

Maids Moreton Neighbourhood Development Plan 2023-2035

**A report to Buckinghamshire Council on the Maids
Moreton Neighbourhood Development Plan**

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Executive Summary

- 1 I was appointed by Buckinghamshire Council in June 2023 to carry out the independent examination of the Maids Moreton Neighbourhood Plan.
- 2 The examination was undertaken by way of written representations. I visited the neighbourhood area on 17 July 2023.
- 3 The Plan includes a variety of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. It proposes the designation of a package of local green spaces. It also includes policies to safeguard the built and historic environment and to promote the development of sustainable buildings
- 4 The Plan has been underpinned by community support and engagement. All sections of the community have been engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report, I have concluded that the Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
25 September 2023

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Maids Moreton Neighbourhood Development Plan 2020-2035 ('the Plan').
- 1.2 The Plan was submitted to Buckinghamshire Council (BC) by Maids Moreton Parish Council (MMPC) in its capacity as the qualifying body responsible for preparing the neighbourhood plan. The neighbourhood area was designated in June 2016 by the former Aylesbury Vale District Council (AVDC). AVDC has been incorporated into the newly-created Buckinghamshire Council since 1 April 2020.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) in 2012, 2018, 2019, 2021 and 2023. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope and can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted Plan has been designed to be distinctive in general terms, and to be complementary to the existing development plan. It seeks to provide a context in which the neighbourhood area can maintain its character and appearance.
- 1.6 Within the context set out above, this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the neighbourhood area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by BC, with the consent of MMPC, to conduct the examination of the Plan and to prepare this report. I am independent of both BC and MMPC. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 40 years' experience in various local authorities at either Head of Planning or Service Director level and more recently as an independent examiner. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral System.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan as submitted should proceed to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 2.5 The outcome of the examination is set out in Section 8 of this report.

Other examination matters

- 2.6 In examining the Plan, I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
 - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.7 I have addressed the matters identified in paragraph 2.6 of this report and am satisfied that they have been met.

3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the submitted Plan.
- the Basic Conditions Statement.
- the Consultation Statement.
- the Heritage Statement
- the Buckinghamshire Council SEA/HRA Screening report (June 2022).
- the representations made to the Plan.
- NMPC's responses to the clarification note.
- the adopted Vale of Aylesbury Local Plan (2017-2033).
- the National Planning Policy Framework (September 2023).
- Planning Practice Guidance.
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 17 July 2023. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations, I concluded that the Plan could be examined by way of written representations and that a hearing was not required.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such, the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended), MMPC prepared a Consultation Statement. It is proportionate to the neighbourhood area and its policies
- 4.3 Section 2 Statement records the various activities that were held to engage the local community and the feedback from each event. It also comments on the consultation processes that took place on the pre-submission version of the Plan (July-August 2022).
- 4.4 Section 5 provides the details of the way in which the Plan was refined as a result of this process. This analysis contributes significantly to the legibility of the relevant information and helps to describe how the Plan has progressed to the submission stage.
- 4.5 Consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation. From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process. BC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

Consultation Responses

- 4.6 Consultation on the submitted plan was undertaken by BC. It ended on 11 May 2023. This exercise generated representations from the following organisations:
- Buckinghamshire Council
 - Historic England
 - Natural England
 - Gladman Developments Limited
 - Akeley Parish Council
 - Leckhampstead Parish Council
 - David Wilson Homes
- 4.7 Comments was also received from residents.
- 4.8 I have taken account of all the representations in preparing this report. Where it is appropriate to do so, I refer to specific representations on a policy-by-policy basis.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area is the parish of Maids Moreton. Its population in 2011 was 847 persons living in 363 households. It is located to the north of Buckingham. It was designated as a neighbourhood area in June 2016 by the former AVDC. The parish lies on higher land approximately one mile north of Buckingham.
- 5.2 The village has a distinct character and identity. It has four approaches - two are narrow rural lanes and two are approaches from the A413. They meet in the middle of the village by the church. In their different ways these entrances incorporate views of historic features and providing a separate sense of place on entering the village. The centre of Maids Moreton is covered by the Maids Moreton Conservation Area.
- 5.3 As the Local Plan describes, the village core contains several historic buildings, in particular a significant group of timber-framed buildings dating from the 17th century. There were several housing developments in the 20th century extending the original village core including the Pightle in 1922, the Leys in 1949, Church Close in 1953, Manor Park in 1965 and Glebe Close in 1982. The focus of the village is centred on the church of St Edmund, and its neighbours, The Old Rectory and Maids Moreton Hall. Maids Moreton also has a village hall, Maids Moreton (primary) School, The Wheatsheaf public house, The Vet Centre, and several businesses at Vitalograph Business Park.

