



**HAZLEMERE  
NEIGHBOURHOOD PLAN  
DECISION STATEMENT:  
PROCEEDING TO A  
REFERENDUM**

Date: 04/04/2023

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## **Executive summary**

Following the examination of the Hazlemere 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 Hazlemere 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 Hazlemere Neighbourhood Plan relates to the Hazlemere Neighbourhood Area that was designated on 28<sup>th</sup> September 2021. This area covers the whole of the Parish of Hazlemere and is entirely within the Local Planning Authority Area. Hazlemere Parish Council is the designated qualifying body for the Plan.
- 2.2. Hazlemere Parish Council undertook pre-submission consultation on the draft Plan in accordance with Regulation 14 from 30<sup>th</sup> May to 11<sup>th</sup> July 2022.
- 2.3. Following the submission of the Hazlemere Neighbourhood Plan and required supporting documents to the Council on 7<sup>th</sup> September 2022. Buckinghamshire Council publicised the Neighbourhood Plan between 29<sup>th</sup> September 2022 to 10<sup>th</sup> November 2022, and representations were invited in accordance with regulation 16.

### **3. Independent examination**

3.1. The Council, with the agreement of Hazlemere Parish Council, appointed David Hogger BA MSc MRTPI MCIHT to undertake the examination of the Hazlemere 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 5<sup>th</sup> January 2023
- 3.3. The Examiner's report was received on 22<sup>nd</sup> March 2023. 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.
- 3.4. The Examiner also recommended that the referendum area should be based on the designated Hazlemere Neighbourhood Area which is the same as the Hazlemere 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. 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.
- 4.5. 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.

4.6. As a result of the above, the Plan as modified should proceed to Referendum.

4.7. The date for the referendum will be set in due course.

## **5. Other information**

5.1. The Independent Examiner's Report and the Hazlemere 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 Hazlemere 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: 4<sup>th</sup> April 2023

## **Background papers**

- **Hazlemere Neighbourhood Plan Examiners Report**
- **Hazlemere Neighbourhood Plan – submission version**

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

Modification proposed	Buckinghamshire Council decision
<p><u>PM1 Page 13 Paragraph 3.3</u></p> <p>Delete <u>all</u> of paragraph 3.3.</p>	<p>Accept Examiner's recommendations and justification.</p>
<p><u>PM2 Page 14 Paragraph 3.6</u></p> <p>Delete <u>all</u> of paragraph 3.6 and replace it with:</p> <p><b>The Neighbourhood Plan must be in general conformity with the strategic policies of the development plan. Strategic policies are those which address strategic priorities in line with the requirements of Section 19 (1B-1E) of the Planning and Compulsory Purchase Act 2004. The adopted Wycombe District Local Plan of 2019 specifically identifies policies CP1 to CP12 as being strategic in nature, but other Local Plan policies are also considered to be strategic, for example policies HW7, HW8, HW20 and DM34.</b></p>	<p>Accept Examiner's recommendations and justification.</p>
<p><u>PM3 Page 21 Policy HAZNP1</u></p> <p>Modify the first sentence of the policy to read:</p> <p>Proposals for the development of new homes, <b>on sites of under 10 dwellings</b> within the built-up area of Hazlemere that are suited by their size, type and affordability to first time buyers and to households wishing to downsize to smaller homes in the area <del>are encouraged</del> <b>will be supported.</b></p>	<p>Accept Examiner's recommendations and justification.</p>
<p><u>PM4 Page 21 Paragraph 5.7</u></p> <p>Modify the second sentence of paragraph 5.7 to read:</p> <p>Also connects the provisions of Policy DM35 directly to the use of Intensification Supplementary Planning Document (ISPD) <b>and the Residential Design Guidance</b> adopted by Wycombe District Council in 2011 <b>and 2017 respectively.</b> <del>and which is especially</del> <b>Both documents are</b> relevant to guiding proposals <b>for infill schemes to prevent 'town cramming' and over-development</b> in urban areas like Hazlemere.</p>	<p>Accept Examiner's recommendations and justification.</p>

<p><u>PM5 Page 21 Paragraph 5.6</u></p> <p>Delete <u>all</u> of paragraph 5.6.</p>	<p>Accept Examiner's recommendations and justification.</p>
<p><u>PM6 Page 22 Policy HAZNP2</u></p> <p>Delete <u>all</u> of Clause A and replace it with:</p> <p><b>the Neighbourhood Plan identifies, on the Policies Map and on Plan D (page 26), a Hazlemere Green Infrastructure Network, comprising sites of biodiversity value, woodlands, significant trees and hedgerows, water courses and bodies, green spaces and amenity land. Development proposals that lie within or adjoining the Green Infrastructure Network must demonstrate how they will maintain or improve the functionality of the Network.</b></p> <p>Amend Clause lettering and subsequent paragraph numbers accordingly.</p>	<p>Accept Examiner's recommendations and justification.</p>
<p><u>PM7 Page 22 Policy HAZNP2</u></p> <p>Delete <u>all</u> the 8 sites referenced in Clause C and replace the list with:</p> <p><b>Queensway pond area</b></p> <p><b>Highfield Way space</b></p> <p><b>Maple Close space</b></p> <p><b>Lowfield Way space</b></p> <p><b>Beechfield Way space</b></p> <p>Delete the last sentence of Clause C and replace it as follows:</p> <p><del>Proposals for development on a Local Green Space will only be supported in very special circumstances.</del></p> <p><b>Proposals for development on a Local Green Space will only be allowed if it is satisfactorily demonstrated that they are consistent with policies for managing development in Green Belts.</b></p>	<p>Accept Examiner's recommendations and justification.</p>



