



NORTH MARSTON NEIGHBOURHOOD PLAN - DECISION STATEMENT ON PROCEEDING TO A REFERENDUM

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Executive summary

Following the examination of the North Marston 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 North Marston 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 North Marston Neighbourhood Plan relates to the North Marston Neighbourhood Area that was designated by the former Aylesbury Vale District Council on 25th May 2018. This area covers the whole of the Parish of North Marston and is entirely within the Local Planning Authority Area. North Marston Parish Council is the designated qualifying body for the Plan.
- 2.2. North Marston Parish Council undertook pre-submission consultation on the draft Plan in accordance with Regulation 14 from 15th December 2021 to 9th February 2022.
- 2.3. Following the submission of the North Marston Neighbourhood Plan and required supporting documents to the Council, Buckinghamshire Council publicised the Neighbourhood Plan between 12th May 2022 to 23rd June 2022, and representations were invited in accordance with regulation 16.

3. Independent examination

- 3.1. The Council, with the agreement of North Marston Parish Council, appointed Andrew Ashcroft BA MA MRTPI to undertake the examination of the North Marston 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 24th July 2022.
- 3.3. The Examiner's report was received on 20th October 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 North Marston Neighbourhood Area which is the same as the North Marston 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 Council 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 North Marston Neighbourhood Area which is the same area as North Marston 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 North Marston 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 North Marston 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: 22nd November 2022

Background papers

- **North Marston Neighbourhood Plan Examiners Report**
- **North Marston Neighbourhood Plan – submission version**
- **North Marston Design Code (parts 1 and 2)**
- **BMERC Designated sites report**

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>Policy E1 Rural Character</p> <p>Replace the opening element of the policy with:</p> <p>‘As appropriate to their scale, nature and location, development proposals should respond positively to the rural character and linear form of the village and its surroundings by ensuring that:’</p> <p>In the first principle delete ‘modest and’</p> <p>In the third principle replace ‘undue’ with ‘the’</p> <p>In the final principle replace ‘preserved and not be obstructed’ with respected’</p>	Accept Examiner’s recommendations and justification.
PM2	15	<p>Policy E2 North Marston Conservation Area and its setting</p> <p>In the first part of the policy replace ‘The following criteria apply:’ with ‘Development proposals should demonstrate the way in which they address the following matters’</p> <p>Delete the second part of the policy</p> <p><i>At the end of paragraph 7.20 add: ‘Policy E2 sets out how this will be achieved. The Design and Access Statement or Heritage Statement of planning applications should explain the way in which the proposal concerned will address the criteria in the policy.’</i></p>	Accept Examiner’s recommendations and justification.
PM3	16	<p>Policy E3 Local Heritage Assets</p> <p>Replace the policy with:</p> <p>‘The Plan identifies the following Local Heritage Assets:</p> <p>[List the assets without the descriptions]</p> <p>The effect of an application on the significance of an identified local heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect a local heritage asset, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset concerned.’</p>	Accept Examiner’s recommendations and justification.

		<p><i>At the end of paragraph 7.22 add: 'The details of the four identified local heritage assets are as follows:</i></p> <p><i>[Insert the names of the assets and their descriptions as submitted in the policy]</i></p>	
PM4	16, 17	<p>Policy E4 Field Patterns and archaeology</p> <p>Replace the policy with:</p> <p>'Development proposals within and adjacent to the ridge and furrow landscape as shown on Policy Map 4 at Annex 1 should take account of its significance within the local environment and its archaeological significance.</p> <p>Development proposals which would have an unacceptable impact on the archaeological significance of the identified ridge and furrow landscape will not be supported.'</p>	Accept Examiner's recommendations and justification.
PM5	17	<p>Policy NE1 Protecting the landscape</p> <p>Replace the policy with:</p> <p>'As appropriate to their scale, nature and location development proposals should protect and where practicable enhance the natural landscape and local character of the Parish, including field ponds, mature, veteran, and notable trees and hedgerows, and existing field patterns. Where appropriate, protected natural landscape features should be incorporated into any landscape design schemes.'</p> <p><i>At the end of paragraph 8.7 add: 'Policy NE1 advises that where appropriate, protected natural landscape features should be incorporated into any landscape design schemes. In these circumstances, the developer should seek to ensure that proportionate arrangements are put in place to ensure the ongoing maintenance of the natural environment which would be so affected.'</i></p>	Accept Examiner's recommendations and justification.
PM6	18	<p>Policy NE2 Biodiversity</p> <p>Replace the policy with:</p> <p>'New development should protect and where practicable enhance existing natural features of within and adjacent to application sites and provide at least 10% measurable net gain in biodiversity.</p> <p>As appropriate to their scale, nature and location development proposals should make provision of appropriate species-related measures, such as swift, martin, and bat bricks, and the incorporation of native species into landscaping schemes.</p>	Accept Examiner's recommendations and justification.