Development Plan Context

- 5.4 The development plan for the neighbourhood area is well-developed and up-to-date. The Vale of Aylesbury Local Plan 2013 to 2033 (VALP) was adopted in September 2021.
- 5.5 Policy S2 (Spatial Strategy for Growth) comments that the primary focus of strategic levels of growth and investment will be at Aylesbury, and development at Buckingham, Winslow, Wendover and Haddenham supported by growth at other larger, medium, and smaller villages. Maids Moreton is identified as one of a series of medium villages. The VALP comments that medium villages have some provision key services and facilities, making them moderately sustainable locations for development. The VALP allocates a site for housing development (D-MMO006) in the parish at land east of Walnut Drive and west of Foscode Road for approximately 170 homes.
- 5.6 Policy S3 (Settlement hierarchy and cohesive development) continues this approach. It comments that other than for specific proposals which accord with policies in the Plan to support thriving rural communities and the development of allocations in the Plan, new development in the countryside should be avoided, especially where it would compromise the character of the countryside between settlements, and result in a negative impact on the identities of neighbouring settlements or communities leading to their coalescence. The policy also comments about the importance of maintaining the individual identity of villages and avoiding extensions to built-up areas that might lead to further coalescence between settlements.

5.7 In addition to Policies S2 and S3, the following policies in the VALP have been particularly important in underpinning the approach taken in the submitted Plan:

- H1 Affordable Housing
- H6a Housing Mix
- E4 Working from Home
- BE1 Heritage Assets
- BE2 Design of new development
- NE6 Local Green Space
- NE8 Trees, hedgerows, and woodlands
- I3 Community facilities, infrastructure and asserts of community value

5.8 The submitted Plan has been prepared within its up-to-date development plan context. In doing so, it has relied on up-to-date information and research that has underpinned existing planning policy documents. This is good practice and reflects key elements in Planning Practice Guidance on this matter. I am satisfied that the submitted Plan seeks to add value to the different components of the development plan and to give a local dimension to the delivery of its policies. This is captured in the Basic Conditions Statement

Visit to the neighbourhood area

5.9 I visited the neighbourhood area on 17 July 2023. I approached from Buckingham to the south. This helped me to understand its position in the wider landscape in general and its accessibility to the road network in particular.

5.10 I saw the attractiveness and layout of the village and its historic assets. I took time to look at the proposed Settlement Boundary and its relationship with the allocated housing site in the VALP.

5.11 I took time to look at the proposed local green spaces. I saw their varied size and nature. I walked along Scotts Lane so that I could understand the significance of the proposed local green space in that part of the village.

6 The Neighbourhood Plan and the Basic Conditions

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped in the preparation of this section of the report. It is an informative and well-presented document.
- 6.2 As part of this process, I must consider whether the submitted Plan meets the basic conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contribute to the achievement of sustainable development;
 - be in general conformity with the strategic policies of the development plan in the area;
 - be compatible with European Union (EU) obligations and European Convention on Human Rights (ECHR); and
 - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

I assess the Plan against the basic conditions under the following headings:

National Planning Policies and Guidance

- 6.3 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework 2023 (NPPF).
- 6.4 The NPPF sets out a range of land-use planning principles to underpin both plan-making and decision-taking. The following are particularly relevant to the Maids Moreton Neighbourhood Development Plan:
- a plan-led system - in this case the relationship between the neighbourhood plan and the VALP;
 - building a strong, competitive economy;
 - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
 - taking account of the different roles and characters of different areas;
 - highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
 - conserving heritage assets in a manner appropriate to their significance.
- 6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

- 6.6 In addition to the NPPF, I have also taken account of other elements of national planning policy including Planning Practice Guidance and the recent ministerial statements.
- 6.7 Having considered all the evidence and representations available as part of the examination, I am satisfied that the submitted Plan has had regard to national planning policies and guidance subject to the recommended modifications in this report. It sets out a positive vision for the future of the neighbourhood area. It includes a series of policies that address a range of development and environmental matters. It has a focus on designating local green spaces and safeguard its historic built and natural environments.
- 6.8 At a more practical level, the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This was reinforced with the publication of Planning Practice Guidance. Paragraph ID:41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise, and supported by appropriate evidence.
- 6.9 As submitted the Plan does not fully accord with this range of practical issues. Most of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social, and environmental. I am satisfied that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension, the Plan includes policies for residential and employment development in the settlement boundary (Policy MMG1 and MMG2). In the social role, it includes a policy on community facilities (Policy MMC1). In the environmental dimension, the Plan positively seeks to protect its natural, built, and historic environment. It has policies on the natural environment (Policy MME1), local green spaces (Policy MME2), sustainable design (Policy MME3), and historic character (Policy MME4). This assessment overlaps with the details on this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.11 I have already commented in detail on the development plan context in this part of Buckinghamshire in paragraphs 5.4 to 5.8 of this report.
- 6.12 I consider that the submitted Plan delivers a local dimension to this strategic context and supplements the detail already included in the adopted development plan. Subject

