



CUDDINGTON NEIGHBOURHOOD PLAN EXAMINER'S REPORT - DECISION STATEMENT

Rachael Riach Neighbourhood Planning Coordinator

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Executive summary

Following the examination of the Cuddington 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 Cuddington Neighbourhood Plan following its examination. Pursuant to the Buckinghamshire Council constitution, the Planning Policy Manager or a Planning Policy Team Leader are responsible for making decisions relating to neighbourhood planning.

2. Background

- 2.1. The Cuddington Neighbourhood Plan (the Neighbourhood Plan) relates to the Neighbourhood Area that was designated by the former Aylesbury Vale District Council on 5th April 2018. This area covers the whole of the Parish of Cuddington and is entirely within the Local Planning Authority Area. Cuddington Parish Council is the designated qualifying body for the Plan.
- 2.2. Cuddington Parish Council undertook pre-submission consultation on the draft Plan in accordance with Regulation 14 between 26th October and 7th December 2020.
- 2.3. Following the submission of the Cuddington Neighbourhood Plan and required supporting documents to the Council, Buckinghamshire Council publicised the Neighbourhood Plan for a seven-week period between 18th November 2021 and 6th January 2022, and representations were invited in accordance with regulation 16.

3. Independent examination

3.1. The Council, with the agreement of Cuddington Parish Council, appointed Mr Andrew Ashcroft BA(hons), DMS, MA, MRTPI to undertake the examination of the Cuddington 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 4th March 2022.

3.3. The Examiner's report was received on 8th April 2022. 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 Cuddington Neighbourhood Area which is the same as the Cuddington Parish area.

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.

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 the Examiners 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 Cuddington Neighbourhood Area which is the same area as Cuddington 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 Cuddington Neighbourhood Plan and supporting documents can be viewed on the Council's website:
<https://www.buckinghamshire.gov.uk/planning-and-building-control/planning-policy/neighbourhood-planning/the-plans/>

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, Chris Schmidt-Reid, Team Leader Planning Policy agree the above recommendation.

Signed: 

Dated: 13th May 2022

Background papers

Cuddington Neighbourhood Plan Examiners Report

Cuddington Neighbourhood Plan – submission version

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

Proposed modification number (PM)	Page no. of examiners report	Modification proposed	Buckinghamshire Council decision
PM1	14	<p>CDN 01: Delete the final sentence of the policy.</p> <p>Replace 'Housing proposals should meet CNP objectives for small /medium scale development. Such proposals will be assessed' with 'Proposals for new housing development should respond positively to the Plan's objectives for the delivery of small and medium scale development. As appropriate to their scale, nature and location'</p>	Accept Examiner's recommendations and justification.
PM2	15	<p>CDN 02: Replace the policy with: 'Development proposals should be designed in a way which responds positively to the Important Local Views as identified in Appendix C. Development proposals which would obstruct or detract from the Important Local Views outwards towards the countryside and, inwards, towards the Church tower will not be supported.'</p>	Accept Examiner's recommendations and justification.
PM3	15	<p>CDN 03: Replace the policy with: 'The Plan identifies the following non-designated heritage assets. [List the assets from Appendix D part 3 at this point]. Proposals which would affect the significance of a non-designated heritage asset should be properly considered, weighing the direct and indirect impacts upon the asset and its setting. There will be a presumption in favour of retaining heritage assets wherever practical, including archaeological remains in situ, unless it can be demonstrated that the harm will be outweighed by the benefits of the development.'</p>	Accept Examiner's recommendations and justification.
PM4	16	<p>CDN 04: In criterion 1 replace 'must' with 'should' In criterion 4 delete 'and allow views.....adjacent properties' Replace criterion 5 with: 'Building heights should generally follow the existing pattern of gently-pitched roofing. Thatched roofs should have steeper pitches with low eaves lines and a lower ridge line' In criterion 6 replace 'Where possible' with 'Where practicable' Replace criterion 7 with: 'Development proposals should respect and enhance the built character of the conservation area and its countryside setting. The use of innovative designs, materials and techniques will be supported where they result in high-quality development which is complementary to its setting and context.' Replace criterion 8 with: 'Development proposals should avoid obstructing or distracting from the views from within the conservation area to the surrounding countryside as identified in Appendix D and Policy CDN 03'. In criterion 9 delete 'Where possible'</p>	Accept Examiner's recommendations and justification.

