



STEWKLEY NEIGHBOURHOOD PLAN EXAMINER'S REPORT - DECISION STATEMENT

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Executive summary

Following the examination of the Stewkley Neighbourhood Plan, this Decision Statement sets out the modifications to the Plan which have been proposed by the Examiner in the Examiner's report, 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, Buckinghamshire Council ("the Council") has a statutory duty to consider the Stewkley Neighbourhood Plan following its examination. Pursuant to the Buckinghamshire Council constitution and in particular 2.18a page 193, the Corporate Director or Directors with Responsibility for Planning are responsible for making decisions relating to neighbourhood planning.

2. Background

2.1. The Stewkley Neighbourhood Plan (the Neighbourhood Plan) relates to the Neighbourhood Area that was designated by the former Aylesbury Vale District Council on 4th May 2016. This area is coterminous with the Stewkley Parish boundary and is entirely within the Local Planning Authority Area. Stewkley Parish Council is the designated qualifying body for the Plan.

2.2. Stewkley Parish Council undertook pre-submission consultation on the draft Plan in accordance with Regulation 14 between 17 June – 28 July 2019.

2.3. Following the submission of the Stewkley Neighbourhood Plan to the Council on 28th March 2020, along with supporting documents, there was a delay caused by the Covid 19 pandemic and the uncertainty caused by this and restrictions on public consultation. Buckinghamshire Council publicised the Neighbourhood Plan for a six-week period on 9th November 2020, and representations were invited in accordance with regulation 16. The consultation ended on the 20 December 2020.

3. Independent examination

- 3.1. The Council, with the agreement of the Stewkley Parish Council, appointed Mr Andrew S Freeman BSc (Hons) DipTP DipEM FRTPI to undertake the examination of the Stewkley 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 9th June 2021.
- 3.3. The Examiner's report was received on 8th July 2021. 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 designated Stewkley Neighbourhood Area which is the same as the Stewkley Parish area.
- 3.4. Following receipt of the Examiner's report an error was found in the text of the report in relation to a proposed modification. While the necessary change was discussed it was incorrectly referenced as PM2 not PM3 and no wording for the proposed modification was listed in the schedule of proposed modifications. Stewkley Parish also requested that the name of one of the local green spaces referred to in the plan and in the examiner's report was amended to better describe the area concerned. As a result, the examiner issued a revised report on 5th August, however, as the changes are regarded to be non-substantive corrections this doesn't alter the original date of receipt of the Examiner's report

4. Initial Decision

- 4.1. The Council has reviewed the Examiner's report and concludes that the modifications proposed by the Examiner are valid in that they meet the Basic Conditions.

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- 4.2. The Neighbourhood Planning (General) Regulations 2012 (as amended) requires under 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 the Council has to re-consult, however this provision is not engaged in this instance for the reasons set out in Annex 1.
- 4.3. Having considered each of the recommendations made by the Examiner in his report and the reasons for them, the Council, has decided to accept the Examiner's modifications to the Neighbourhood Plan. The Parish Councillors have accepted the examiners recommendations and that the neighbourhood plan referendum version should be the submitted Neighbourhood Plan as modified by the Examiner.
- 4.4. 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 Stewkley Neighbourhood Area which is the same area as Stewkley Parish.
- 4.5. 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.
- 4.6. 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.
- 4.7. As a result of the above, the Plan as modified should proceed to Referendum.
- 4.8. The date for the referendum will be set in due course.

5. Other information

5.1. The Independent Examiner's Report and the Stewkley Neighbourhood Plan and supporting documents can be viewed on the Council's website:

<https://www.aylesburyvaldc.gov.uk/stewkley-neighbourhood-plan>

5.2. Paper copies will be made available as soon as practicable at the Council's office at

The Gateway Gatehouse Road Aylesbury Buckinghamshire HP19 8FF

Financial and Legal Implications

Financial – there are no significant costs, other than officer time, involved in the consideration of the Examiners recommendations. However, significant costs will arise from the decision to allow the plan to proceed to referendum. The costs of organising and holding the referendum are borne by the Council. The Government provides grant funding should a neighbourhood plan be produced and the Council determines that the plan should proceed to a referendum. The grant is intended to cover the costs of the referendum and contribute to the additional costs to the council of providing neighbourhood plan support. The grant is available per neighbourhood plan. However, it should be borne in mind that the Government could amend the neighbourhood grants scheme or end the grants at any time.

Legal – as explained above the Council is legally required to consider the recommendations within a neighbourhood plan examiner's report and come to a decision on each recommendation.

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.

Exercise of Delegated Authority

I, Steve Bambrick, Director of Planning and Environment having consulted the Cabinet Member for Planning and Enforcement on 9th August 2021 agree the above recommendation.

Signed:

Dated: 09/08/21



Steve Bambrick

Director of Planning and Environment.