<p>ete <u>all</u> of Clause D.</p>	
<p><u>PM8 Page 23 Policy HAZNP2</u></p> <p>Modify the lase sentence of (existing) Clause E to read:          In addition, on sites of 0.5 ha or more, future canopy cover of at least 25% of the site area within <del>ten years</del> <b>an agreed timetable</b> could be achieved.          Clause E should become Clause D (as a consequence of PM7).</p>	<p>Accept Examiner's recommendations and justification.</p>
<p><u>PM9 Page 25 Paragraph 5.15</u></p> <p>The penultimate sentence of the paragraph delete <del>10 years</del> and replace it with <b>an agreed timetable</b>.</p>	<p>Accept Examiner's recommendations and justification.</p>
<p><u>PM10 Page 27 Policy HAZNP3</u></p> <p>Modify the start of Clause A to read:          All development <del>must</del> <b>should</b> be 'zero carbon ready by design' to minimise...</p>	<p>Accept Examiner's recommendations and justification.</p>
<p><u>PM11 Page 27 Policy HAZNP3</u></p> <p>Modify the title of the document at the end of the first sentence of Clause C:          Post <del>Construction</del> <b>Occupation</b> Evaluation Report.</p>	<p>Accept Examiner's recommendations and justification.</p>
<p><u>PM12 Page 27 Policy HAZNP3</u></p> <p>In third line of Clause B replace:  <del>encouraged</del> with <b>supported</b>.</p>	<p>Accept Examiner's recommendations and justification.</p>
<p><u>PM13 Page 31 Paragraph 5.24</u></p>	<p>Accept Examiner's</p>

<p>Delete <u>all</u> of paragraph 5.24.</p>	<p>recommendations and justification.</p>
<p><u>PM14 Page 30 HAZNP4</u></p> <p>Delete the last sentence of Clause B:  <del>where these goals cannot be achieved then a financial contribution may be required as mitigation.</del></p>	<p>Accept Examiner's recommendations and justification.</p>
<p><u>PM15 Page 30 Policy HAZNP4</u></p> <p>Delete <u>all</u> of Clause E:  <del>where possible, the improvements to transport infrastructure in Parish as set out in the Wycombe District Local Plan must have commenced their implementation before or at the same time as an approved major development is implemented.</del></p>	<p>Accept Examiner's recommendations and justification.</p>
<p><u>PM16 Page 31 Paragraph 5.30</u></p> <p>Delete <u>all</u> of paragraph 5.30 (about Clause E).</p>	<p>Accept Examiner's recommendations and justification.</p>
<p><u>PM17 Page 30 Policy HAZNP4</u></p> <p>Modify Clause F to read:          developments must ensure that transport routes and public spaces within the development <del>meet best standards of accessibility</del> <b>are accessible in their design and layout</b>, so that the whole development meets the needs of people with a wide range of disabilities, including age related impacts and hidden disabilities.</p>	<p>Accept Examiner's recommendations and justification.</p>
<p><u>PM18 Page 32 Policy HAZNP5</u></p> <p>Modify policy HAZNP5 by the deletion of Clauses A2, A3, B6, and C8:  <del>to maintain a sense of separation between Hazlemere and Holmer Green through the layout of the site;</del></p>	<p>Accept Examiner's recommendations and justification.</p>

<p><del>A3 to redevelop the existing coach yard and riding stables.</del></p> <p><del>B1 to provide vehicular access from the A404;</del></p> <p><del>to provide or contribute to off-site highway improvements as required by the highway Authority.</del></p> <p><del>to provide a landscape setting to the site on its southern boundary, along the A404 which is the boundary to the Area of Outstanding Natural Beauty</del></p> <p><del>C8 to manage local sources of flood risk.</del></p> <p>Modify Clause B1 to read:</p> <p>To provide vehicular access from the A404 <b>and Wycombe Road;</b></p> <p>Add a new requirement in Clause B to read:</p> <p><b>make provision, where justified, for on-site and off-site improvements in relation to bus services;</b></p> <p>Modify Clause C7 to read:</p> <p>contribute to off-site green infrastructure network improvements adjacent to the site as appropriate;</p> <p>The lettering/numbering of the Clauses should be amended accordingly.</p>	
<p><u>PM19 Page 33 Plan E</u></p> <p>Modify the site boundary as shown on plan E to include <u>all</u> the land identified as 'Additional Area' in Figure 2 of the 'Land off Wycombe Road including Tralee Farm Development Brief'.</p>	<p>Accept Examiner's recommendations and justification.</p>
<p><u>PM20 Page 45 Policies Map</u></p> <p>Modify the Policies Map to accord with the contents of modified policy HAZNP2.</p>	<p>Accept Examiner's recommendations and justification.</p>
<p><u>PM21 Page 46 Appendix A Hazlemere Green Infrastructure Network</u></p> <p>Modify Appendix A to accord with the contents of modified policy HAZNP2 (Protecting and Improving Green Infrastructure).</p>	<p>Accept Examiner's recommendations and justification.</p>

