

Longworth Neighbourhood Plan

Longworth Neighbourhood Plan

Report of Examination

Report to Vale of White Horse District Council

By the Independent Examiner:

Paul McCreery, B.SC., M.Phil, FRTPI.

31st May 2016

Summary

1. From my examination of the submitted Longworth Neighbourhood Plan (the Plan) and its supporting documents, including the representation made, I have concluded that, subject to the policy modifications I have recommended, making of the Plan will meet the Basic Conditions.
2. In summary the Basic Conditions are that the Plan must:
 - Have due regard to national policies and advice;
 - Contribute to the achievement of sustainable development;
 - Be in general conformity with the strategic policies of the development plan; and
 - Not breach, and otherwise be compatible with, European Union and European Convention on Human Rights obligations.
3. I have concluded that:
 - The Plan has been prepared and submitted for examination by a qualifying body – Longworth Parish Council;
 - The plan has been prepared for an area properly designated: and does not cover more than one neighbourhood plan area;
 - The plan does not relate to “excluded development ”;
 - The plan specifies the period to which it has effect – to 2031; and
 - With the modifications I have recommended that the policies relate to the development and use of land for a designated neighbourhood area.
4. I recommend that, once modified to meet relevant legal requirements, the plan should proceed to a Referendum. This is on the basis that I have concluded that, once modified, it can meet all the relevant legal requirements. To that end I have made recommendations to ensure that making the plan will meet the Basic Conditions.
5. In recommending that the modified plan should go forward to Referendum, I have considered whether or not the Referendum Area should be extended beyond the designated area to which the plan relates. I have concluded that it should not; the Referendum should be the same as the Neighbourhood Plan Area.

1.0 Introduction

- 1.1 Neighbourhood planning provides a welcome opportunity for communities to directly shape the future of the places where they live and work and to deliver the sustainable development they need.

2.0 Appointment of the Independent Examiner

- 2.1 I have been appointed by Vale of White Horse District Council with the agreement of the qualifying body to undertake this independent examination. I have been appointed through the Neighbourhood Plan Independent Examiners Referral Service (NPIERS).
- 2.2 I confirm that I am independent of the qualifying body and the local authority. I have no interest in any land affected by the Neighbourhood Plan. I am a chartered town planner with over thirty-five years' experience in planning and have worked in the public and private sectors. I therefore have the appropriate qualifications and experience to carry out this independent examination.

3.0 The role of the independent examiner

- 3.1 The examiner must assess whether the Neighbourhood Plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).
- 3.2 The basic conditions are:
- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan
 - The making of the neighbourhood plan contributes to the achievement of sustainable development
 - The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority
 - The making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations
 - Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

- 3.3 Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) require that the Neighbourhood Plan should not be likely to have a significant effect on a European Site (as defined in the Conservations of Habitats and Species Regulations 2012) or a European Offshore Marine Site (as defined in the Offshore Marine Conservation (Natural Habitats etc.) Regulations 2007) either alone or in combination with other plans or projects.
- 3.4 In examining the Plan, I am also required, under Paragraphs 8(1) of Schedule 4B to the Town and Country Planning Act 1990, (TCPA) to establish whether:
- The neighbourhood plan has been prepared and submitted for examination by a qualifying body
 - The neighbourhood plan has been prepared for an area that has been properly designated for such plan preparation
 - The neighbourhood plan meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area
 - The policies relate to the development and use of land for a designated neighbourhood area.
- 3.5 The examiner must then make one of the following recommendations:
- The Plan can proceed to a referendum on the basis it meets all the necessary legal requirements
 - The Plan can proceed to a referendum subject to modifications or
 - The Plan should not proceed to a referendum on the basis it does not meet the necessary legal requirements.
- 3.6 If the Plan can proceed to a referendum with or without modifications, the examiner must also consider whether the referendum area should be extended beyond the neighbourhood plan area to which it relates.
- 3.7 If the plan goes forward to a referendum and more than 50% of those voting votes in favour of the Plan then it is made by the relevant local authority, in this case Vale of White Horse District Council. The Plan then becomes part of the 'development plan' for the area and a statutory consideration in guiding future development and in the determination of planning applications within the Plan area.

4.0 Compliance with matters other than the basic conditions

4.1 I now check the various matters as set out above in paragraph 3.4 of this report.

4.2 Qualifying body

Longworth Parish Council is a qualifying body able to lead the preparation of a neighbourhood plan. This complies with this requirement.