to the recommended modifications in this report, I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

Strategic Environmental Assessment

- 6.13 The Neighbourhood Plan (General) (Amendment) Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.14 In order to comply with this requirement, BC undertook a screening exercise in June 2022 on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. It concludes that it is unlikely that significant environmental effects will arise from the implementation of the Plan and that SEA is not needed.

Habitats Regulations Assessment

- 6.15 BC also prepared a Habitats Regulations Assessment (HRA) of the Plan at the same time. It assesses the likely impact of the submitted Plan on the Chilterns Beechwoods Special Area of Conservation.
- 6.16 The HRA concludes that the neighbourhood plan will not give rise to likely significant effects on European sites, either alone or in combination with other plans or projects, and that Appropriate Assessment is not required.
- 6.17 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. None of the statutory consultees have raised any concerns regarding either neighbourhood plan or to European obligations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of neighbourhood plan regulations.

Human Rights

- 6.18 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Summary

- 6.19 On the basis of my assessment of the Plan in this section of my report, I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. It makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 The recommendations focus on the policies in the Plan given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and MMPC have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (Section 41-004-20190509) which indicates that neighbourhood plans must address the development and use of land.
- 7.5 I have addressed the policies in the order that they appear in the submitted Plan.
- 7.6 For clarity, this section of the report comments on all policies
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial parts of the Plan (Sections 1 to 5)

- 7.8 The Plan is well-organised and presented. It makes an appropriate distinction between the policies and their supporting text. It includes a series of good maps.
- 7.9 The initial elements of the Plan set the scene for the policies. They are proportionate to the neighbourhood area and the subsequent policies. The Introduction comments about the way in which the Plan was prepared and when the neighbourhood area was designated. It properly identifies the neighbourhood area (Plan 1) and the Plan period (In part 1.2). It also comments about the way in which it will be monitored and received.
- 7.10 Section 2 sets out the vision and objectives for the Plan. It makes a strong functional relationship between the various issues. The Vision neatly summarises the approach taken as follows:
- ‘To allow Maids Moreton Parish to develop in a sustainable way against the context of global climate change while meeting the needs of the local village community, creating more sustainable life/work patterns, and preserving or enhancing the historic character and the natural and rural environment of the parish.’*
- 7.11 Section 3 provides information about the neighbourhood area. The interesting and comprehensive details help to set the scene for the eventual policies.

- 7.12 Section 4 sets out the way in which local people and organisations were engaged in the Plan. It overlaps with the Consultation Statement.
- 7.13 Section 5 comments about the way in which the Plan has sought to meet the necessary legal requirements. It advises about the basic conditions, the screening process, and the equalities assessment.
- 7.14 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

General comments on the policies

- 7.15 The Plan is in the fortunate place of being produced within the context of the VALP which was adopted in 2020. National policy is clear that a neighbourhood plan does not need to restate policies in an adopted local plan. It also advises that a qualifying body (here MMPC) can decide the level of detail which it wishes to include in its plan.
- 7.16 Within this context I have considered carefully the representations from BC. In some cases, they highlight areas where policies are inconsistent with those in the VALP. In some cases, they identify areas where the Plan is silent on issues addressed in the VALP. Finally in some cases, they highlight matters which could be included in the Plan. I have approached these issues within the context of the basic conditions' tests and the contents of paragraph 7.15 above.

Policy MMG1: Sustainable Growth

- 7.17 This is an extensive policy based on the defined settlement boundary. It offers support for new residential and employment development within the settlement boundary. It also offers detailed advice for infill proposals.
- 7.18 BC question the way in which the settlement boundary has been defined in such a way that it does not include the parcels of land to the north and east of the village which now have planning permission for residential development. As the Interpretation comments:

'the settlement boundary does not include the site allocation from the Local Plan as the site is not yet developed and is addressed in policy terms by the Local Plan. If the site is developed, a future neighbourhood plan could amend the settlement boundary.'

