



**BUCKLAND**

**NEIGHBOURHOOD PLAN**

-

**DECISION STATEMENT**

**ON PROCEEDING TO A**

**REFERENDUM.**

Date:



## Table of Contents

|  |   |
|--|---|
| Executive summary .....  | 3 |
| 1. Introduction .....  | 3 |
| 2. Background .....  | 3 |
| 3. Independent examination .....   | 3 |
| 4. Reasons for the decision .....  | 4 |
| 5. Other information .....   | 5 |
| 6. Exercise of Delegated Authority .....   | 6 |
| Annex 1: Schedule of proposed Plan Modifications made by the Examiner and Buckinghamshire Council decision ..... | 7 |

## **Executive summary**

Following the examination of the Buckland 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 Buckland 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 Buckland Neighbourhood Plan relates to the Buckland 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 Buckland and is entirely within the Local Planning Authority Area. Buckland Parish Council is the designated qualifying body for the Plan.
- 2.2. Buckland Parish Council undertook pre-submission consultation on the draft Plan in accordance with Regulation 14 between 27 November 2020 and 10 January 2021.
- 2.3. Following the submission of the Buckland Neighbourhood Plan and required supporting documents to the Council, Buckinghamshire Council publicised the Neighbourhood Plan between 25 November 2021 to 13 January 2022, and representations were invited in accordance with regulation 16.

### **3. Independent examination**

3.1. The Council, with the agreement of Buckland Parish Council, appointed Derek Stebbing BA (Hons) DipEP MRTPI to undertake the examination of the Buckland 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 14 May 2022.

3.3. The Examiner's report was received on 10<sup>th</sup> August 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 Buckland Neighbourhood Area which is the same as the Buckland Parish area.

## **4. Reasons for the 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 Buckland Neighbourhood Area which is the same area as Buckland Parish.

4.5. Annex 1 below outlines the Plan Modifications 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.

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 Buckland 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**

Part I Section 2 (Scheme of Delegation to Officers) Para 2.21 of Buckinghamshire Council's Constitution authorises the Director of Planning and Environment to determine all decisions relating to neighbourhood planning. The Director of Planning and Environment has further delegated authority to the Head of Planning Policy and Compliance, the Planning Policy Manager and Planning Policy Team Leaders to make decisions relating to neighbourhood planning in a note dated August 9th 2021 titled 'Non-Financial Delegations to Officers'; 'Relating to Planning and Development Management'.

## **6. Exercise of Delegated Authority**

I, Chris Schmidt-Reid, Planning Policy Team Leader determine that the Buckland Neighbourhood Plan meets the Basic conditions subject to the modifications set out in Annex 1 and the Examiners report and therefore should proceed to a referendum. I agree with the Independent examiner that the referendum area should be the same as the neighbourhood area.

Signed: 

Dated: 24<sup>th</sup> August 2022

## **Background papers**

**Buckland Neighbourhood Plan Examiners Report**

**Buckland 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                               | 8                            | <p>Insert new sub-section, to precede the sub-section entitled 'Settlement Boundary', as follows:</p> <p><b>“Impact of New Residential Development</b><br/> <b>In March 2022, Natural England advised Buckinghamshire Council that all proposals for new residential development in the Zone of Influence of the Chiltern Beechwoods Special Area of Conservation (SAC) will need to demonstrate how each proposed development that results in a net increase in dwellings will avoid adverse impacts on the integrity of that SAC. The Zone of Influence includes the whole of Buckland Parish and all parties considering proposals for new residential development in the parish should seek the advice of Buckinghamshire Council and Natural England before submitting any planning applications. This is an interim position effective from March 2022, which is expected to be replaced by a long-term strategic solution in due course. All proposals will also need to take account of the relevant policies in this Plan.”</b></p>                                       | Accept Examiner's recommendations and justification. |
| PM2                               | 8                            | <p><u>Policy BP1 – Housing Settlement Boundary</u><br/> Amend title of the policy to <b>“Settlement Boundary”</b>, with a similar amendment to the title of Appendix H (page 35) and to the Contents pages (pages 2 and 3).<br/> Delete the final two sentences of the supporting justification to the policy.<br/> Delete the text of the policy in full and replace with:<br/> <b>“The Plan defines a settlement boundary for Buckland which is shown on the map at Appendix H to the Plan. Proposals for appropriate infill development within the settlement boundary will be supported, subject to such proposals satisfying the requirements of other relevant policies in this Plan.</b><br/> <b>Development proposals on land outside the defined settlement boundary and not within the designated Metropolitan Green Belt and Area of Outstanding Natural Beauty (as shown on the map at Appendix C) will not be supported unless such proposals satisfy the requirements of other relevant policies in this Plan and the adopted Vale of Aylesbury Local Plan.”</b></p> | Accept Examiner's recommendations and justification. |
| PM3                               | 9                            | <p><u>Policy BP2 – Development within and adjacent to the Conservation Area</u></p> <p>Delete the word “permitted” in the first line of text and replace with <b>“supported”</b>.</p>  | Accept Examiner's recommendations and justification. |
| PM4                               | 10                           | <p><u>Policy BP3 – AONB and Green Belt</u><br/> Replace the word “exceptional” in the second line of text with the word <b>“special”</b>.</p>  | Accept Examiner's recommendations and justification. |