4.3 Plan Area

The Longworth Neighbourhood Plan was approved as a neighbourhood area on 13th December 2013 by Vale of White Horse District Council. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with these requirements.

4.4 Plan period

A neighbourhood plan must specify the period for which it is to have effect. The Plan clearly indicates within the document itself that it covers the period to 2031. The Plan therefore meets this requirement.

4.5 Excluded development

The Plan does not include policies or proposals that relate to any of the categories of excluded development and therefore meets this requirement.

4.6 Development and use of land

Neighbourhood plans often contain aspirational policies that signal the community's priorities for the future of their local area. However, the neighbourhood plan should only contain policies relating to development and use of land. The Longworth Neighbourhood Plan (the Plan) only contains policies for the development and use of land and commendably avoids duplicating other policies contained elsewhere.

4.7 Subject to the contents of this report, which recommends some modifications be made to ensure that the policies in the Plan meet the basic conditions, this requirement can satisfactorily be met.

5.0 The examination process

- 5.1 I commenced preparation for the examination of the plan in May 2016 following my appointment and briefing with the Plan documents.
- 5.2 The presumption is that the neighbourhood plan will proceed by way of an examination of written evidence only. However the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or to give a person a fair chance to put a case.
- 5.3 I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions.
- 5.4 I am satisfied that I am in a position to properly examine the Plan without the need for a hearing.

6.0 The Examination documents

6.1 In addition to the legal and national policy framework and guidance (principally The Town and Country Planning Acts, Localism Act, Neighbourhood Plans Regulations, the National Planning Policy Framework and the Planning Policy Guidance) and the development plan, I have had regard to all the documents that were furnished to me and in particular the following:-

- Longworth Neighbourhood Plan – Submission Version for Examination, February 2016.
- Consultation Report for Examination, February 2016.
- Basic Conditions Statement, February 2016.
- SEA Screening Statement, August 2015.
- Bundle of representations submitted as a result of Regulation 16 Consultation.

7.0 Compliance with the basic conditions

7.1 National policy advice

The main document that set's out national policy is the National Planning Policy Framework (the Framework) published in 2012. In particular the Framework explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support

the strategic development needs set out in Local Plans and plan to positively support local development.

- 7.2 The Framework also makes it clear that neighbourhood plans should be aligned with the strategic needs and priorities of the wider local area. In other words neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. They cannot promote less development than that set out in the Local Plan or undermine its strategic policies. (NPPF, paragraph 184)
- 7.3 The Framework indicates that plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. (NPPF, paragraph 17)
- 7.4 The Basic Conditions Statement Table A explains how the Plan policies have been informed by the guidance set out in the Framework. The Basic Conditions Statement reviews each Policy in detail and explains how the Plan achieves important elements of national policy.
- 7.5 I am satisfied that the Neighbourhood Plan has appropriate regard to national policies and advice, subject to the modifications set out in this report being made.

7.6 **Sustainable development**

The Basic Conditions Statement takes three sustainability objectives and explains how the Plan performs against these objectives.

- 7.7 The Basic Conditions Statement (paragraph 4.4) concludes that the Plan has good performance on sustainability issues. I agree with that conclusion and I am satisfied that the Neighbourhood Plan will make a positive contribution to the achievement of sustainable development, subject to the modifications recommended in this report.

The Development Plan

- 7.8 A basic condition is that the neighbourhood plan should be in general conformity with the strategic policies contained in the development plan. The Framework (at paragraph 184) states that neighbourhood plans must be in general conformity with the strategic policies of the Local Plan.

- 7.9 The Basic Conditions Statement (paragraph 5.1) states that the saved policies of the Vale of White Horse Local Plan of 2006 comprise the development plan.
- 7.10 The Basic Conditions Statement (Table C) explains how the Plan is compatible with development plan policies.
- 7.11 I am satisfied that the Neighbourhood Plan is in general conformity with the strategic policies of the development plan, subject to the modifications set out in this report being made.