- 7.19 On the balance of the evidence, including MMPC's response to the clarification note I am satisfied that the Plan's approach to this matter meets the basic conditions. Development has not commenced on the allocated site and it is a matter which can be addressed in any review of any made neighbourhood plan. In any event the absence of the parcels of land being identified within the settlement boundary would not affect the extant planning permissions. Nevertheless, I recommend that the supporting text explains the broader position.
- 7.20 In its response to the clarification note MMPC helpfully proposed modifications to the policy to combine several of its components. This makes the approach more readable and avoids the overlaps in the submitted policy. I recommend modifications based on this approach. In doing so, I have revised some of the wording used including recasting

what would be the third component so that it has a positive rather than a negative approach. I also correct an error in the Interpretation (on the types of employment uses which would not be supported)

- 7.21 The need for the seventh part of the policy has now been overtaken by the introduction of Part R of the Building Regulations in December 2022. I recommend accordingly.
- 7.22 Otherwise the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

Replace the policy with:

‘Residential development and employment development (Use Class E) will be supported for brownfield sites and small infill sites within existing built frontages in the Maids Moreton settlement boundary (Plan 2), providing:

- a. There is no unacceptable impact on the amenity of nearby residential properties or the historic and rural character and economy of the area;**
- b. The site is not a Local Green Space (as identified in Policy MME2);**
- c. The scheme complements the village character, and meets the requirements of MME3, MME4 and other policies in this plan;**
- d. Appropriate garden space is provided for new dwellings and maintained for existing dwellings.**

Development to support the rural economy or to diversify agriculture and will be supported, where there is no unacceptable loss of best and most versatile agricultural land (Grade 3A and above) and no unacceptable impact on the amenity of nearby residents or the historic and rural character and economy of the area.

Development proposals should respond positively to the open rural landscape setting of Maids Moreton as an historic village, including its existing landscape separation between the settlements of Chackmore, Akeley, Leckhampstead, Foscote and Buckingham.’

In the Rationale (6.1) replace ‘The settlement boundary does not include the site allocation from the Local Plan as the site is not yet developed and is addressed in policy terms by the Local Plan. If the site is developed, a future neighbourhood plan could amend the settlement boundary’ with ‘The settlement boundary does not include the site allocation from the Local Plan as the site is not yet developed and is addressed in policy terms by the Local Plan. Nonetheless the Parish Council recognises the importance of the site to the future delivery of housing in the parish and that planning permissions have now been granted for the development of the site. In due course the review of the neighbourhood plan will amend the settlement boundary to include the site. It is shown on Plan 2.’

In the second paragraph of the Interpretation replace both references to ‘B1 and B8’ uses with ‘B2 and B8 uses’

Policy MMG2: Residential Development

- 7.23 The Interpretation advises that the Local Plan sets requirements for housing mix and affordability and that this policy complements those in the Local Plan, highlighting the needs of the village, and that the policies should be together. The policy comments that the mix of accommodation in residential development must reflect the needs of the area, including housing suitable for small families, first time buyers, elderly people and those seeking to downsize.
- 7.24 In general terms, the policy takes a positive approach to this important matter. I recommend a series of detailed modifications to the wording used in the different elements of the policy to bring the clarity required by the NPPF. They include the removal of the unnecessary reference to local needs in the second part of the policy and an acknowledgement in the fourth element of the policy that the construction of adaptable homes (beyond that required in the Building Regulations) may not always be practicable or commercially viable.
- 7.25 I am satisfied that the first part of the policy is in general conformity with Policy XX of the VALP. It continues to rely on the evidence produced on housing needs in the VALP and supplements that information with details available in the parish.
- 7.26 The Interpretation refers to the Nationally Described Spaces Standards 2015 as the basis for interpreting the policy. Whilst I understand MMPC's intentions I recommend its deletion given that this approach does not have regard to national policy (in this case the March 2015 Ministerial Written Statement). Otherwise, it meets the basic conditions. It will contribute to the delivery of the social dimension of sustainable development.

In the first part of the policy replace 'must' with 'should' and 'those seeking to downsize' with 'people looking for smaller homes in the parish'

In the second part of the policy delete 'to meet local need'

Replace the third part of the policy with: 'Development proposals for specialist accommodation, including sheltered accommodation and supported living, will be supported.'

Replace the fourth part of the policy with: 'Wherever practicable and commercially viable the layout of dwellings should be adaptable to differing needs, including home working, and provide storage space proportionate to the size of the house concerned.'

