



**THE IVERS
NEIGHBOURHOOD PLAN
DECISION STATEMENT:
PROCEEDING TO A
REFERENDUM**

Date: 31/10/2022

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Executive summary

Following the examination of The Ivers' 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 The Ivers' 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 Ivers' Neighbourhood Plan relates to The Ivers Neighbourhood Area that was designated by the former South Bucks District Council on 18th November 2016. This area covers the whole of the Parish of The Ivers and is entirely within the Local Planning Authority Area. The Ivers Town Council is the designated qualifying body for the Plan.
- 2.2. The Ivers Town Council undertook pre-submission consultation on the draft Plan in accordance with Regulation 14 from 24 May 2021 to 17 July 2021.
- 2.3. Following the submission of The Ivers Neighbourhood Plan and required supporting documents to the Council, Buckinghamshire Council publicised the Neighbourhood Plan between 10 February 2022 to 24 March 2022, and representations were invited in accordance with regulation 16.

3. Independent examination

- 3.1. The Council, with the agreement of The Ivers Town Council, appointed David Hogger BA MSc MRTPI MCIHT to undertake the examination of The Ivers' 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 7th June 2022.

3.3. The Examiner's report was received on 26th September 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 Neighbourhood Area which is the same as The Ivers' 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, in agreement with The Ivers Town Council, has decided to accept the Examiner's modifications to the Neighbourhood Plan 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 Neighbourhood Area which is the same area as The Ivers 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 Ivers 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 kept 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 Ivers 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: 31st October 2022

Background papers

The Ivers Neighbourhood Plan Examiners Report

The Ivers Neighbourhood Plan – submission version

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

Proposed modification number (PM)	Modification proposed	Buckinghamshire Council decision
PM1	<p><u>Page 6 Paragraph 1.3</u></p> <p>Modify the last sentence of paragraph 1.3 to read:</p> <p>The Local Plan and Core Strategy policies will eventually be replaced by the first Bucks Local Plan, which it is currently anticipated will also run to 2040.</p>	Accept Examiner's recommendations and justification.
PM2	<p><u>Page 10 Plan B</u></p> <p>Insert a key to Plan B which explains what the plan shows.</p>	Accept Examiner's recommendation and justification.
PM3	<p><u>Page 15 Paragraph 3.4</u></p> <p>Modify the middle of the first sentence to read:</p> <p>... which primarily comprises the saved policies of the South Bucks District Local Plan ...</p>	Accept Examiner's recommendation and justification.
PM4	<p><u>Page 20 Paragraph 3.22</u></p> <p>Delete the last sentence of paragraph 3.22 and replace it with:</p> <p>There is a made Neighbourhood Plan for Denham in Bucks and others are being prepared, most notably for the adjacent parishes of Fulmer and Gerrards Cross and for Ickenham in the adjacent London Borough of Hillingdon.</p>	Accept Examiner's recommendation and justification.
PM5	<p><u>Page 24 Policy IV1</u></p> <p>Modify the title of the policy to read:</p> <p>Gaps between settlements and Corridors of significance.</p>	Accept Examiner's recommendation and justification.
PM6	<p><u>Page 36 Paragraph 5.25</u></p> <p>Delete all of paragraph 5.25 and replace it with:</p> <p>The Parish Council will use the evidence supporting the policy to submit a formal request to Bucks Council for an Article 4 Direction removing permitted development rights that would otherwise enable alterations to be carried out. This would prevent any further deterioration of the essential character of the Area of Special Character.</p>	Accept Examiner's recommendation and justification.
PM7	<p><u>Page 37 Policy IV5</u></p> <p>Delete the second sentence and replace it with:</p>	Accept Examiner's recommendations

