

BLEDLOW-CUM-SAUNDERTON NEIGHBOURHOOD PLAN DECISION STATEMENT – PROCEEDING TO REFERENDUM

Decision taker: Penelope Tollitt (Head of Planning and Sustainability) in consultation with Councillor David Johncock (Cabinet Member for Planning and Sustainability)¹

Author: Aude Pantel (Planning Policy Officer)

Executive summary

Following the examination of the Bledlow-cum-Saunderton Neighbourhood Plan, the initial decision to make modifications to the Plan and proceed to referendum, and the notice of legal proceedings brought about the decision made on 07.02.17, the decision of 7th February was rescinded and the published Decision Statement withdrawn.

This Decision Statement now sets out modifications to the Plan which have been proposed by the Examiner in the Examiner's report, further modifications made by WDC, the decision to proceed to referendum and the area for the referendum.

1. Introduction

1.1. Under the Town and Country Planning Act 1990 (as amended) and the Neighbourhood Planning (General) Regulations 2012 (as amended) and all other relevant legislation, Wycombe District Council ("the Council") has a statutory duty to consider the Bledlow-cum-Saunderton Neighbourhood Plan following its examination. Pursuant to the Wycombe District Council constitution and in particular Part 2 subsection C, the Head of Planning and Sustainability in consultation with the Cabinet Member for Planning and Sustainability is authorised to make decisions on the Examiner's report recommendations.

¹ As per the scheme of delegation in the Council's constitution

2. Background

- 2.1. The Bledlow-cum-Saunderton Neighbourhood Plan (the Neighbourhood Plan) relates to the Neighbourhood Area that was designated by the Council on 13th October 2015. This area is coterminous with the Bledlow-cum-Saunderton Parish boundary and is entirely within the Local Planning Authority Area. Bledlow-cum-Saunderton Parish is the designated qualifying body for the Plan.
- 2.2. Bledlow-cum-Saunderton Parish Council undertook pre-submission consultation on the draft Plan in accordance with Regulation 14 between 20 June and 25th August 2016.
- 2.3. Following the submission of the Bledlow-cum-Saunderton Neighbourhood Plan to Wycombe District Council on 26th August 2016, along with supporting documents, the Council publicised the Neighbourhood Plan for a six-week period on 12th September 2016, and representations were invited in accordance with regulation 16. The consultation ended on 25th October 2016.

3. Independent examination

- 3.1. The Council, with the consent of Bledlow-cum-Saunderton Parish Council, appointed Mr Robert Yuille to undertake the examination of the Bledlow-cum-Saunderton Neighbourhood Plan and to prepare a report of the independent examination.
- 3.2. The Examiner decided to deal with the Neighbourhood Plan via written representations and made a site visit of the Parish on 18 November 2016.
- 3.3. The Examiner's report was received on 9 December 2016. The report concludes that, subject to making the modifications recommended by the Examiner, the Plan meets the basic conditions set out in the legislation and should proceed to a Neighbourhood Planning Referendum. The Examiner also recommended that the referendum area should be based on the Neighbourhood Area designated by the Council, which is the Bledlow-cum-Saunderton Parish.

3.4. The Council has sought an extension from Bledlow-cum-Saunderton Parish Council to the date by which to make their decision on the Examiner's recommendations, in line with the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016. A signed agreement stating the date of decision to be on 7th February 2017 has been published on the Council website.

4. Initial Decision and Pre-action letter before Judicial Review

4.1. The Examiner recommended that the Neighbourhood Plan should proceed to a referendum subject to the modifications being made, and that the referendum area should be the designated Neighbourhood Area which is Bledlow-cum-Saunderton Parish. The Council decided to make modifications to the plan and proceed to referendum. The initial Decision Statement was published on 7th February 2017.

4.2. On 24th February 2017, the Council received a pre-action letter from the owners of a site allocated in the plan and, having sought legal advice, decided to review their initial decision made on 7th February 2017 in relation to a challenge put forward which related to the definition of PDL as interpreted by the Examiner.