Policy MMC1: Community Facilities

- 7.27 The policy has two related parts. The first comments that development that improves existing community facilities or provides new community facilities will be supported, including public sports, play and leisure facilities, providing there is no significant adverse impact on the amenity of nearby residents and the rural and historic character of the area. The second comments that development that results in the loss of community facilities will only be supported where a similar or better facility is provided

in proximity or where it can be demonstrated that that their continued use is no longer viable. In its response to the clarification note, MMPC advised that the policy is intended to apply both to existing community facilities and any others which may come forward in the Plan period.

- 7.28 The policy takes a positive approach to this matter. It acknowledges that alternative facilities may arise in the Plan period and/or that some of the facilities may become unviable. I recommend a modification to the first part of the policy to bring the clarity required by the NPPF. Otherwise, it meets the basic conditions. It will contribute to the delivery of the social dimension of sustainable development.

In the first part of the policy replace ‘significant adverse’ with ‘unacceptable’

At the end of the first part of the Interpretation add: ‘It will also apply to any new community facilities which may become established within the Plan period’

Policy MME1: Rural and Natural Environment

- 7.29 The policy addresses a comprehensive range of matters relating the natural environment of the parish. The Interpretation comments that the policy

‘complements requirements in the Local Plan for ecological buffers to watercourses, hedgerows and woodland and avoid fragmentation of wildlife corridors. The policy seeks to protect trees and hedges and specimens and trees. It also comments that the policy should be applied closely with MME3, which also addresses landscape design. Application of the policy will include consideration of the impacts of development and of the adequacy of landscape design and planting proposals.’

- 7.30 The policy takes a positive approach to this matter. In this context I recommend a series of modification to respond to the comments made by BC, the questions in the clarification note and MMPC’s responses to the questions. In the main they ensure:

- combining relevant parts of the policy to reduce overlaps;
- that the wording used will have the clarity required by the NPPF; and
- that the wording used has a positive rather than a negative approach

- 7.31 I also recommend consequential modifications to the Interpretation. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the environmental dimension of sustainable development.

Replace the first and second parts of the policy with: ‘Development proposals should provide a measurable biodiversity net gain and not have an unacceptable impact on flora, habitats or biodiversity and take opportunities to enhance habitats and green infrastructure. Where development proposals would have an unavoidable impact on biodiversity, the harm should be fully mitigated or offset in the design, features and landscaping of the development.’

In the third part of the policy replace ‘and cause no harm with ‘and not result in unacceptable harm’

Replace the fourth part of the policy with: ‘Development proposals should respond positively to notable or protected species, including long-eared brown bat and other bats, hedgehog, otter, red kite, goldeneye, lapwing, pochard, greenfinch, house sparrow, skylark, starling, and great crested newts on or adjacent to the site concerned and avoid any unacceptable harm to their habitats.’

Replace the fifth part of the policy with: ‘Development proposals should retain mature and/or specimen trees and incorporate them into the design and layout of development. In addition, measures should be taken to protect the trees concerned during the development process. Where loss of mature or specimen tree and hedges is unavoidable, replacements should be provided within the overall development, using species of similar or enhanced value in terms of amenity and environmental value.’

Replace the sixth part of the policy with: ‘Development proposals should respond positively to the ecology, habitats and character of Foxcote Reservoir and Wood SSSI and priority habitats and avoid any unacceptable harm to its natural integrity.’

In the seventh part of the policy replace ‘must’ with ‘should’

In the eighth part of the policy replace ‘Landscape design and planting in development’ with ‘The landscape design and the overall planting in development proposals’

In the final part of the Interpretation delete ‘while minimising any loss of open views to the wider countryside’ and replace ‘Erosion of existing landscape buffers will be resisted. Hard transitions, such as unscreened concrete and close boarded panel fences, would not meet the requirements of the policy.’ with ‘The erosion of existing landscape buffers and hard transitions, such as unscreened concrete and close boarded panel fences, are unlikely to meet the requirements of the policy.’

Policy MME2: Local Green Space

- 7.32 The policy proposes the designation of five local green spaces (LGSs). The approach taken is underpinned by the LGS Evidence Document. The proposed LGS are:
- LGS1 Scott’s Lane and the adjacent fields (Tin Hovel Field, Culver Leys and Whirly Field);
 - LGS2 Maids Moreton CE First School field and spinney;
 - LGS3 The Rose Garden;
 - LGS4 St Edmund’s Churchyard; and
 - LGS5 Church Green.
- 7.33 I looked at the proposed LGSs carefully during the visit including walking along Scotts Lane and the footpaths which links it to Duck Lane and Main Street.

