



GRANBOROUGH NEIGHBOURHOOD PLAN EXAMINER'S REPORT - DECISION STATEMENT

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Date: 28 June 2022



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Executive summary

Following the examination of the Granborough 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 Granborough 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 Granborough Neighbourhood Plan (the Neighbourhood Plan) relates to the Neighbourhood Area that was designated by the former Aylesbury Vale District Council on 21st August 2018. This area covers the whole of the Parish of Granborough and is entirely within the Local Planning Authority Area. Granborough Parish Council is the designated qualifying body for the Plan.
- 2.2. Granborough Parish Council undertook pre-submission consultation on the draft Plan in accordance with Regulation 14 between May and July 2021.
- 2.3. Following the submission of the Granborough Neighbourhood Plan and required supporting documents to the Council, Buckinghamshire Council publicised the Neighbourhood Plan for a seven-week period between 16th December 2021 and 3rd February 2022, and representations were invited in accordance with regulation 16.

3. Independent examination

- 3.1. The Council, with the agreement of Granborough Parish Council, appointed Mr Andrew Ashcroft BA(hons), DMS, MA, MRTPI to undertake the examination of the

Granborough 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 8th March 2022.

3.3. The Examiner's report was received on 30th May 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 Granborough Neighbourhood Area which is the same as the Granborough 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 Examiner's 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 examiner's 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 Granborough Neighbourhood Area which is the same area

as Granborough 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 Granborough 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

5.2 Financial – there are no significant costs, other than officer time, involved in the consideration of the Examiners recommendations. However, there are costs associated with 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.

5.3 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: 4th July 2022

Background papers

Granborough Neighbourhood Plan Examiners Report

Granborough 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	12	<p>Policy RC1 Rural Character</p> <p>Replace the opening element of the policy with: ‘Development proposals should respect the rural character of the village and its surroundings. As appropriate to their scale, nature and location development proposals should ensure that:’</p> <p>In I replace ‘The scale and character of new buildings must complement’ with ‘new buildings complement’ In III delete ‘where appropriate’</p>	Accept Examiner’s recommendations and justification.
PM2	13	<p>Policy RC2 Landscape</p> <p>Replace the policy with: ‘As appropriate to their scale, nature and location, development proposals should recognise and seek to protect and enhance the historic and natural landscape and local character of the Parish. In particular proposals should ensure that:</p> <p>I: they do not impact on the skyline and are in keeping with adjacent development and not introduce over-dominant features. Where necessary, mitigation and/or design solutions should be incorporate to offset the impacts; and</p> <p>II: field patterns and elements of the landscape heritage of the area (including ridge and furrow, field ponds, mature, notable and ancient trees, and historic hedgerows) are protected and incorporated into any landscape design schemes and include details to ensure their long-term management and maintenance.’</p>	Accept Examiner’s recommendations and justification.
PM3	14	<p>Policy RC3 High Quality Design</p> <p>Replace the opening part of the policy with: ‘All development proposals should be designed in a way which results in good quality new development. As appropriate to their scale, nature and location development</p>	Accept Examiner’s recommendations and justification.

		<p>proposals should: In IV introduce ‘and’ after connections’ In V delete ‘where appropriate.... Proposed’ Replace IX with ‘Integrate any required car parking within the broader landscaping of the development so that it does not dominate the street scene’ In XI delete ‘Where appropriate.... Proposed’</p> <p><i>At the end of paragraph 7.10 add: ‘Policy RC3 addresses these matters. The policy applies to all new buildings including extensions to existing buildings. It is worded in a way which will ensure that it is applied on a proportionate basis.’</i></p>	
PM4	14	<p>Policy HE1 Local Heritage Assets</p> <p>Replace the policy with: ‘The Plan identifies the following non-designated heritage assets [List the four assets at this point].</p> <p>The effect of a development proposal on the significance of a non-designated heritage asset should be taken into account in determining the planning application concerned. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.’</p>	Accept Examiner’s recommendations and justification.
PM5	15	<p>Policy B1 Nature Conservation</p> <p>Replace the first part of the policy with: ‘Development proposals should protect and enhance existing natural features of site and enhance biodiversity. Where it is practicable to do so, and as appropriate to their scale nature and location proposals should:’ In I delete ‘as to be set out in the Environment Bill’</p> <p><i>At the end of paragraph 9.4 add: ‘The Environment Act was enacted in November 2021. It is incorporated into the contents of Policy B1.’</i></p>	Accept Examiner’s recommendations and justification.
PM6	16	<p>Policy GSR1 Local Green Spaces</p> <p>Replace the second part of the policy with: ‘Development proposals within the designated local green spaces will only be supported in very special circumstances’</p> <p><i>At the end of paragraph 9.3 add: ‘Policy GSR1 follows the matter-of-fact approach in the NPPF. In the event that development</i></p>	Accept Examiner’s recommendations and justification.

		<i>proposals come forward on the local green spaces within the Plan period, they can be assessed on a case-by-case basis by Buckinghamshire Council. In particular it will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the 'very special circumstances' required by the policy'</i>	
PM7	20	<p>Policy H1 Housing <i>The proposed settlement boundary</i></p> <p>Replace part III of the policy with: 'Housing developments for three or more dwellings should incorporate a mix of house sizes with a larger proportion of smaller (1-2 bedroom) homes'</p> <p><i>On Figure 9 remove the parcel of land to the south of Green End and Plot 1 (as described in paragraph 7.50 of this report) to the east of Winslow Road from the Settlement Boundary</i></p> <p><i>Refine the Settlement Boundary around Rookery Farm as shown in the Parish Council's response to the clarification note.</i></p>	Accept Examiner's recommendations and justification.
PM8	20-21	<p>Policy HSAT1 Highways Safety and Access</p> <p>In the first part of the policy add at the beginning 'Insofar as planning permission is required' and delete 'is encouraged and'</p> <p>Replace the second part of the policy with:</p> <p>'New developments should be capable of being accommodated safely within the capacity of the local highways network. Where they would otherwise be acceptable, development proposals should include measures to mitigate their effects on junction capacity and/or alignment and the overall safety of pedestrians, cyclists and car users.'</p> <p><i>At the end of paragraph 12.8 add: 'Policy HSAT1 sets out the Plan's approach to this matter. Off-site highways works can be achieved through legal agreements and/or planning obligations. As appropriate to the particular circumstances, provision should be used (on or off site) to support reduced traffic speeds and volumes, improve road junctions, improve the provision and connectivity of pavements and access for pedestrians, horse riders and cyclists.'</i></p>	Accept Examiner's recommendations and justification.
PM9	21	<p>Policy CF1 Community Facilities</p> <p>In I delete 'encouraged and'</p>	Accept Examiner's recommendations

		<p>In II replace ‘negative’ with ‘an unacceptable’ In III replace ‘be strongly resisted’ with not be supported’ In III delete the final sentence.</p>	and justification.
PM10	22	<p>Other Matters - General</p> <p><i>Modification of general text (where necessary) to achieve consistency with the modified policies and to accommodate any administrative and technical changes.</i></p> <p>Other Matters – Specific</p> <p><i>In paragraph 2.5 retain the first two sentences. Thereafter replace the remainder of the paragraph with: ‘The Vale of Aylesbury Local Plan was adopted in September 2021’</i></p> <p><i>In part 5 of the Plan replace the second objective with: ‘The historic character of the village and the extensive archaeological remains will be conserved, enhanced and recorded.’</i></p> <p><i>In paragraph 5.2 replace the local plan references with the relevant policies in the recently-adopted Vale of Aylesbury Local Plan</i></p>	Accept Examiner’s recommendations and justification.