EU Obligations

- 7.12 A Sustainability Appraisal has not been undertaken for Longworth Neighbourhood Plan.
- 7.13 The Basic Conditions Statement (Table B) found that Longworth Neighbourhood Plan has good performance on sustainability issues.
- 7.14 A SEA screening opinion was issued by Vale of White Horse District Council in August 2015. The SEA screening opinion advised that the Longworth Neighbourhood Plan is not likely to have any significant environmental effects and that an SEA would not be required. Appendix 2 to the SEA Screening Opinion (August 2015) is a screening opinion in relation to a Habitat Regulations Assessment (HRA). Paragraph 9 of that opinion concludes that the Longworth Neighbourhood Plan is unlikely to have significant environmental effects on any relevant site and that an Appropriate Assessment is not required. I agree with that conclusion. I note that this matter has been the subject of consultation with the Statutory Consultees.
- 7.15 I agree with these assessments and I am satisfied that the Neighbourhood Plan is compatible with EU obligations.
- 7.16 I note that an Equality Assessment for the Plan was published in February 2016. I have considered whether the Plan complies with the European Convention on Human Rights, particularly in terms of Article 8 (privacy): Article 14 (discrimination) and Article 1 of the First Protocol (property) under the meaning of the Human Rights Acts 1998. I am satisfied that the Plan is compatible with all these provisions.

8.0 **Neighbourhood Plan preparation and public Consultation**

8.1 In the spring of 2013 it was decided that Longworth Parish Council would support the preparation of Longworth Neighbourhood Plan.

8.2 The key consultation events in the preparation of the Longworth Neighbourhood Plan are recorded in the Consultation Statement as follows:-

- Questionnaire delivered throughout the Parish in September 2014;
- Pre-submission consultation in December 2015 and January 2016;
- Dedicated public meeting/consultation event held on January 16th 2016;
- Consultation with the Consultation Bodies identified in the Consultation Report.

8.3 In response to the Regulation 14 Consultation 55 responses were received. The response to these comments is recorded in the Consultation Statement.

8.4 Vale of White Horse District Council made no specific comments because commendable close working arrangements had ensured that the Council's views had already been taken on board by the emerging plan documentation.

8.5 The Submission Version of the Neighbourhood Plan was published in February 2016 and was subject to consultation under Regulation 16 of the Neighbourhood Plan Regulations. Several representations were received at this stage. I am satisfied that no issues arise which would lead me to conclude that the Plan cannot meet the basic conditions subject to the modifications which I am recommending in this Report.

8.6 I am satisfied that the neighbourhood planning process has been open and engaging giving residents opportunities to become involved and influence plan making. Similarly it is clear that the final plan reflects the issues raised and that the policies contained in the Plan enjoy a strong degree of public support.

9.0 The Plan and its Policies

- 9.1 Policies 1, 3 and 4 deal with land use planning issues. These policies are clearly stated, well documented and, where necessary, supported by the evidence base.
- 9.2 Policy 2 deals with Design. The Framework indicates that plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. (NPPF, paragraph 17).
- 9.3 As currently drafted I do not consider that Policy 2 does provide clear enough wording to meet the above test of government guidance. The Plan therefore fails to meet the basic conditions in this respect. The Policy, as currently drafted, states that proposals should be representative of the good quality examples pre-existing in the village but does not give a clear understanding of what is good quality and what is expected to be achieved.

I recommend that the second paragraph of Policy 2 be redrafted as follows:-

Development proposals outside the village's built up areas that are considered acceptable in principle in land use terms by other national and development plan policies should have special regard to the setting, amenity and character of any nearby dwellings and, wherever possible, should contribute to local distinctiveness; should be of an appropriate scale and massing to reflect and enhance the surroundings; and should protect and enhance nature conservation, water courses, wildlife habitats, trees and landscape character.

10.0 Conclusions and recommendations

10.1 The Plan is a highly commendable document that will help to guide growth and sustainable development. It is a credit to all those who have clearly worked hard to produce a readable and well-presented Plan. The Plan's real strength is in its articulation of the concerns and aspirations of the local community, by reflecting the results and outcomes of the engagement process. Where there was some lack of clarity, it has been possible to recommend modifications.

10.2 From my examination of the submitted Neighbourhood Development Plan, within its legal and policy context, and its supporting documents, including the representations made, I have concluded that, subject to the policy modification I have recommended, making of the Plan will meet the Basic Conditions.

10.3 I have concluded that:-

- The Plan has been prepared and submitted for examination by a qualifying body – Longworth Parish Council;
- The Plan has been prepared for an area properly designated; and does not cover more than one neighbourhood plan area;
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