- 7.34 On the basis of all the information available to me, including my own observations, I am satisfied that proposed LGSs 2-5 comply with the three tests in paragraph 102 of the NPPF.
- 7.35 In addition, I am satisfied that their proposed designation would accord with the more general elements of paragraph 101 of the NPPF. Firstly, I am satisfied that their designation is consistent with the local planning of sustainable development. They do not otherwise prevent sustainable development coming forward in the neighbourhood area and no such development has been promoted or suggested. Secondly, I am satisfied that the LGSs are capable of enduring beyond the end of the Plan period. Indeed, they are an established element of the local environment and, in most cases, have existed in their current format for many years. In addition, no evidence was brought forward during the examination that would suggest that the proposed local green spaces would not endure beyond the end of the Plan period.
- 7.36 A representation was made by Gladman Developments Limited to the proposed designation of LGS1 Scotts Lane. It comments about its relationship with the Plan's comments about the openness between Maids Moreton and Buckingham.
- 7.37 Plainly the proposed LGS has both a different character and scale to the other four LGSs which are concentrated in the village centre. As the Plan describes it is 'a popular beauty spot where people from Maids Moreton and Buckingham walk on the lane and PRow through the fields and sit on benches to enjoy the tranquil atmosphere, abundant nature, and beautiful views of open undeveloped historic grazing pastures, essentially unchanged for over 400 years.'
- 7.38 Based on the evidence available I am satisfied that the proposed LGS is in reasonably close proximity to the community it serves. It is immediately adjacent to the School and Scotts Lane is readily accessed from Avenue Road, Duck Lane, and Main Street
- 7.39 I am also satisfied that it is demonstrably special to the local community and holds a particular local significance. It is a popular walking route through a tranquil part of the village. It is a remaining element of the pastures which would have surrounded the historic core of the village. In the round I am satisfied that the proposed designation relates to its inherent character rather than the Plan's broader comments about separation between the village and Buckingham.
- 7.40 I am also satisfied that it is local in character and not an extensive tract of land. National policy does provide specific advice on this matter. However, at 4.4 hectares the proposed LGS falls comfortably within the size of other LGSs in the County and elsewhere which have been assessed as local in character.
- 7.41 I have also considered the extent to which the proposed designation would accord with the more general elements of paragraph 101 of the NPPF. Firstly, I am satisfied that its designation is consistent with the local planning of sustainable development. It would not otherwise prevent sustainable development coming forward in the neighbourhood area. In addition, the VALP has already allocated a housing site in the neighbourhood area and planning permission are now in place for its development.

- 7.42 I have also considered whether the proposed LGS is capable of enduring beyond the end of the Plan period. In assessing this issue, I have taken account of a planning application for development of 15 custom/self-build housing which BC is currently considering (23/01306/APP). It was submitted in April 2023 and occupies that part of the proposed LGS to the east of Scotts Lane. The proposal shows the part of the proposed LGS to the west of Scott Lane to be retained and use as a public common area in that application. Plainly the determination of the planning application is ultimately a matter for BC.
- 7.43 I have considered this matter very carefully. I have given significant weight to the circumstances presented by the proposed LGS and that it is an established element of the local environment which has existed in their current format for many years. Whilst the planning application was submitted during the consultation exercise on the submitted Plan no specific evidence was brought forward during that consultation exercise that would suggest that the proposed local green spaces would not endure beyond the end of the Plan period. In all the circumstances I am satisfied that the proposed designation of the LGS meets the basic conditions.
- 7.44 In the event that BC takes a different view on this matter and grants planning permission for the current planning application before the Plan is made the proposed LGS should be modified by the deletion of the built-up part of that planning application (to the east of Scotts Lane)
- 7.45 The first part of the policy lists the proposed LGSs. The second and third parts set out the way in which the approach taken would be implemented through the development management process. Whilst they seek to follow the matter-of-fact approach in paragraph 103 of the NPPF, they identify specific circumstances where development would be supported. Whilst I can understand the circumstances why MMPC has prepared the policy (both generally and as expressed in its response to the clarification note), I recommend that the policy takes on the approach in the NPPF. I also recommend the inclusion of additional supporting text to explain this matter. Otherwise, it meets the basic conditions. It will contribute to the delivery of the social and environmental dimensions of sustainable development.

Replace the second and third parts of the policy with: ‘Development proposals affecting the designated local green spaces will only be supported in very special circumstances.’

