



**MAIDS MORETON  
NEIGHBOURHOOD  
PLAN:  
DECISION STATEMENT  
ON PROCEEDING TO A  
REFERENDUM**

Date: 31/10/2023

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## **Executive summary**

Following the examination of the Maids Moreton 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 Maids Moreton 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 Maids Moreton Neighbourhood Plan relates to the Maids Moreton Neighbourhood Area that was designated by the former Aylesbury Vale District Council on 6 May 2016. This area covers the whole of Maids Moreton Parish and is entirely within the Local Planning Authority Area. Maids Moreton Parish Council is the designated qualifying body for the Plan.
- 2.2. The Parish Council undertook pre-submission consultation on the draft Plan in accordance with Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 (as amended) from 13 July to 24 August.
- 2.3. Following the submission of the Neighbourhood Plan and required supporting documents to the Council, Buckinghamshire Council publicised the Neighbourhood Plan from 23 March to 11 May, and representations were invited in accordance with regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended).

### **3. Independent examination**

- 3.1. The Council, with the agreement of Maids Moreton Parish Council,

appointed Andrew Ashcroft BA MA MRTPI to undertake the examination of the 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 17 July 2023.
- 3.3. The Examiner's report was received on 25 September 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. The Examiner also recommended that the referendum area should be based on the designated Maids Moreton Neighbourhood Area which is the same as the Maids Moreton 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.
- 4.4. The Parish Council have accepted the Examiners recommendations and they have been working with the Council to produce a referendum version of the neighbourhood plan, by updating the submission version of the plan with the examiner's modifications.
- 4.5. Annex 1 below outlines the Examiners 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 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 noted 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 Maids Moreton 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: 31<sup>st</sup> October 2023

## **Background papers**

- **Maids Moreton Neighbourhood Plan Examiners Report**
- **Maids Moreton Neighbourhood Plan – submission version**

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

Proposed modification number (PM)	Page no. of examiners report	Modification proposed	Buckinghamshire Council decision
PM1	12	<p>Policy MMG1: Sustainable Growth</p> <p>Replace the policy with:</p> <p>‘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:</p> <ol style="list-style-type: none"> <li>a. There is no unacceptable impact on the amenity of nearby residential properties or the historic and rural character and economy of the area;</li> <li>b. The site is not a Local Green Space (as identified in Policy MME2);</li> <li>c. The scheme complements the village character, and meets the requirements of MME3, MME4 and other policies in this plan;</li> <li>d. Appropriate garden space is provided for new dwellings and maintained for existing dwellings.</li> </ol> <p>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.</p> <p>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, Foscoote and Buckingham.’</p> <p>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.’</p> <p>In the second paragraph of the Interpretation replace both references to ‘B1 and B8’ uses with ‘B2 and B8 uses’</p>	Accept Examiner’s recommendations and justification.
PM2		<p>Policy MMG2: Residential Development</p> <p>In the first part of the policy replace ‘must’ with ‘should’ and ‘those</p>	Accept Examiner’s recommendations

		<p>seeking to downsize’ with ‘people looking for smaller homes in the parish’</p> <p>In the second part of the policy delete ‘to meet local need’</p> <p>Replace the third part of the policy with: ‘Development proposals for specialist accommodation, including sheltered accommodation and supported living, will be supported.’</p> <p>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.’</p>	and justification.
PM3		<p>Policy MMC1: Community Facilities</p> <p>In the first part of the policy replace ‘significant adverse’ with ‘unacceptable’</p> <p>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’</p>	Accept Examiner’s recommendations and justification.
PM4		<p>Policy MME1: Rural and Natural Environment</p> <p>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.’</p> <p>In the third part of the policy replace ‘and cause no harm with ‘and not result in unacceptable harm’</p> <p>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.’</p> <p>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.’</p> <p>Replace the sixth part of the policy with: ‘Development proposals should respond positively to the ecology, habitats and character of</p>	Accept Examiner’s recommendations and justification.



		<p>Foxcote Reservoir and Wood SSSI and priority habitats and avoid any unacceptable harm to its natural integrity.'</p> <p>In the seventh part of the policy replace 'must' with 'should'</p> <p>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'</p> <p>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.'</p>	
PM5		<p>Policy MME2: Local Green Space</p> <p>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. '</p> <p>Replace the second paragraph of the Interpretation with:</p> <p>'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.'</p>	Accept Examiner's recommendations and justification.
PM6		<p>Policy MME3: Sustainable Design</p> <p>Replace the first part of the policy with:</p> <p>'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:'</p> <p>Thereafter change the numbering in the policy (so that point 2 becomes point 1 etc).</p> <p>In point 4 add 'in the vicinity of the site' after 'the established pattern of front and rear gardens'</p> <p>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'</p> <p>In point 8 delete 'so as to....or properties'</p>	Accept Examiner's recommendations and justification.

		<p>At the beginning of points 12 and 13 add: ‘Where practicable,’</p> <p>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.’</p> <p>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.’</p>	
<p>PM7</p>		<p>Policy MME4: Historic Character</p> <p>In 1b delete ‘with most.....uniform design’</p> <p>Delete the second part of the policy.</p> <p>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’</p> <p>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.’</p>	<p>Accept Examiner’s recommendations and justification.</p>
<p>PM8</p>		<p>Policy MMI2: Transport and Active Travel</p> <p>In the first part of the policy replace ‘Development’ with ‘Development proposals’</p> <p>In the second part of the policy replace ‘must’ with ‘should’</p> <p>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.’</p> <p>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.’</p> <p>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.’</p> <p>Replace the sixth part of the policy with: ‘Where necessary, streets</p>	<p>Accept Examiner’s recommendations and justification.</p>

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		<p>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.'</p> <p>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.'</p> <p>At the end of the final part of the Interpretation add: 'and in the Vale of Aylesbury Local Plan.'</p> <p>Change the policy's reference number to MMI1.</p>	
PM9		<p>Other Matters - General</p> <p>Modification of general text (where necessary) to achieve consistency with the modified policies and to accommodate any administrative and technical changes.</p>	Accept Examiner's recommendations and justification.
PM10		<p>Other Matters – Specific</p> <p>Paragraph 1.2 – Revisions to text</p> <p>Paragraph 6.1 – Revisions to text</p> <p>Interpretation of Policy MMG1 – insertion of missing words</p> <p>Interpretation of Policy MMC1 – insertion of missing words</p>	Accept Examiner's recommendations and justification.