Background papers

Stewkley Neighbourhood Plan Examiners Report

Stewkley Neighbourhood Plan – submission version

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Annex 1: Schedule of proposed Plan Modifications made by the Examiner and Buckinghamshire Council decision

Proposed modification number (PM)	Page no./ other reference	Modification	Buckinghamshire Council decision / justification
PM1	Page 7	In the second sentence of paragraph 1.9, substitute “2017 (as amended)” for “2010 (as amended by Schedule 2 of the 2012 Regulations)”.	The modification is to update the relevant legislation Accept Examiner’s recommendation and justification.
PM2	Policy STK1 Page 21	In the final sentence of Policy STK1, substitute “will” for “may”..	The modification removes uncertainty on the application of the policy. Accept Examiner’s recommendation and justification.
PM3	Policy STK3 Pages 23 and 43	<p>For both allocated sites in Policy STK3, substitute the following for the provision relating to the vehicle service road: “a new (single) vehicle service road and pedestrian access/egress shall be created off Wing Road in a way that minimises the loss of the existing hedge for sight lines. Any loss of hedgerow shall be offset through new planting along the back edge of the visibility splay”. (Page 23)</p> <p>For both allocated sites, substitute the following for the provision relating to the new village gateway: “On the south of the site, a new</p>	<p>Modification retains the aim to minimise hedgerow loss while allowing a different approach to accessing the sites.</p> <p>Examiner expressed doubt that both sites would be developed at the same time to provide village access feature so proposed modified wording which should achieve the original aims</p> <p>Examiner also adds that policy incorrectly states materials to be used in the development will</p>

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Proposed modification number (PM)	Page no./ other reference	Modification	Buckinghamshire Council decision / justification
		<p>village gateway that is in keeping with this part of the village shall be created utilising the new houses and landscaping”. (Page 23)</p> <p>For both allocated sites, and in relation to the palette of building materials, insert “Buckinghamshire Council in consultation with” before “the Parish Council”. (Page 23)</p> <p>In relation to Policy STK3, amend the key of the Policies Map Inset 1 by substituting “STK3” for “STK2”. (Page 43)</p>	<p>be approved by the Parish when in fact they will be approved by the Local; planning authority.</p> <p>The examiners modification to the policies map seeks to correct a numbering error.</p> <p>Accept Examiner’s recommendations and justification.</p>
PM4	<p>Policy SK4</p> <p>Page 25</p>	<p>In the opening sentence of Policy STK4, substitute “or” for “and”.</p>	<p>The examiner doesn’t feel it is necessary or possible to both sustain and enhance the character of the area and that both options would do no harm therefore suggests modification to allow either rather than both.</p> <p>Accept Examiner’s recommendation and justification.</p>
PM5	<p>Policy STK6</p> <p>Page 27</p>	<p>In Policy STK6, insert “and visitors” after “occupants”. Delete the last sentence of the policy.</p>	<p>While accepting that car parking is an important issue the examiner is concerned that a requirement for visitor parking spaces on top of the normal parking requirements could lead to developments being dominated by</p>

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Proposed modification number (PM)	Page no./ other reference	Modification	Buckinghamshire Council decision / justification
			<p>parking provision.</p> <p>Accept Examiner’s recommendation and justification.</p>
PM6	<p>Policy STK8</p> <p>Page 30</p>	<p>In Policy STK8, replace “VALP” with “development plan”.</p> <p>Amend the second paragraph of the policy to read “Proposals to improve community facilities...”. Delete “only”.</p> <p>In the third paragraph of the policy, delete “only”.</p>	<p>Examiner points out that reference to a specific Local Plan VALP could limit role of the Neighbourhood plan whereas reference to development plan allows future flexibility. Further changes are proposed to ensure the policies can be read positively,</p> <p>Accept Examiner’s recommendation and justification.</p>
PM7	Page	<p>PM7, Page 33 and Pages 41-43</p> <p>In Policy STK9, delete “All Heritage spaces” and “Chapel Square Island”. Add “Stewkley War Memorial”. (Page 33)</p> <p>In the second paragraph, substitute “shall be consistent with Green Belt policy” for “will be refused unless very special circumstances can be demonstrated”. (Page 33)</p>	<p>There are two proposed Local Green Spaces which are not justified in accordance with the NPPF criterion therefore the examiner recommends their deletion. Government guidance also indicates landowners of any proposed Local green space should be informed by the neighbourhood plan group as this has not happened in all cases the examiner recommended those sites where owners have not been</p>

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Proposed modification number (PM)	Page no./ other reference	Modification	Buckinghamshire Council decision / justification
		<p>With regard to the Policies Map and Insets, show the Local Green Spaces at a scale large enough for the extent of the spaces to be readily discerned. Name the Local Green Spaces. (Pages 41-43)</p> <p>Ensure that, in the key to the Policies Map/Inset Maps, the Local Green Spaces are accurately cross-referenced to Policy STK9. (Pages 41-43)</p>	<p>contacted are deleted. The proposed policy is more restrictive than national guidance so it is proposed to be amended. A number of local green spaces are shown incorrectly on the policies map and the maps themselves are at too small a scale to be used by the decision makers as such a number of modifications are proposed. Accept Examiner's recommendations and justification.</p>
PM8	Pages 41-43	<p>With regard to the Policies Map and Insets, show the Local Amenity Land (Policy STK10) at a scale large enough for the extent of the spaces to be readily discerned.</p> <p>Ensure that, in the key to the Policies Map/Inset Maps, the Local Amenity Land is accurately cross-referenced to Policy STK10.</p>	<p>The examiner is concerned the areas as shown are at too small a scale to be useable and that some areas have been incorrectly identified the modifications seek to resolve these concerns. Accept Examiner's recommendation and justification.</p>

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Proposed modification number (PM)	Page no./ other reference	Modification	Buckinghamshire Council decision / justification
PM9	Policy STK12 Page 34	At the beginning of Policy STK12, insert “With the exception of householder applications,”.	By seeking to apply biodiversity proposals to all development including householder applications the examiner is concerned this is not proportionate. Accept Examiner’s recommendation and justification.