		<p>Development proposals should retain black poplars wherever practicable. Where black poplar trees need to be removed, each tree lost should be replaced by two new black poplar trees of an appropriate size and age planted in a suitable location.</p> <p>Development proposals should respond positively to opportunities to enhance and restore wildlife corridors and to link sustainable drainage solutions in new developments to complement wider nature conservation objectives.'</p>	
PM7	19	<p>Policy SD1 Development within the Settlement Boundary</p> <p>Replace the policy with:</p> <p>'The Plan identifies a Settlement Boundary as shown on Policy Map 5. Development proposals on infill or redevelopment sites inside the Settlement Boundary will be supported where they comply with other policies in the Plan.</p> <p>In exceptional circumstances, non-residential development proposals will be supported on sites adjacent to the Settlement Boundary where all the following criteria are met:</p> <ul style="list-style-type: none"> • the development responds to an identified community need; • the scale of development is proportionate to serve local needs or to support local facilities; • the development contributes positively to the character of the settlement and is appropriate to its structure, form, character, and size; and • in situations where a community building is being proposed, the users of the proposed development can safely travel to and from it by sustainable modes of transport. <p>Development proposals should not have an unacceptable impact on the amenity of neighbouring properties by way of:</p> <ul style="list-style-type: none"> • a loss of privacy; • the overshadowing of existing properties caused by proposed building; • the overbearing effect of a proposed building or structure; • the loss of car parking unless mitigated as part of the proposal; • the excessive loss of mature vegetation or landscaping; 	Accept Examiner's recommendations and justification.

		<p>and</p> <ul style="list-style-type: none"> additional traffic resulting from the development.' 	
PM8	20	<p>Policy SD2 New Housing Development</p> <p>Replace the policy with:</p> <p>'Development proposals for three or more homes should include a mix of house sizes and with a larger proportion of one- or two-bedroom homes.'</p> <p><i>At the end of paragraph 10.17 add: 'Policy SD2 sets out the Plan's approach towards the delivery of smaller houses. Development proposals to provide homes of a scale and nature for younger people and older people wishing to downsize will be particularly supported.'</i></p>	Accept Examiner's recommendations and justification.
PM9	20, 21	<p>Policy SD3 High Quality Development</p> <p>In the second part of the policy replace 'All new development must:' with 'As appropriate to their scale, nature and location development proposals should'</p> <p>Replace the first principle with: 'have regard to the guidelines and design principles set out in the North Marston Design Code'</p> <p>In the fourth principle replace 'respond' with 'respond positively'</p> <p>In the fifth principle replace the two uses of 'possible' with 'practicable'</p> <p>Replace the sixth principle with: 'use high-quality materials appropriate to the development's context and character' with 'a concentration on locally sourced or salvaged materials wherever practicable'.</p> <p>Replace the seventh principle with: 'be of a design with a locally-inspired character incorporating innovative and creative features appropriate to the site as identified within the parameters of the guidelines of the North Marston Design Code. In this broader context the use superior environmental performance techniques will also be supported.'</p> <p>In the eighth principle delete 'to ensure that surrounding dwellings are not overshadowed.'</p> <p>Replace the final principle with: 'integrate car parking within the hard and soft landscaping on the development site.'</p> <p><i>Incorporate the Design Code as an appendix of the Plan. This could be achieved either by the incorporation of the full Design</i></p>	Accept Examiner's recommendations and justification.

		<i>Code or a short description of its role and nature, details of its contents with hyperlinks to the component elements.</i>	
PM10	21	<p>Policy SD4 Energy Efficient Buildings</p> <p>In the second part of the policy replace:</p> <ul style="list-style-type: none"> • ‘All new development’ with ‘All new build’ • ‘This involves’ with ‘As appropriate to their scale, nature and location development proposals should positively address the following matters:’ <p>Replace the third part of the policy with:</p> <p>‘Proposals for the retrofit of existing buildings, including heritage assets, to reduce energy demand and to generate renewable energy will be supported where such works retain the character and integrity of the building concerned.</p> <p>Insofar as planning permission is required, proposals for alterations to existing buildings should be designed to achieve sustainable design and construction standards.</p>	Accept Examiner’s recommendations and justification.
PM11	22	<p>Policy SD5 Water Management</p> <p>At the beginning of the policy add: ‘As appropriate to their scale, nature and location development proposals should respond positively to the following principles:’</p> <p>Replace the opening wording of the four principles (the submitted parts of the policy) as follows:</p> <ul style="list-style-type: none"> • ‘Proposals for development must’ with ‘Development proposals should’ • ‘All development involving’ with ‘Development proposals which would involve’ • ‘New developments must’ with ‘Development proposals should’ • ‘All developments must’ with ‘Development proposals should’ <p>In the second principle replace ‘is required’ with ‘should’ and then delete the second sentence.</p> <p>In the third principle replace ‘to reduce the runoff of surface water in line with the requirements of Buckinghamshire Council’ with ‘wherever practicable’</p>	Accept Examiner’s recommendations and justification.
PM12	23, 24	Policy C1 Community Facilities	Accept Examiner’s

