

## **Neighbourhood Development Plan – Report 11<sup>th</sup> March 2014**

1. Meeting held by David Godfrey and Les Kennedy with David Broadley, the AVDC planner responsible for the WIngrave with Rowsham Parish. A tour of the Parish was undertaken and David Broadley was brief on work undertaken to date and the Oct 2012 Community Plan.
2. Future NDP working group meetings to be held in the Methodist rooms when maps and large documents to be discussed
3. Next Working Group meeting April 29<sup>th</sup> 7.30 pm at the Rose and Crown.
4. £3,900 grant application submitted to the Buckinghamshire Community Foundation for NDP support. Initial response is a rejection but the matter is being followed up.
5. The NDP WG has exploring Grant opportunities from the Luton Airport Community Support Scheme. However although sympathetic the scheme terms of reference do not enable them to support NDP activities.
6. Community Impact Bucks has been approach to investigate whether they are able to support the Parish NDP. Their response is that they cannot fund activities but will help prepare a NDP for a fee estimated at £15k
6. NDP WG call for sites questionnaire formalised.
7. Nearly all owners or representatives of sites potentially suitable for development in the Parish identified.
8. NDP WG Parish questionnaire drafted and awaiting final agreement.
9. John Masters of Rowsham has joined the working Group.
10. Help with Programme/Project Management identified.
11. The NDP Working Group are of the opinion that the NDP should proceed on the basis of Option 3 discussed below. This recommendation needs to be ratified by the whole Parish Council.
12. Subject to the Parish Council agreeing the way forward previously outlined Public consultations will be planned and implemented.

### **Impact of the withdrawal of the AVDC VAP**

The AVDC Vale of Aylesbury Plan (VAP) has been withdrawn. The Parish Council Neighbourhood Development Plan (NDP) Working Group had been using the policies and strategic development objectives of the VAP as the framework for producing a Parish NDP. The withdrawal of the Vale of Aylesbury Plan (VAP) from examination, resulting from the Interim Inspectors Report (7 January 2014), which concluded the Council had not engaged with neighbouring Councils and others in the Luton and Milton Keynes Housing Market Area constructively, actively and on an ongoing basis and that this undermined the effectiveness of the Plan, in terms of the overall provision of jobs and homes. The Inspector concluded that the Plan was not positively prepared, it was not justified or effective and was inconsistent with national policy. The Inspector stated that, most of the evidence produced for the VAP cannot be relied on for NDPs. Consequently AVDC will be reviewing and seeking new evidence for in a new plan for the district. AVDC report that the process to create a new plan may take up to two years.

### **The withdrawal of VAP raises a number of challenges for our Parish NDP.**

We do not have a AVDC Vale of Aylesbury Plan to which we can demonstrate general conformity with strategic policies. The Neighbourhood Planning regulations (2012) require NDPs to be in

general conformity with the strategic policies for the district and national planning policy. Paragraph 184 of the National Planning Policy Framework (NPPF) states 'The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up to date Local Plan is in place as quickly as possible.'

The withdrawn Vale of Aylesbury Plan would have set the strategic policies for the district, including housing and employment targets with broad apportionment for the towns and villages in Aylesbury Vale. Now that this plan has been withdrawn, there is currently no strategic planning context for our Parish NDP working group to plan within, in particular housing targets. This is because AVDC's future work will have to place more emphasis on working together with other authorities so that they can jointly meet the housing needs of the wider area. It will be approximately two years before AVDC reaches an agreed position on what the strategic needs and priorities of the district are through an adopted plan.

Until recently NDPs across the country had been approved at examinations where no up to-date Local Plan is in place. However a recent Inspector's decision recommending the Tattenhall NDP in Cheshire for referendum, has been legally challenged, arguing a NDP should not be adopted before an up-to-date Local Plan is in place. Because of this legal challenge, two other NDPs have had their examinations put on hold, one of which is within Aylesbury Vale, the NDP for Winslow Town Council, the other is the Winsford NDP in Cheshire. Since then, on 6 March 2014, the National Planning Practice Guidance (NPPG) was published. This clearly states 'neighbourhood plans can be developed before or at the same time as the local planning authority is producing its Local Plan.' Because of this the examination for the Winslow NDP is no longer postponed. A hearing day is scheduled for May 2014.

**For Wingrave with Rowsham Parish the question is, 'Can we prepare an NDP before there is an up-to-date AVDC, Vale of Aylesbury in place?'**

Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood area. They can be developed before or at the same time as the local planning authority is producing its Local Plan. A draft neighbourhood plan or Order must be in general conformity with the strategic policies of the development plan in force if it is to meet the basic condition. A draft Neighbourhood Plan or Order is not tested against the policies in an emerging Local Plan. Where a neighbourhood plan is brought forward before an up-to-date Local Plan is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in:

- The emerging neighbourhood plan
- The emerging Local Plan
- The adopted development plan and their degree of consistency with the National Planning Policy Framework.

