



NASH

NEIGHBOURHOOD PLAN

-

DECISION STATEMENT

ON PROCEEDING TO A

REFERENDUM

Date: 15/09/2022

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Executive summary

Following the examination of the Nash 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 Nash 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 Nash Neighbourhood Plan relates to the Nash Neighbourhood Area that was designated by the former Aylesbury Vale District Council in 6th June 2016. This area covers the whole of the Parish of Nash and is entirely within the Local Planning Authority Area. Nash Parish Council is the designated qualifying body for the Plan.

2.2. Nash Parish Council undertook pre-submission consultation on the draft Plan in accordance with Regulation 14 from December 2018 to February 2019.

2.3. Following the submission of the Nash Neighbourhood Plan and required supporting documents to the Council, Buckinghamshire Council publicised the Neighbourhood Plan between 24th February to 7 April 2022, and representations were invited in accordance with regulation 16.

3. Independent examination

3.1. The Council, with the agreement of Nash Parish Council, appointed Andrew Ashcroft BA MA MRTPI to undertake the examination of the Nash 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 28 May 2022.
- 3.3. The Examiner's report was received on 18th 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 Nash Neighbourhood Area which is the same as the Nash 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 Examiners report and the reasons for them, the Council has decided to accept the Examiner's modifications to the Neighbourhood Plan. The Parish Council 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 Nash Neighbourhood Area which is the same area as Nash 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 Nash 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 Nash 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: 15th September 2022

Background papers

Nash Neighbourhood Plan Examiners Report

Nash 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, 15, 16	<p>Policy NNP1: Nash Settlement Boundary</p> <p>Replace the policy with:</p> <p>‘The Neighbourhood Plan defines a Nash Settlement Boundary, as shown on the Policies Maps in Annexe 3.</p> <p>Proposals for small scale development within the Boundary will be supported, provided they accord with the design and development management policies of this Plan and the adopted Local Plan.</p> <p>Development proposals on land outside the Settlement Boundary will not be supported other than for:</p> <ul style="list-style-type: none"> • rural housing exception schemes; or • uses that are suited to a countryside location such as appropriate leisure and recreational uses; or • community right-to-build schemes; or • the re-use of redundant or disused buildings to promote the development and diversification of agricultural and other land-based rural businesses, including meeting the essential need for a rural worker; or • the sensitive re-use of redundant or disused buildings; or • other proposals which are consistent with development plan policies relating to the historic environment, heritage assets, landscape character and protecting the natural environment.’ <p><i>Retain paragraphs 5.7 to 5.10 of the Plan as supporting text with the following modifications:</i></p> <p><i>At the beginning of paragraph 5.7 add: ‘This policy sets out a spatial strategy for the parish. Its approach is to focus new development within the defined settlement boundary. It is in general conformity with VALP Policy D4 - Housing Development at smaller village’</i></p> <p><i>Delete the second sentence of paragraph 5.7.</i></p> <p><i>In the third sentence of paragraph 5.7 delete ‘emerging’</i></p>	Accept Examiner’s recommendations and justification.

		<p><i>In paragraph 5.8 replace the first sentence with: ‘Nash occupies a relatively isolated rural location beyond Whaddon Chase and sits within an open landscape that gives it a pronounced rural character.’</i></p> <p><i>In paragraph 5.9 replace the two uses of ‘must’ with ‘should’</i></p> <p><i>In paragraph 5.9 delete the reference to housing numbers in brackets. At the end of paragraph 5.9 add: ‘Development proposals for new residential development will be determined on their individual merits. However, as a general guide Policy D4 of the VALP anticipates that small scale development would be of five dwellings or fewer.’</i></p>	
PM2	16, 17	<p>Policy NNP2: Housing Development</p> <p>Replace the policy with:</p> <p>‘Proposals for residential development should be of high-quality design and incorporate good standard of amenity for all existing and future occupants.</p> <p>As appropriate to their scale, nature and location, proposals should respond positively to the following design and layout criteria:</p> <ol style="list-style-type: none"> 1. Their scale, density, height, massing, landscape design, layout and materials, including alterations to existing buildings, should make clear that they have understood and reflected the character and scale of the surrounding buildings, the local vernacular architecture and distinctive local landscape features; 2. Where it is practicable to do so, proposals should include the planting of trees and/or hedges and the provision of private amenity space to the front and/or rear; 3. Proposals should make provision for off-street car parking spaces in accordance with adopted standards, unless a clear case can be made for why the proposal will result in fewer spaces being required; 4. Parking spaces should use permeable surfaces to allow for rainwater absorption and to maintain a rural character to the street scene; 5. Proposals should identify out how they have considered housing mix, the energy efficiency of the scheme, the use of sustainable drainage measures and the provision of superfast broadband access infrastructure; and 6. Proposals should respond positively to the historic 	Accept Examiner’s recommendations and justification.