		<p>Replace the policy with:</p> <p>‘The Plan identifies the following key community facilities:</p> <ul style="list-style-type: none"> • The Pilgrim Public House • The Wesley Centre • The Memorial Hall • The Village Shop • The Clubhouse at the Sports Field <p>Development proposals for the change of use to a use other than for community facilities, or the demolition/the conversion of a key community facility will not be supported unless it can be clearly demonstrated that the facility’s continued use is no longer commercially viable and there is evidence that the property has been actively marketed, commensurate with its use, and at a commercial value on the open market, for a period of at least 12 months.</p> <p>Proposals to improve a key community facility by way of the extension or partial replacement or redevelopment of buildings, structures, and land, will be supported, where the design of the scheme respects the character of the village, is appropriate in design terms and will not have an unacceptable impact on the amenities of adjoining residential properties.</p> <p>The provision of new community facilities which are proportionate both in scale and use to the Parish will be supported.’</p>	<p>recommendations and justification.</p>
PM13	23, 24	<p>Policy C2 Local Green Spaces</p> <p>Replace the second part of the policy with:</p> <p>‘Development proposals within the designated local green spaces will only be supported in very special circumstances’</p> <p><i>At the end of paragraph 11.20 add: ‘Policy C2 follows the matter-of-fact approach in the NPPF. In the event that development 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></p>	<p>Accept Examiner’s recommendations and justification.</p>

PM14	25, 26	<p>Policy C3 Local Employment and Agriculture</p> <p>In the first part of the policy replace:</p> <ul style="list-style-type: none"> • ‘Proposals for the development of’ with ‘Development proposals for’ • ‘encouraged’ with ‘supported’ • ‘adverse’ with ‘unacceptable’ (first bullet point) • ‘it would have an acceptable impact on’ with ‘they would respect’ (second bullet point) • the third bullet point with: ‘where relevant they take opportunities to secure the re-use of vacant or redundant historic buildings as part of the development’ <p>Replace the second and third parts of the policy with:</p> <p>‘Insofar as planning permission is required, proposals for extensions to or the part change of use of dwellings to enable flexible or home working within the Settlement Boundary will be supported where appropriate vehicle parking is provided and where there is no unacceptable impact of the amenity of neighbouring residential properties.</p> <p>New development should be provided with effective high speed broadband services. Appropriate measures for access to the existing North Marston fibre network should be incorporated into the design of proposed workplaces.’</p>	Accept Examiner’s recommendations and justification.
PM15	26, 27	<p>Policy TT1 Car Parking</p> <p>In first part of the policy replace ‘will’ with ‘should’</p> <p>Replace the second part of the policy with: ‘Electric charging points for cars should be provided in line with Policy T7 of the Vale of Aylesbury Local Plan.’</p> <p>Delete the fourth part of the policy.</p>	Accept Examiner’s recommendations and justification.
PM16	27	<p>Policy TT2 Pedestrians, Cyclists and Horse riders</p> <p>Replace the policy with:</p> <p>‘As appropriate to their scale, nature and location, development proposals that would demonstrably increase traffic movement and/or affect rights of way should incorporate traffic management measures and improve the provision of pavements and access for pedestrians and cyclists and horse riders. Any new roads, junctions, pavements and traffic management measures should be designed to complement the rural character of the village and</p>	Accept Examiner’s recommendations and justification.

		<p>reflect its local heritage.</p> <p>Development proposals should respect the rights of way network. The development of new links within the village, to neighbouring villages and to the wider countryside will be supported.'</p>	
PM17	28	<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>	Accept Examiner's recommendations and justification.
PM18	28	<p>Other Matters – Specific</p> <p><i>In paragraph 1.2 add '(as amended)' after '2012'</i></p> <p><i>In paragraph 2.1 replace 'The National Planning Policy Framework (NPPF) version was published in July 2021 and sets out the Government's approach to sustainable development' with 'The National Planning Policy Framework (NPPF) (July 2021) sets out the Government's approach to sustainable development.'</i></p> <p><i>In paragraph 3.6 replace 'Heritage England' with 'Historic England'</i></p> <p><i>In paragraph 4.23 remove the e-mail address.</i></p> <p><i>Within the first two objectives under Historic Environment, replace the words 'protect and conserve' with 'protect and enhance' In the third objective under Historic Environment, replace the word 'maintain and conserve' with 'maintain and enhance'</i></p> <p><i>In paragraphs 7.8 and 7.21 amend the references/paragraph numbers to the NPPF to reflect the most recent version published In July 2021.</i></p> <p><i>There are some inconsistencies with the hyperlinks. Some are highlighted as hyperlinks and some are not. All relevant matters should use hyperlinks.</i></p>	Accept Examiner's recommendations and justification.