5. Decision and reasons

5.1. The Council has reviewed the Examiner's report in light of the challenge and concludes that, although the analysis of the extent of previously developed land in the relation to the former Molins site in the Examiners report may not have been entirely compliant with the NPPF, the modifications proposed by the Examiner are valid in that they themselves comply with the NPPF, in particular Green Belt policy and the definition of previously developed land and therefore mean that the Plan meets the Basic Conditions. The Council has also identified minor Modifications for the purpose of correcting errors and clarifying interpretation of a policy.

- 5.2. The Neighbourhood Planning (General) Regulations 2012 (as amended) requires in Regulation 18 for the Local Planning Authority to outline what action to take in response to the recommendations of an Examiner made in a report under paragraph 10 of Schedule 4A to the 1990 Act (as applied by Section 38A of the 2004 Act) in relation to a Neighbourhood Plan. The Regulations (13) provide that where the Council disagrees with the Examiner's decision made in his report to re-consult, however this provision is not engaged in this instance for the reasons set out below.
- 5.3. Having considered each of the recommendations made by the Examiner in his report and the reasons for them, the Council, with the consent of Bledlow-cum-Saunderton Parish Council, has decided to accept the Examiner's modifications to the Neighbourhood Plan. The Council has made a minor further modification for the purpose of correcting a wording error where the examiner refers to "Plan" instead of "Map". The Council has also decided to make a minor further modification to provide clarification as to the interpretation of one of the policies, thus contributing to meeting the Basic Conditions. Finally, the Council has made a further minor modification for the purpose of replacing Inset Map 1 to reflect amended policy 3. As this does not amount to taking a different view on the Examiner's decision, the Council does not propose to re-consult on those further minor modifications.
- 5.4. Annex 1 below outlines the Plan Modifications made to the Plan under paragraph 12(6) of Schedule 4B to the 1990 Act (as applied by Section 38A of the 2004 Act) in response to each of the Examiner's recommendations and the justification for this.
- 5.5. The Council is satisfied that subject to those modifications which it considers should be made to the Plan as set out in Annex 1 below, the Plan meets the Basic Conditions set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990, is compatible with the Convention Rights and complies with the provision made by or under 61E(2), 61J and 61L of the said Act .

5.6. As a result of the above, the Plan as modified must proceed to Referendum.

5.7. The referendum on the final Bledlow-cum-Saunderton Neighbourhood Plan will be based on the designated Bledlow-cum-Saunderton Parish neighbourhood area.

5.8. The date for the referendum and further details will be publicised shortly once a date is set by the Returning Officer.

Other information:

The Independent Examiner's Report and the Bledlow-cum-Saunderton Neighbourhood Plan and supporting documents can be viewed on the Council's website: <https://www.wycombe.gov.uk/pages/Planning-and-building-control/Neighbourhood-planning/Bledlow-cum-Saunderton-neighbourhood-plan.aspx>

Paper copies can be viewed during normal opening times at: Wycombe District Council, Council Offices, Queen Victoria Road, High Wycombe, HP11 1BB Buckinghamshire.

Signed:

Penelope Tollitt

Councillor David Johncock

Penelope Tollitt
Head of Planning and Sustainability

Councillor David Johncock
Cabinet Member for Planning and Sustainability

Dated: 22 March 2017

Annex 1: Schedule of proposed Plan Modifications and WDC decision

BcSNP = Bledlow-cum-Saunderton Neighbourhood Plan ; WDC = Wycombe District Council; PM = Examiner's Plan Modification

BcSNP Policy / Para.	Examiner Plan Modification reference	Examiner Plan Modification Recommendation	WDC's further modification	WDC decision / justification
Page 13	PM1	<p>Policy 3 (1)</p> <p>Modify by deleting the existing text and replace it with the following</p> <p><i>'Proposals for the redevelopment of the former Molins site will be supported provided that it is confined to the extent of the previously developed land shown on Inset Plan 1 and does not have a greater effect on the openness of the Green Belt and the purposes of including land within it than the existing development. The existing development consists of the buildings on the site (a former</i></p>	<p>Replace in the wording proposed by the Examiner the words "Inset Plan 1" with "Inset Map 1"</p>	<p>WDC accepts the Examiner's Modification as it ensures that the policy complies with national and local Green Belt policies and what constitutes appropriate development.</p> <p>This additional minor modification is made the purpose of correcting a wording error, so that the policy refers to the correct map in the Plan.</p>