		<p>environment and heritage assets in the area.</p> <p><i>Retain paragraphs 5.11 to 5.15 of the Plan as supporting text with the following modifications:</i></p> <p><i>In 5.12 replace ‘currently proposed’ with ‘adopted’</i></p> <p><i>In 5.15 replace ‘are preferred to’ with ‘will’ and ‘is not desired’ with ‘will not be appropriate’</i></p>	
<p>PM3</p>	<p>18</p>	<p>Policy NNP3: Design in the Conservation Area</p> <p>Replace the policy with:</p> <p>‘Development proposals in the conservation areas and/or their settings should respond positively to the following design principles:</p> <ol style="list-style-type: none"> 1. Proposals should be sympathetic to the surrounding buildings, environment and vernacular architecture giving due consideration to existing roofs, walls, windows, boundary treatments and use appropriate materials; 2. Proposals should demonstrate how the design of the proposals has sought to retain or enhance positive features of the existing area; 3. New buildings should be of a scale, size, colour and proportions which complement the character of existing traditional buildings in the conservation area concerned. Where they are appropriate within the overall design and layout modern, replacement and/or new build materials should visually complement those on the building concerned and within the immediate environment; and 4. Any proposals for alterations or modernisation of retail or other commercial buildings, and in particular on the High Street, should reflect their heritage, retain any existing traditional frontages and ensure that the installation of any modern infrastructure is achieved in an unobtrusive and sensitive fashion to the host building’ <p><i>Retain paragraphs 5.16 to 5.17 of the Plan as supporting text with the following modifications:</i></p> <p><i>In paragraph 5.17 third sentence add ‘(2007)’ after ‘Appraisal’.</i> <i>After the third sentence add an additional sentence to read:</i></p> <p><i>‘This Appraisal should be used in designing development proposals in the three conservation areas to ensure that they meet the four criteria included in Policy NNP3’</i></p>	<p>Accept Examiner’s recommendations and justification.</p>

PM4	19	<p>Policy NNP4: Important Views and Vistas</p> <p>Replace the policy with:</p> <p>‘The Plan identifies a series of Important Views and Vistas are defined as shown on the Policies Map.</p> <p>The design, scale and layout of development proposals should respond positively to the Important Views and Vistas.</p> <p>Proposals that would have an unacceptable impact on the value which an important view or vista makes to the special character of the village and its surrounding landscape, will not be supported.’</p> <p><i>Retain paragraphs 5.18 to 5.19 of the Plan as supporting text.</i></p>	Accept Examiner’s recommendations and justification.
PM5	19, 20	<p>Policy NNP5: Landscape</p> <p>Replace the policy with:</p> <p>‘Development proposals should protect and where practicable enhance the rich landscape features and fundamental characteristics of village’</p> <p><i>Retain paragraphs 5.20 to 5.21 of the Plan as supporting text with the following modifications:</i></p> <p><i>In 5.20 replace the opening three words with: ‘Policy NN5 reflects the setting of both the parish and the village itself within its surrounding agricultural landscape. It has been designed to ensure that any new development is appropriately incorporated into the wider landscape setting of the village. The following landscape features are particularly important in the parish:’</i></p>	Accept Examiner’s recommendations and justification.
PM6	20, 21	<p>Policy NNP6: Footpath and Bridleway Network</p> <p>Replace the policy with:</p> <p>‘The Plan identifies a Footpath & Bridleway Network as shown on the Policies Map.</p> <p>Development proposals that incorporate or adjoin the identified Network should maintain and where practicable enhance its functionality.</p> <p>Insofar as planning permission is required, proposals to extend the identified Network will be supported, where they avoid or minimise the loss of mature trees and hedgerows, and are consistent with a rural location.</p> <p>Proposals which would involve the loss, reduction or</p>	Accept Examiner’s recommendations and justification.

