserved for farm access only, adjusting the Settlement Boundary accordingly to include within the village only the land allocated for housing.</p> <p>Paragraph 4.23 line 1 – replace “The site has the capacity for” with “The part of the site allocated for housing has the capacity for approximately”</p> <p>Paragraph 4.25 line 1 – delete “laid out and completed” and replace with “provided to the extent that is fairly and reasonably related in scale and kind to the proposed housing development”</p>	<p>Agreed. The changes give greater clarity when implementing the plan and what is expected on the Policy 3 site.</p>
4	<p><b>Policy 4 –</b></p> <p>After “The Neighbourhood Plan allocates” add</p>	<p>Agreed. The changes add details to increase the clarity of implementing Policy 4 including what would be expected regarding the</p>

<p>“0.5 ha of” and before “15” add “approximately”</p> <p>Criterion ii. – Delete “assess” and replace with “respect”</p> <p>Criterion iv. – After “A landscape buffer” add “of 0.4 ha, as shown on the Policies Map,” and after “Conservation Area” add “and to safeguard the amenity and privacy enjoyed by neighbouring residents. The land for the buffer shall be transferred to the Parish Council with a commuted sum to cover future maintenance,”</p> <p>Criterion v. – Delete “shall be designed” and replace with “is allocated” and after “amenity” add “, as shown on the Policies Map, be provided to the extent that is fairly and reasonably related in scale and kind to the proposed housing development”</p> <p>Criterion xv. – Delete “consider views; to” and delete “; and to maximise benefits of south facing gardens and” replace latter with “through appropriate”</p> <p>On Inset A of the Policies Map the area covered by Policy 4 be amended to show the southernmost part extending to 0.4 ha as being allocated for a landscape buffer and to show, in contrasting notation, 0.5 ha further north allocated for housing and the remaining land allocated as a landscaped amenity area, adjusting the Settlement Boundary accordingly to include within the village only the land allocated for housing and the landscape buffer.</p> <p>Paragraph 4.28 – Delete the second sentence and replace with “To achieve acceptable sight lines the vehicular access to serve the proposed housing shall be positioned to the south of the present gated access.”</p>	<p>maintenance of the landscape buffer.</p>
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The Great Horwood Neighbourhood Area for the holding of a Referendum