Replace the second paragraph of the Interpretation with:

‘Policy MME2 takes the matter-of-fact approach in paragraph 103 of the NPPF. Buckinghamshire Council will be able to make an informed judgement on the extent to which development proposals meet the very special circumstances required by the policy on a case-by-case basis. Any development proposal would need to enhance or support the community value and community use of the local green space concerned and be located and designed so that it does not compromise its open or green character.’

Policy MME3: Sustainable Design

- 7.46 This is a comprehensive policy on sustainable design. This Interpretation advises that the policy seeks to ensure that new developments:

'respect the character of Maids Moreton and takes account of the intrinsic constraints of its historic and natural environments. Designs should enhance practical functionality of the village infrastructure rather than exacerbate existing constraints and should promote the quality of life of all residents. Maids Moreton takes seriously its obligation to contribute to climate change efforts and regards sustainable development as crucial. The use of high-quality building design using durable, local, and recycled materials will both limit the carbon footprint of development and will contribute positively to the distinctive sense of place and character. The policy seeks to ensure that new development contributes to climate change mitigation in terms of design, landscaping, materials, water conservation and drainage and other sustainable features.'

- 7.47 The policy takes a positive approach to this important matter. In general terms, it provides a very good local response to Section 12 of the NPPF.
- 7.48 I recommend that the structure of the policy is revised so that the first part becomes a broader context for a series of more detailed design principles and identifies how it will be applied on a proportionate basis.
- 7.49 I recommend the following modifications to the principles in the policy (using the numbers in the submitted Plan):
- in point 4 refine the established pattern issue so that it more closely relates to application sites;
 - simply point 5 (fences) to acknowledge permitted development rights;
 - in point 8 delete the effects of the implementation of the policy;
 - in points 12 (on bin storage) and 13 (on the spacing of buildings to assist future maintenance) acknowledge that the issues concerned may not always be practicable to achieve.
- 7.50 I also recommended associated modifications to the Interpretation of the policy. They refine its effects rather than detracting from the overall approach taken. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the environmental dimension of sustainable development.

Replace the first part of the policy with:

'Development proposals should be well-designed, sustainable and create a locally distinctive sense of place. As appropriate to their scale, nature and location. development proposals should respond positively to the following principles:'

Thereafter change the numbering in the policy (so that point 2 becomes point 1 etc).

In point 4 add ‘in the vicinity of the site’ after ‘the established pattern of front and rear gardens’

Replace point 5 with ‘Boundary treatments should reflect those in the immediate vicinity of the proposal and with an emphasis on the use of hedgerows or low walls using traditional local materials’

In point 8 delete ‘so as to....or properties’

At the beginning of points 12 and 13 add: ‘Where practicable,’

Replace the second paragraph of the Interpretation with: ‘The importance of treating landscaping design and planting as an integral part of the design will mean that details should form part of detailed planning applications wherever practicable.’

Replace the fifth paragraph of the Interpretation with: ‘Wherever practicable the separation of detached, semi-detached, or terraced properties to allow for maintenance should allow for a full height ladder to be safely used. The Plan acknowledges that design and character issues will also need to be balanced in securing a design which best suits the site concerned.’

Policy MME4: Historic Character

- 7.51 This is a comprehensive policy on the historic character of Maids Moreton. It brings a parish-dimension to national and local policies for conservation areas by ensuring that new developments complement the character of the area including a series of identified characteristics.
- 7.52 In the round the policy is well-developed. In the round it is a very distinctive policy. I recommend that the second characteristic is simplified by the removal of explanatory text. This will bring the clarity required by the NPPF.
- 7.53 The second part of the policy comments that building frontages directly onto the roadside with no pavement will not be supported, in the interests of pedestrian safety. This approach is both restrictive and fails to anticipate that proposals may be able to come forward successfully whereby properties front onto shared surfaces. In any event the broader issue of the positioning of buildings in the conservation area is addressed in the first part of the policy. In these circumstances I recommend the deletion of this part of the policy.
- 7.54 The third part of the policy addresses the effect of highways infrastructure and increased traffic on the character of the conservation area. I recommend that the policy is recast so that its focus is on the former issue. Conservation area legislation relates to character and appearance of the built environment rather than traffic levels. I also recommend consequential modifications to the supporting text. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the environmental dimension of sustainable development.

In 1b delete ‘with most.....uniform design’

Delete the second part of the policy.

