



**MURSLEY
NEIGHBOURHOOD
PLAN:
DECISION STATEMENT
ON PROCEEDING TO A
REFERENDUM**

Date: 19/12/2023



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Executive summary

Following the examination of the Mursley 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 Mursley 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 Mursley Neighbourhood Plan relates to the Mursley Neighbourhood Area that was designated by the former Aylesbury Vale District Council on 12 July 2017. This area covers the whole of Mursley Parish and is entirely within the Local Planning Authority Area. Mursley 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 July to August 2021.
- 2.3. Following the submission of the Neighbourhood Plan and required supporting documents to the Council, Buckinghamshire Council publicised the Neighbourhood Plan from 20 April to 8 June 2023, 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 Mursley 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 24 July 2023.
- 3.3. The Examiner's report was received on 3 November 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 Mursley Neighbourhood Area which is the same as the Mursley 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/>
- 5.2. The Council sought an extension, to 20 December 2023, to the default five-week deadline once the examiners report is received to make this decision. Mursley Parish Council agreed with the extension.

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 Mursley 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: 19/12/2023

Background papers

- **Mursley Neighbourhood Plan Examiners Report**
- **Mursley 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	13	<p>Policy MUR1 Mursley Village Boundary</p> <p>In the first bullet point delete ‘on a site....0.2 hectares’</p> <p>Delete the final sentence of the final part of the policy.</p>	Accept Examiner’s recommendations and justification.
PM2	13-17	<p>Policy MUR2 Housing Site Allocations</p> <p>In Part A of the policy replace the third bullet point with: ‘the location and layout principles of the residential scheme should accord with a masterplan which addresses the criteria in this policy and is submitted and approved as part of the initial planning application for the development of the site.’</p> <p>In Part A of the policy delete the fifth bullet point.</p> <p>In Part A of the policy add additional bullet points to read:</p> <ul style="list-style-type: none"> • other than where necessary to incorporate pedestrian or vehicular access into the site from Cooks Lane, the trees and hedges on the northern and southern boundaries of the site should be safeguarded and incorporated into the wider landscaping of the scheme; • the layout of the residential development and associated open space should incorporate a dedicated pedestrian/cycle path access onto Cooks Lane. <p>Delete Part B of the policy</p> <p><i>Replace paragraphs 5.6 to 5.9 with:</i></p> <p><i>‘Policy MUR2 comments about the supply of new homes in the village throughout the Plan period. It allocates land at Cooks Lane for a scheme that will also deliver a new public open space for the village. It incorporates a series of important criteria including the layout of the site, access, open space, and landscaping. The delivery of public open space on the site is a key part of the overall development. Subject to practical and viability considerations it should implemented and made available for use whilst the residential scheme is being constructed and transferred to the Parish Council with an equivalent 25-year commuted sum for its maintenance for the benefit of the community in perpetuity. This will be a matter for detailed negotiation and agreement at the planning application stage.</i></p> <p><i>The site was favoured in the site assessment process, comprising the Environmental Report (ER) and a community survey. The site will not</i></p>	Accept Examiner’s recommendations and justification.

		<p><i>harm the setting of the Conservation Area or the landscape character of the land surrounding the village. It will contribute to meeting the community's needs for additional recreational land and is well located to serve that purpose. The ER highlighted the proximity of ridge and furrow to the site and the policy requires this to be investigated further and a mitigation scheme agreed as part of a planning application.</i></p> <p><i>The scheme will enable the village to grow modestly over the Plan period in a way that is compatible with its status as a smaller village in the settlement hierarchy, with few local facilities and being relatively remote from larger centres of population. The new homes will rebalance the existing housing stock by providing generally smaller properties than has been the case over the last few years, including affordable homes.</i></p> <p><i>Policy MUR2 operates in conjunction with Policy MUR1 to ensure that the future growth of the village is plan led as encouraged by the NPPF.'</i></p>	
PM3	17-18	<p>Policy MUR3 Housing Mix</p> <p>Replace Part A of the policy with:</p> <p>'New residential development scheme should focus on the delivery of two- and three-bedrooms homes to meet future and expected housing needs in the parish. Where practicable and viable, development proposals should deliver the following housing mix:</p> <ul style="list-style-type: none"> • for schemes of five or less homes only one of the homes should have four bedrooms; and • for schemes of 6 or more dwellings, at least two thirds of the total number of dwellings should have two or three bedrooms and remainder of the homes should not exceed four bedrooms.' <p><i>At the end of paragraph 5.13 add: 'Policy MUR3 provides an indication of the housing mix required on sites in the parish. The policy acknowledges that the delivery of the specific houses types may not always be practicable or viable. In these circumstances the developer should identify the way in which the proposed housing mix would address up-to-date housing needs, is based on up-to-date information, and will secure a deliverable package of new homes.'</i></p>	Accept Examiner's recommendations and justification.
PM4	18-19	<p>Policy MUR4 Design Strategy</p> <p>In A replace 'possible' with 'practicable'</p> <p>In B and C replace 'In setting out.... applicants should' with 'Development proposals should'</p> <p>Replace E with: 'Proposals that use sustainable materials and methods of construction, especially the use of responsibly-sourced timber, and which otherwise comply with the design elements incorporated in the other parts of this policy, will be supported.'</p>	Accept Examiner's recommendations and justification.
PM5	19	Policy MUR5 Local Heritage Assets	Accept Examiner's