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		<p>In criterion 11 delete 'With the possible exception of Upper Church Street'</p> <p>Replace criterion 12 with 'Insofar as planning permission is required, light spill from external lighting should be carefully controlled to protect the dark skies environment of the parish'</p> <p>In criterion 13 replace 'pockets of green' with 'pockets of green space'</p> <p>In criterion 14 replace 'should be encouraged' with 'will be supported'</p> <p>In criterion 17 replace 'As far as possible,' with 'Where practicable,'</p> <p>Delete criterion 18.</p>	
PM5	17	<p>At the end of paragraph 5.23 add 'As appropriate to their scale, nature and location, development proposals other than domestic extensions should be accompanied by a construction management plan. The plan should set out the type and size of machinery and delivery vehicles, access to and from the site, hours of working streets and approx. noise levels. The plan should also include a commitment to keep the local streets clean and reinstatement of damage to highways and verges.'</p>	Accept Examiner's recommendations and justification.
PM6	17	<p>CDN 05:</p> <p>In criterion 1 replace 'must' with 'should'</p> <p>In criterion 2 replace 'shall' with 'should'</p> <p>In criterion 6 replace 'must' with 'should'</p> <p>Replace criterion 7 with: 'The use of high-quality innovative designs, materials and techniques will be supported where they contribute to the interest of the streetscape or offer other benefits to the environment'</p> <p>Delete criterion 9.</p> <p>Replace criterion 11 with 'Insofar as planning permission is required, light spill from external lighting should be carefully controlled to protect the dark skies environment of the parish'</p> <p>In criterion 13 replace 'should be encouraged' with 'will be supported'</p> <p>Replace criterion 15 with: 'Proposals for new developments or for alterations to existing buildings should be sensitively designed to safeguard the amenities of neighbouring properties'</p> <p>In criterion 16 replace 'As far as possible,' with 'Where practicable,'</p> <p>Delete criterion 17.</p>	Accept Examiner's recommendations and justification.
PM7	18	<p>Add a new paragraph of supporting text (5.30) to read: 'As appropriate to their scale, nature and location, development proposals other than domestic extensions should be accompanied by a construction management plan. The plan should set out the type and size of machinery and delivery vehicles, access to and from the site, hours of working and approx. noise levels. The plan should also include a commitment to keep the local streets clean and reinstatement of damage to highways and verges.'</p>	Accept Examiner's recommendations and justification.
PM8	19	<p>At the end of paragraph 6.5 add: 'In particular the Parish Council will assess the need or otherwise for a review of the Plan once a Local Plan for Buckinghamshire replaces in Vale of Aylesbury Local Plan in due course'</p>	Accept Examiner's recommendations and justification.
PM9	19	<p>Modification of general text (where necessary) to achieve consistency with the modified policies and to accommodate any administrative and technical changes</p>	Accept Examiner's recommendations and justification.
PM10	19	<p>Paragraph 3.2 – change the reference from 'February 2019' to 'July 2021'.</p> <p>Paragraph 3.3 – where necessary update the paragraph numbers to</p>	Accept Examiner's recommendations

	<p>relate the numbers in the 2021 version of the NPPF. Delete paragraphs 3.4 and 3.5 (and renumber accordingly thereafter). Replace paragraph 3.6 with: 'In April 2020 by the new Buckinghamshire unitary authority was established. It is committed to prepare and adopt a new Buckinghamshire Local Plan by 2025. During this transition period, the Vale of Aylesbury Local Plan will provide a planning policy context for the parish. It was adopted in September 2021.'</p> <p>In paragraphs 3.7 and 3.8 ensure that any references to VALP policies are correct and the context refers to the adopted plan (rather than an earlier version based on the emerging modifications at that time). In paragraph 4.2 (Housing Section) replace '68 and 69' with '69' In paragraph 5.11 change the reference to the inserted text to reflect that it now appears in the adopted VALP. Delete the final sentence of paragraph 5.14. Delete paragraph 5.15. In paragraph 5.16 ensure that the emphasis is on the adopted VALP. In paragraph 5.16 H1 add 'At least' before '25%' At the end of paragraph 5.16 add: 'The neighbourhood plan will also respond positively to proposals for the development of First Homes in response to the national initiative on this matter'.</p>	<p>and justification.</p>
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