The local planning authority should take a proactive and positive approach, working collaboratively with a qualifying body particularly sharing evidence and seeking to resolve any issues to ensure the draft Neighbourhood plan has the greatest chance of success at independent examination. The local planning authority should work with the qualifying body to produce complementary neighbourhood and Local Plans. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging Local Plan. This is because section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved by the decision maker favouring the policy which is contained in the last document to become part of the development plan.

**A further issue for our NDP is can we define housing provision and put a 'cap' on development.**

AVDC have stated that it is not recommended that an NDP tries to define its own objectively assessed housing need as this is a strategic policy which should be identified by the local planning authority. AVDC has been closely monitoring the outcome of the NDP examinations where housing numbers have been set. To date eighteen NDPs have had successful examinations, but subject to modifications made by their examiner. The examiner reports show where NDPs have identified a housing number, this cannot represent a 'ceiling' figure or a cap on development levels. This means the NDP can plan for a number and shape the development for that identified number, but it cannot set a definitive maximum for the plan period and therefore additional development may still occur, however this additional development could still be shaped through other NDP policies, e.g. housing mix, design, layout, density, open space provision and car parking standards. This approach has been taken for those areas which have an up to date Local Plan and those like Aylesbury Vale who do not have an up to date Local Plan in place.

AVDC in their advice to Parishes report on 'The Rollenston and Dove NDP' which is located in East Staffordshire Borough where there is no up-to-date Local Plan in place. The submission NDP proposed a cap of 85 dwellings, however the examiner reworded the housing policy to read: 'An assessed housing requirement of 85 dwellings will be met over the plan period 2012 to 2031 on the sites identified in Policies H5a and H5b, and on windfall sites, and on sites already granted planning permission. The housing requirement does not represent a ceiling on development and will be objectively assessed through independent review at five year intervals throughout the plan period. Such reviews may lead to additional housing land allocations'

Another quote NDP example where this has happened is the Woodcote NDP in South Oxfordshire where there is an adopted Core Strategy from 2011. The Woodcote NDP also tried to put a cap for 73 dwellings. The examiner reworded the housing policy to read: 'planning permission will be granted for a minimum of 73 new homes to be built in Woodcote...'. The examiners reasons stated 'the National Planning Policy Framework, in establishing a presumption in favour of sustainable development, which states that plans should meet objectively identified needs, with sufficient flexibility to adapt to change. It is recognised that sustainable development is about positive growth. As worded, the Woodcote NDP policy H1 would not allow for any residential development, no matter how sustainable, above the maximum figure. As such, it seeks to impose an inflexible policy and in the light of national policy, an inappropriate approach to sustainable development.

These recent decisions suggest that a NDP cannot be used to put an absolute limit on development, regardless of the size of development planned for as this is not in general conformity with the NPPF.

In the present situation Wingrave with Rowsham Parish has a number of options in preparing our NDP. We can:

**1. Carry on as normal**

As a Parish we make a presumption that there will be no substantial change to the AVDC VAP and plan for 50 new homes in Wingrave and 20 in Rowsham in the plan period ending 2031

In the context of the advice above this is probably unrealistic and such an NDP will fail at Examination.

**2. Wait until evidence for the new Local Plan is published.**

This approach has risk in that in the two year period for the preparation of the new AVDC plan the parish is open to opportunistic developers. Further the parish will then have to prepare an NDP based on the new information and thus incur further delay.

**3. Not to plan for a level of growth but focus on shaping development**

This third option for our Parish NDPs not to define how many future homes, but instead to focus on how new development should be shaped. This could be through criteria based

policies saying where development would be supported, by identifying what would be sustainable development for the neighbourhood area, defining the mix of dwellings and sizes, design and access eg parking, footpaths, open spaces and cycle ways. The advantage of this is the NDP would not be trying to justify the level of growth, but how future development should be shaped and therefore housing numbers will not need to be debated as this will be addressed in the new Local Plan.

#### **4. Rely on the new Local Plan – withdraw from the NDP process**

This option involves working closely with AVDC to influence their new Local Plan. The Local Plan will be an all encompassing plan, looking at the strategic policies, detailed development management policies and site allocations. This is a different approach to the withdrawn Vale of Aylesbury Plan which only included strategic policies. As the new Local Plan is going to include the more detailed policies, this gives the opportunity for Wingrave and Rowsham parish councils to influence detailed level policies, lessening the need for our own parish level policies. This approach is probably less effort and work by the what is now the volunteers in the parish NDP working group and Parish Councillors and it will result in fewer examinations and is not dependent on a parish referendum. Removing the need for a referendum means there is less risk for plan making. Whether this option is suitable for our parish will depend on what as a parish we view the risk of largely delegating future development decisions to AVDC. Albeit after consultations and engagement with the parish. Further, whilst it does require less work for the NDP volunteers and Parish Councillors there will still be a substantial amount of work and activity which will be a significant fraction of the work required for an NDP whilst not necessarily having the all the benefits of a parish NDP.