		<p>diversion of existing footpaths will not be supported.'</p> <p><i>Retain paragraphs 5.23 and 5.24 of the Plan as supporting text with the following modifications:</i></p> <p><i>Change paragraph numbers 5.23 to 5.22 and 5.24 to 5.23.</i></p> <p><i>Add a new 5.24 to read:</i></p> <p><i>'When a path meets an estate road and the way forward is not immediately clear, the route can lose its identity and become difficult to follow. As such, staggered junctions should be avoided or be slight enough to enable users to see the continuation of the path ahead. The re-routing of a path along footways, or its extinguishment, should be avoided on all but the very smallest of development sites where there is no scope to provide a separate route. A right of way routed through public open space can be overlooked, yet can frequently be one of the easiest to use. In the case of public bridleways, special care should be taken in the design of the alternative route in order to prevent use by motor vehicles, whilst ensuring their use by horse riders and cyclists. The County Council can recommend suitable designs for such prevention measures.'</i></p>	
PM7	21	<p>Policy NNP7: Biodiversity</p> <p>Replace the policy with:</p> <p>'As appropriate to their scale, nature and location, development proposals should protect and where practicable enhance biodiversity features.'</p> <p><i>Retain paragraphs 5.25 to 5.27 of the Plan as supporting text.</i></p> <p><i>Merge paragraphs 5.28, the second 5.28 and the second 5.27 into a single paragraph numbered 5.28.</i></p>	Accept Examiner's recommendations and justification.
PM8	22	<p>Policy NNP8: Employment</p> <p>Replace the policy with:</p> <p>'Insofar as planning permission is required, development proposals which would enable people to work from home will be supported'</p> <p><i>Retain paragraphs 5.29 to 5.33 of the Plan as supporting text with the following modifications:</i></p> <p><i>At the end of paragraph 5.31 add: 'Policy NNP 8 acknowledges that not all such proposals will need planning permission. This judgement will be made on a case-by-case basis taking account of the nature of the proposal concerned and whether or not it would represent a material change of use of the property</i></p>	Accept Examiner's recommendations and justification.

		<i>concerned'</i>	
PM9	23	Monitoring and Review <i>At the end of paragraph 6.1 add: 'In particular the Parish Council will assess the need or otherwise for a review of the Plan once the emerging Local Plan for Buckinghamshire replaces in Vale of Aylesbury Local Plan'</i>	Accept Examiner's recommendations and justification.
PM10	23	Other Matters – General <i>Modification of general text (where necessary) to achieve consistency with the modified policies and to accommodate any administrative and technical changes.</i>	Accept Examiner's recommendations and justification.
PM11	23, 24	Other Matters – Specific <i>Front Cover – change 'October 2019' to [include the date on which the Plan was submitted]</i> <i>Front Cover – delete the blue text at the bottom</i> <i>In the Foreword replace 'including relevant units of the Aylesbury Vale District Council (AVDC) and the Buckinghamshire County Council (BCC)' with 'including relevant units of the former Aylesbury Vale District Council and the recently-formed Buckinghamshire Council.'</i> <i>In the Foreword replace '15 November 2018' with [include the date on which the Plan was submitted]</i> <i>Replace paragraph 1.3 with: 'The purpose of the Neighbourhood Plan is to set out a series of planning policies that will be used to determine planning applications within the neighbourhood area over the plan period to 2033. The Plan will form part of the development plan for Buckinghamshire Council alongside the adopted Vale of Aylesbury Local Plan'</i> <i>In the third part of paragraph 1.5 replace 'AVDC' with 'Buckinghamshire Council'</i> <i>In paragraph 1.8 insert 'former' before 'District Council'</i> <i>Delete paragraphs 1.9 to 1.11.</i> <i>Replace paragraph 3.1 with: 'The parish is within Buckinghamshire'</i> <i>In paragraph 3.2 replace '2012' with '2021' and the paragraph numbers quoted as follows:</i> <ul style="list-style-type: none"> • 28 with 'Sections 2 and 5' 	Accept Examiner's recommendations and justification.

Decision Statement

	<ul style="list-style-type: none">• 50/58 with 'Sections 5 and 12'• 109 with 'Sections 14 and 15'• 126 with 'Section 16' <p><i>Replace paragraphs 3.3 to 3.6 with an equivalent factual description of the up-to-date strategic policy context in the County now that the VALP has been adopted. This should include a brief reference to the emerging Buckinghamshire Local Plan.</i></p>	
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