	<p>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> <p><u>Page 37 Paragraph 5.26</u></p> <p>Insert a new sentence to paragraph 5.26 to read:</p> <p>The Local Heritage Assets set out in Appendix D are regarded as ‘non-designated’ heritage assets by the community and not statutorily designated heritage assets or Non-designated Heritage Assets (NDHAs) identified by Buckinghamshire Council.</p>	and justification.
PM8	<p><u>Page 39 Policy IV7</u></p> <p>Delete the third sentence in clause B:</p> <p>Development proposals that result in an increase in air pollution will only be justified in exceptional circumstances</p>	Accept Examiner’s recommendation and justification.
PM9	<p><u>Page 39 Policy IV7</u></p> <p>Delete clause D in its entirety.</p>	Accept Examiner’s recommendation and justification.
PM10	<p><u>Page 40 Paragraph 5.31</u></p> <p>Modify the start of paragraph 5.31 to read:</p> <p>The primary sources of pollution in the former South Bucks District are ...</p>	Accept Examiner’s recommendation and justification.
PM11	<p><u>Page 40 Paragraph 5.32</u></p> <p>Insert the word ‘former’ at the start of the sentence:</p> <p>The former South Bucks District Council ...</p>	Accept Examiner’s recommendation and justification.
PM12	<p><u>Page 41 Paragraph 5.36</u></p> <p>Modify the first sentence to read:</p> <p>People typically spend around 90% of their time indoors, this average is was compounded even further by during the Covid-19 pandemic ..</p>	Accept Examiner’s recommendation and justification.
PM13	<p><u>Page 41 Policy IV8</u></p> <p>Modify clause B to read:</p> <p>It will be essential to every future case made for either exceptional circumstances to release Green Belt land in the Parish for strategic development or for very special circumstances to justify</p>	Accept Examiner’s recommendation and justification.

	inappropriate development in the Green Belt in the Parish, that the development proposal will make a direct and proportionate contribution to delivering improvements to in highways infrastructure. alongside meeting the requirements of these tests.	
PM14	<p><u>Page 41 Policy IV8</u></p> <p>Modify clause C to read: Any development proposal that will generate an increase in traffic in the Richings Park, Thorney, Shreding Green, Wood Lane, Iver Village, Iver Lane and Iver Heath areas will be required to contribute to public realm improvements and traffic mitigation measures, at key locations provided they directly relate to the impact of the proposed development. It will have to be demonstrated that the measures are necessary to make the development acceptable in planning terms, that they are directly related to the development and that they are fairly and reasonably related in scale and kind to the development.</p>	Accept Examiner's recommendation and justification.
PM15	<p><u>Page 44 Policy IV9</u></p> <p>Modify the policy to read: A. Proposals for the redevelopment or change of use of land that will lead to a significant reduction in the number of heavy goods vehicles and other commercial vehicle movements to and/or from existing key sites as shown on the Policies Map, will be supported. Where consented, planning conditions will be attached to the permission to restrict it to the prescribed use and operations within the wider use class. B. Proposals for the development of new facilities businesses, or the intensification of existing facilities businesses, that will lead to an increase in HGV or other commercial vehicle traffic movements that would have an unacceptable impact on highway safety, or which would result in a severe cumulative impact on the road network will not be supported.</p>	Accept Examiner's recommendation and justification.
PM16	<p><u>Page 56 Policy IV12</u></p> <p>Modify clause B to read: B. Proposals for development in a Local Green Space will only be supported in exceptional circumstances will be managed in accordance with Green Belt policies.</p>	Accept Examiner's recommendation and justification.
PM17	<p><u>Page 60 Policy IV13</u></p> <p>Modify the last sentence of clause A to read: Development that fails to demonstrate the above requirements will be refused unless the context of the proposed development means that any of the above factors are not relevant.</p>	Accept Examiner's recommendation and justification.
PM18	<p><u>Page 63 Policy IV14</u></p> <p>Modify the first sentence of clause A to read: All development must be 'zero carbon ready' by design' to minimise</p>	Accept Examiner's recommendation and justification.