		<i>canteen/ballroom, a security building and an office building all fronting onto Haw Lane) together with the slab on which they stand and the hard standing to the south.'</i>		
Page 14	PM2	<p>Policy 3 (2) and associated text:</p> <p>Delete</p> <p><i>Policy 3(2)(iii), along with rest of Policy 3(2), that being Policy3(2)(i), 3(2)(ii) and 3(2)(iv)</i></p> <p><i>Paragraphs 5.39 to 5.49 and Plan F should be deleted</i></p> <p><i>The reference in Paragraph 5.38 to the data centre "no longer being viable and not being delivered' should be deleted</i></p>	<p>New paragraphs 5.39 and 5.40 to be added:</p> <p>"5.39 The effect of a proposal on the openness of the Green Belt and the purposes of including land within it will be assessed comprehensively across the Existing Development identified at Inset Map 1. In terms of assessing the effect of any development on openness, the planning authority will have regard to the precise characteristics of the development proposed and to any benefits to openness resulting from the restoration of the slab or hardstanding to a natural state.</p>	<p>Variation to Examiner's Modifications only insofar as adding two new paragraphs in the supporting text.</p> <p>All other modifications accepted.</p> <p>The further modifications are made for clarification purposes.</p> <p>This modification is felt necessary to help future applicants and the decision maker in relation to assessing the overall openness of the site in relation to a proposed scheme.</p>

			<p>5.40 In preparing this plan, the community has expressed clear local priorities for their Parish, including catering for the housing and social needs of a wide range of residents and supporting the rural economy. Redevelopment of the site for a mix of uses such as residential, retirement housing, small scale business units and community facilities would be welcomed.”</p>	<p>This modification is felt necessary to ensure that the policy as reworded still reflects the local community’s needs and priorities in delivering mixed use development to promote sustainable rural communities. This is a strong priority for Bledlow cum Saunderton Parish, which WDC wishes to support.</p> <p>This further modification ensures that the Plan has regards to paragraphs 1, 28, 50 and 58 of the National Planning Policy Framework, and thus meets the first basic condition a) of paragraph 8 (2) of Schedule 4B to the Town and Country Planning Act 1990.</p>
Page 15	PM3	<p>Policy 7, clause 1</p> <p>Delete the first clause of Policy 7 and replace with the following:</p> <p><i>‘Proposals for extensions or alterations to a building within the</i></p>	None	Accept Examiner’s recommendation and justification.

		<i>Green Belt shall not be disproportionate over and above the size of the original building. Proposals for a replacement building within the Green Belt for the same use shall not be materially larger than the one it replaces. In order to encourage designs that have a minimal impact on the environment and landscape:....'</i>		
Page 16	PM4	<p>Policy 7, clause 2</p> <p>Delete the second clause of Policy 7 and replace with the following:</p> <p><i>' When assessing whether a proposed development is disproportionate or materially larger consideration will be given to excluding passive design elements included in such proposals which demonstrably allow for the building, and its inhabitants, to</i></p>	None	Accept Examiner's recommendation and justification.

		mitigate and respond to the impacts of climate change.'		
Page 17	PM5	Paragraph 5.36 Delete ' ...there should be due regard for.. ' in paragraph 5.36 of the plan and replace this with ' ...great weight should be given to... '.	None	Accept Examiner's recommendation and justification.
Policies Maps	/	/	Replace Inset Map 1 in the Policies Map with the following map:	To reflect the addition of new "Inset Plan 1" by the Examiner in his report as a modification to the Plan. As the second part of policy 3 has been deleted by the Examiner, the submission Inset Map 1 needs to be deleted, and replaced with the new Inset Map 1 at that location.

