



Decision to Make the Quinton Neighbourhood Plan (as modified) part of the Buckinghamshire Development Plan

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Purpose of report and Recommendation

1.1. The purpose of this report is to recommend that the Director of Planning and Environment in consultation with the Cabinet Member for Planning and Enforcement exercises their delegated authority to make the Quainton Neighbourhood plan (as modified).

1.2. It is recommended that the Director of Planning and Environment uses their delegated powers to declare that the Quainton Neighbourhood Plan (as modified) be made part of the Buckinghamshire Development Plan in accordance with Regulation 18A(3) of The Neighbourhood Planning (General) Regulations 2012 as amended and under section 14(7) of Schedule A2 to the 2004 Act.

Background

2.1. Schedule 2A of the Planning and Compulsory Purchase Act 2004 (as amended) entitles a qualifying body to submit a proposal to the local planning authority for the modification of a neighbourhood development plan where a neighbourhood development plan is already in place for a neighbourhood area within the area of a local planning authority.

2.2. Quainton Neighbourhood plan was made in 2016 and covers the Parish area of Quainton Parish. The Qualifying body, Quainton Parish Council, decided to modify this plan in 2020.

2.3. In accordance with regulation 14 of the Neighbourhood Planning (General) Regulations 2012 (amended), the Qualifying Body carried out a nine week 'pre-submission' consultation on the draft version of the modified Quainton Neighbourhood Plan between 17th December 2020 and 19th February 2021.

2.4. In 2021 the Qualifying Body sent the prescribed submission documents to Buckinghamshire council in accordance with regulation 15 of the 2012 regulations. This included a modification statement that set out the modifications proposed and their justification as well as whether or not they considered them to change the nature of the plan and therefore what process the plan would follow after examination.

2.5. Buckinghamshire Council held a further six week consultation on the draft modified plan from 17th January 2022 to 28th February 2022 in according with regulation 16 of the 2012 regulations.

2.6. Following the consultation, Buckinghamshire Council, with permission from the Qualifying Body, appointed Andrew Freeman BSc (Hons) DipTP DipEM FRTPI to examine the plan and provided the documents prescribed by regulation 17 or the regulations.

2.7 An examiners report was received on 25th May 2022 concluding that the modified plan passed the basic conditions subject to some examiner modifications.

2.8 The examiner's report also concluded that the modifications were not so substantial as to change the nature of the plan and therefore that the plan would not require a referendum and should instead be made as soon as possible, subject to the examiner modifications.

Reasons for Recommendation

3.1. The Quinton Neighbourhood Plan (as modified) has been through the formal stages required for a modified plan and, following receipt of the Examiner's report, it has been recommended by the examiner that the plan does not require a referendum as the modifications proposed are not so substantial as to change the nature of the plan. The examiner has also concluded that the plan meets the basic subject to some examiner modifications.

3.2. Following the receipt of the examiner's report, if there is no requirement to hold a referendum and the plan is deemed to meet the basic conditions, the Council is under a statutory duty to 'make' the plan, with any examiner modifications, as soon as possible unless the plan would be in breach of European legislation or the Convention on Human Rights.

3.3. The Council has considered the European and human rights implications of the Neighbourhood Plan as part of its consideration of the draft Plan and the Examiner's report and it is not considered to contravene those rights.

3.4 Therefore it is recommended that the Director of Planning and Environment uses their delegated powers to declare that the Quinton Neighbourhood Plan (as modified) be made part of the Buckinghamshire Development Plan in accordance with Regulation 18A(3) of The Neighbourhood Planning (General) Regulations 2012 as amended and under section 14(7) of Schedule A2 to the 2004 Act. The modified plan will replace the existing Quinton Neighbourhood Plan.

Neighbourhood Plan – part of Development Plan

4.1. If the Quinton Neighbourhood Plan (as modified) is 'made' by the Council, it will form part of the Development Plan for the area of Quinton parish. In accordance with the relevant legislation, "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise", and so will be a primary material consideration in the determination of planning applications made within the parish.

Next Steps

5.1. When a neighbourhood plan has been ‘made’ by the Council it is under a duty to publicise the making of the neighbourhood plan and to make copies of the neighbourhood plan available. The regulations require the decision to make the neighbourhood plan and the neighbourhood plan documents to be published on the Council website and to publicise the making of the neighbourhood plan in any other way the Council feels will bring the making of the plan to the attention of people who live and work in the neighbourhood plan area. In addition, the Council is under a duty to inform any person who asked to be notified that the neighbourhood plan had been made.

The Council will seek to ask the parish to;

publish the matter on the Parish Council’s website and/or Parish newsletter (if there is one) and;

post a notice on the Parish Notice Board or, in the absence of such a board, in a prominent position in the Parish stating where the plan can be inspected.

5.2. In future, the Qualifying Body could decide to further review the plan in the future but any such review would be subject to further consultation procedures and involvement by Buckinghamshire Council at key stages.

Financial and Legal Implications

6.1 Financial –

The costs of the public consultation, examination and publishing the Plan are initially met by the Council. The Government issues neighbourhood plan grants at set stages in the neighbourhood plan process. As such the costs of the making of the plan should be met by the Government grant.

6.2 Legal –

The Council is legally required to ‘make’ the plan, subject to any legal challenges. Failure to ‘make’ the plan could in turn lead to legal action from the Parish Council and/ or the Secretary of State.

Once ‘made’ the plan will form part of the Development Plan for the area of Quainton parish. The plan has been the product of partnership working between the Council and the Parish Council.

Delegated authority

The Council's Scheme of Delegations to Officers contained at Part I paragraphs 2.10 and 2.18a of the Council's Constitution authorises the Director of Planning and Environment to determine all decisions relating to neighbourhood planning. This is further delegated under the scheme of delegation to the Head of Policy and Compliance, Planning Policy Manager and Policy Team Leaders.

Exercise of Delegated Authority

I, Steve Bambrick, Director of Planning and Environment agree the above recommendation.

Signed:



Dated: 29/06/22

Background papers

Quainton neighbourhood plan (as modified and inc. examiners modifications)

Examiners Report for the Quainton Neighbourhood Plan (as modified)