PM19	<p><u>Page 63 Policy IV14</u></p> <p>Include a footnote after major development in clause D to read:</p> <p>Major development is defined in Annex 2 of the NPPF.</p>	Accept Examiner's recommendation and justification.
PM20	<p><u>Page 64 Paragraph 5.65</u></p> <p>Add a sentence to paragraph 5.65 to read:</p> <p>Further guidance on the purpose and operation of clause C is contained in appendix E of this document.</p>	Accept Examiner's recommendation and justification.
PM21	<p><u>Page 63 Policy IV14</u></p> <p>Modify the start of clause A to read: All development must should be</p>	Accept Examiner's recommendation and justification.
PM22	<p><u>Page 104</u></p> <p>Insert a new Appendix E entitled Post Occupancy Evaluation Guidance.</p> <p>The wording of the new Appendix can be found on page 16 of the Parish Council Response to the Examiner's Questions.</p>	Accept Examiner's recommendation and justification.
PM23	<p><u>Page 66 Policy IV15</u></p> <p>In the first paragraph of the policy, modify the middle of the first sentence to read: ... comprising previously developed land inset from the Green Belt ... land</p>	Accept Examiner's recommendation and justification.
PM24	<p><u>Page 66 Policy IV15</u></p> <p>Modify sub-clause Ai to read:</p> <p>They comprise a data centre (sui generis) use that will not generate a significant number of HGV movements; result in no HGV movements other than for construction purposes;</p>	Accept Examiner's recommendation and justification.
PM25	<p><u>Page 66 Policy IV15</u></p> <p>Modify the last part of sub-clause Aii to read: ... ancillary or other buildings minimise their visual impact in the long views across the site from Policy Area B and from Iver-Village and Richings Park will seek to minimise their visual impact in longer distance views from and to the site, with any planning application supported by a landscape and visual impact assessment.</p>	Accept Examiner's recommendation and justification.
PM26	<p><u>Page 66 Policy IV15</u></p> <p>Delete clause B in its entirety.</p>	Accept Examiner's recommendation and justification.
PM27	<p><u>Page 66 Policy IV15</u></p>	Accept Examiner's

	Modify the introductory sentence in clause A to read: Proposals for the redevelopment of Policy Area A will be supported provided the scheme is in accordance with the vision and objectives of the Thorney Business Park Sketch Framework Plan and has regard to the following guidelines:	recommendation and justification.
PM28	<u>Page 70 Policy IV16</u> Add a footnote after 'from the outset' in clause i, to read: This is the date at which a new use and operation starts after any demolition and construction phases.	Accept Examiner's recommendation and justification.
PM29	<u>Page 71 Policy IV17</u> Delete Policy IV17 and supporting paragraph 5.77 in their entirety.	Accept Examiner's recommendations and justification.
PM30	<u>Page 72 Paragraph 6.4</u> Delete the second bullet point: Secondary School provision	Accept Examiner's recommendation and justification.
PM31	<u>Page 72</u> Add a new paragraph after 6.1 to read: The Parish Council will monitor the effectiveness of policies in the implementation of the Neighbourhood Plan against the objectives set out in paragraph 5.2 above. The data for some of these measures is collected by Buckinghamshire Council in its planning and air quality reports. In other cases, the Parish Council will endeavour to collect data and report on the progress of the plan. The Parish Council is likely to commit to an early review of the Neighbourhood Plan as set out in paragraph 3.18 above and it will also be informed by the monitoring activity in considering if and how to up-date the policies.	Accept Examiner's recommendation and justification.
PM32	<u>All plans</u> Ensure that all the plans in the document are clear and unambiguous.	Accept Examiner's recommendation and justification.
PM33	<u>Pages 30-36 Policies IV2, IV3 and IV4</u> These policies refer to a number of specific buildings which are not identified on any plan. Their location should be established on an appropriate map(s).	Accept Examiner's recommendation and justification.
PM34	<u>Page 90 Appendix D</u> Include a new second sentence to read: In identifying candidates for inclusion in this Schedule, the following sources of information have been used: <ul style="list-style-type: none"> • The Buckinghamshire Historic Environment Record • The Draft Iver Conservation Area Appraisal (March 2016) 	Accept Examiner's recommendation and justification.

	<ul style="list-style-type: none">• The Chiltern and South Bucks Townscape Character Study (November 2017)• The South Bucks Townscape Character Study (March 2010); and• The History of the Richings Park and notably the developer brochure of the 1920s.	
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