Replace the third part of the policy with: ‘Development proposals for highway infrastructure should reponed positively to the character and appearance of the Conservation Area’

In the Interpretation delete: ‘Harm to structural integrity could arise from ground disturbance, impact, or vibration, where highway infrastructure and traffic is in close proximity to heritage assets.’

Policy MMI2: Transport and Active Travel

7.55 This is a comprehensive policy on transport and travel. The Interpretation advises that the policy

‘promotes more sustainable forms of transport, to ensure that development is not based on a narrow consideration of vehicular transport alone. The policy should be applied with other policies in the Plan, in particular the Sustainable Design and Historic Character policies, which also address pedestrian and cycle provision and impacts of highway infrastructure.’

7.56 The policy advises that development proposals should take opportunities to promote sustainable transport options and support active travel, including by enhancing safe pedestrian and cycle connectivity, as part of a balanced transport provision.

7.57 In general the policy takes a positive approach to this matter. However, in several places its wording does not bring the clarity required by the NPPF and would not allow BC to apply its contents in a consistent fashion. In this context I recommend the following package of modifications:

- that the policy has a closer functional relationship to the parking standards in the VALP;
- that the various elements have a positive approach (what is required) rather than a negative approach (what will not be supported); and
- the use of wording more appropriate to a neighbourhood plan.

7.58 Given that there is only one policy in the Transport and Active Travel Section of the Plan is recommend that the policy number is altered to MMI1. Otherwise, the meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

In the first part of the policy replace ‘Development’ with ‘Development proposals’

In the second part of the policy replace ‘must’ with ‘should’

Replace the third part of the policy with: ‘Development proposals should include parking space to meet the standards in the adopted Vale of Aylesbury Local Plan (or any subsequent updates) and be carefully integrated with the building and landscape design and complement the historic and rural character of the area.’

Replace the fourth part of the policy with: ‘Highway infrastructure works associated with development proposals should respond positively to the historic and rural character of the area.’

Replace the fifth part of the policy with: ‘Development proposals should preserve or where practicable enhance the character of rural lanes and historic roads, including those with no footways, and respond positively to the safety and amenity of pedestrians, cyclists, and horse-riders.’

Replace the sixth part of the policy with: ‘Where necessary, streets should be designed to allow for emergency and public service vehicles to have safe access into and out of the layout of the highways network.’

In the Interpretation delete ‘Highway works that urbanise the village, such as roundabouts and excessive signage, would be unlikely to meet the requirements of the policy.’

At the end of the final part of the Interpretation add: ‘and in the Vale of Aylesbury Local Plan.’

Change the policy’s reference number to MMI1.

Other Matters - General

- 7.59 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. Similarly, changes may be necessary to paragraph numbers in the Plan or to accommodate other administrative matters. It will be appropriate for BC and MMPC to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

Modification of general text (where necessary) to achieve consistency with the modified policies and to accommodate any administrative and technical changes.

Other Matters – Specific

- 7.60 BC has made a series of helpful comments on the Plan. I have included them in the recommended modifications on a policy-by-policy basis where they are required to ensure that the Plan meets the basic conditions.
- 7.61 I also recommend other modifications to the text of the Plan based on BC’s comments insofar as they are necessary to ensure that the Plan meets the basic conditions. They have been agreed by MMPC and relate to the more general parts of the Plan as follows:

Paragraph 1.2 – Revisions to text

Paragraph 6.1 – Revisions to text

Interpretation of Policy MMG1 – insertion of missing words

Interpretation of Policy MMC1 – insertion of missing words

7.62 BC also raise a series of other matters. Their incorporation into the Plan would extend its coverage and addresses such issues in greater detail and to good effect. Nevertheless, these matters are not necessary to ensure that the Plan meets the basic conditions. Neighbourhood plan legislation has given considerable flexibility to qualifying bodies to include the issues which they see fit to feature in their plans. As such it is beyond my remit to recommend modifications to the Plan so that it is expanded beyond the scope as chosen by MMPC.

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2035. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community to safeguard the character and setting of the neighbourhood area and to define a Settlement Boundary.
- 8.2 Following the independent examination of the Plan, I have concluded that the Maids Moreton Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

Conclusion

- 8.3 On the basis of the findings in this report, I recommend to Buckinghamshire Council that subject to the incorporation of the modifications set out in this report that the Maids Moreton Neighbourhood Development Plan should proceed to referendum.

Other Matters

- 8.4 I am required to consider whether the referendum area should be extended beyond the neighbourhood area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the former Aylesbury Vale District Council in June 2016.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth manner.

Andrew Ashcroft
Independent Examiner
25 September 2023