|      |         |   |  |
|------|---------|---|--|
|      |         | Replace the word “exceptional” in the sixth line of text with the words “ <b>very special</b> ”.  | justification.                                       |
| PM5  | 10      | <u>Policy BP4 – Local Distinctiveness</u><br>Insert the word “ <b>and</b> ” before the word “height” in the third line of text and delete the preceding comma.  | Accept Examiner’s recommendations and justification. |
| PM6  | 11 & 30 | <u>Policy BP5 – No Further Coalescence</u><br>Delete the word “permitted” in the first line of text and replace with “ <b>supported</b> ”.<br><br>Amend second paragraph of policy text to read:<br><br>“ <b>A number of views and vistas within the Parish, not only in relation to the Conservation Area and the AONB, but also in other parts of the Plan area, are very important in order to retain the rural character of the area. These views and vistas are notated on the map at Appendix D/1.</b> ”<br><br><u>Appendix D/1</u><br><br>Amend title of this Appendix to read “ <b>Important views and vistas within the Parish</b> ”.<br><br>Delete all arrow notations that are shown on the map, <u>in part or in whole</u> , on land that is outside the Parish boundary. | Accept Examiner’s recommendations and justification. |
| PM7  | 12      | <u>Policy BP6 – New Development</u><br>Delete the first sentence of text and replace with:<br>“ <b>Within the Plan area, in areas of existing built development, the development of infill sites will be supported, as long as the proposed development respects the characteristics and environment of the surrounding area, and the design and layout of development schemes respects the local distinctiveness.</b> ”  | Accept Examiner’s recommendations and justification. |
| PM8  | 13      | <u>Policy BP7 – Meeting Local Housing Needs</u><br>Amend the third sentence of text to read as follows:<br><br>“ <b>If necessary, the Parish Council will support the removal of permitted development rights from these properties to ensure they continue to meet this need in the future.</b> ”  | Accept Examiner’s recommendations and justification. |
| PM9  | 14      | <u>Policy BP9 – Local Businesses</u><br>Replace the word “Neighbourhood” with the word “ <b>Plan</b> ” in the second line of text.<br>Delete the words “And that:” between the third and fourth policy criteria.<br>Delete the text of the final policy criterion and replace with:<br>• “ <b>The design of any new buildings satisfies the relevant policies in this Plan.</b> ”   | Accept Examiner’s recommendations and justification. |
| PM10 | 15      | <u>Policy BP10 – Re-use of Redundant Farm Buildings</u><br>Delete the word “permitted” in the second line of text and replace with “ <b>supported</b> ”.  | Accept Examiner’s recommendations and                |



|      |    |   | justification. |
|------|----|---|----------------|
| PM11 | 16 | <p><u>Policy BP11 – Provision of on-site car parking spaces</u><br/>Add a new second paragraph of text to read as follows:<br/><b>“Policy T6 and Appendix B in the adopted Vale of Aylesbury Local Plan provide further information on Buckinghamshire Council’s adopted car parking standards for new developments.”</b></p>   |                |
| PM12 | 16 | <p><u>Policy BP12 – Business traffic</u><br/>Add a new second paragraph of text to read as follows:<br/><b>“Development proposals should take into account Buckinghamshire Council’s adopted non-residential car parking standards and guidance set out at Appendix B in the adopted Vale of Aylesbury Local Plan.”</b></p>   |                |
| PM13 | 20 | <p><u>Policy BP14 – Heritage</u><br/>Delete the first paragraph of policy text and replace with the following text:<br/><b>“Designated and non-designated heritage assets are identified in Appendix F &amp; G. Development proposals will not be supported that would have a negative impact on any heritage asset or its setting. Any development proposal which would directly or indirectly detract from the significance of locally important designated heritage assets, including any contribution made by their setting will be resisted. In considering 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 asset.”</b></p> |                |
| PM14 | 23 | <p><u>Policy BP15 – Biodiversity</u><br/>Amend the first sentence of text to read as follows:<br/><b>“Proposals for new development in the Plan area must protect and enhance the biodiversity and wildlife in the parish by:”.</b></p>   |                |
| PM15 | 24 | <p><u>Policy BP16 – Infrastructure</u><br/>Delete the existing text in full and replace with the following text:<br/><b>“Proposals for the improvement and enhancement of community infrastructure services and facilities in the Plan area, including in particular the provision of improved broadband infrastructure serving the parish, will be supported, subject to any new infrastructure developments being designed and sited to minimise their impact upon the character and appearance of the settlement and the surrounding countryside.”</b></p>   |                |