		<p>In part A of the policy replace ‘Proposals that will result in unnecessary harm to, or loss of, a Building of Local Interest, will be resisted’ with ‘The effect of a development proposal on the significance of an identified local heritage asset should be taken into account in determining planning applications. In weighing applications that directly or indirectly affect local heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.’</p> <p>In part B of the policy replace ‘Proposals that will result in harm to, or unnecessary loss of, these fields will be resisted, unless it can be demonstrated that there is a public benefit that outweighs the harm or loss.’ with ‘The effect of a development proposal on the significance of a ridge and furrow field (as shown on Map C) should be taken into account in determining planning applications. In weighing applications that directly or indirectly affect ridge and furrow fields, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.’</p>	recommendations and justification.
PM6	19-21	<p>Policy MUR6 Local Green Spaces</p> <p>Replace the final two sentences of the policy with: ‘Development proposals affecting the designated local green spaces will only be supported in very special circumstances.’</p> <p><i>At the end of paragraph 5.18 add:</i></p> <p><i>‘Policy MUR6 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.’</i></p> <p><i>Prepare an inset map for Map D to show the boundaries of the Village Green in an appropriate level of detail.</i></p>	Accept Examiner’s recommendations and justification.
PM7	21	<p>Policy MUR7 Green Infrastructure Network</p> <p>In part A of the policy replace ‘Policies Maps’ with ‘Map E(a) and E(b)’</p> <p>Replace part B of the policy with:</p> <p>‘Development proposals within or adjoining the Network should demonstrate how they would maintain or enhance its visual characteristics and biodiversity. As appropriate to their scale, nature, and location, the landscape schemes, layouts, public open space provision and other amenity requirements (such as pedestrian and cycle connections) of development proposals should contribute towards the improvement of the connectivity and maintenance of the Network.’</p>	Accept Examiner’s recommendations and justification.

PM8	21	<p>Policy MUR8 Community Facilities</p> <p>In part A of the policy replace ‘will be resisted’ with ‘will not be supported’</p> <p>In part B of the policy replace ‘in a suitable location’ with ‘in an accessible and sustainable location’</p> <p>Delete the final sentence of part B of the policy.</p> <p><i>Replace paragraph 5.27 with: ‘Policy MUR8 provides a policy context to this important matter. Part A identifies community facilities in the parish. Part B comments about proposals which would involve the loss of an identified facility. Part C comments about proposals to modify or improve the existing facilities. Where development proposals include converting the use of an existing community building, planning conditions will be included where appropriate to ensure that a future resumption of a community use is not prevented.’</i></p>	Accept Examiner’s recommendations and justification.
PM9	21 - 27	<p>Policy MUR9 Zero Carbon Buildings</p> <p>Replace the policy with:</p> <p>‘Development proposals which would be ‘zero carbon ready’ by design by minimising the amount of energy needed to heat and cool buildings through landform, layout, building orientation, massing and landscaping will be supported. Consideration should be given to resource efficiency at the outset and whether existing buildings can be re-used as part of the scheme to capture their embodied carbon.</p> <p>Proposals for a Passivhaus or equivalent standard buildings with a space heating demand of less than 15KWh/m2/year will be supported. Schemes that maximise their potential to meet this standard by proposing the use of terraced and/or apartment building forms of plot size, plot coverage and layout that are different to those of the character area within which the proposal is located will be supported, provided it can be demonstrated that the scheme will not have an unacceptable effect on the character area.</p> <p>Proposals for major development should be accompanied by a Whole-Life-Cycle Carbon Emission Assessment, using a recognised methodology, to demonstrate actions have been taken to reduce embodied carbon resulting from the construction and use of the building over its life.’</p> <p><i>Replace paragraphs 5.28 to 5.37 as follows:</i></p> <p><i>‘Policy C3 of the adopted Local Plan provide local guidance on this important matter. Paragraph 10.59 of that Plan provides the context for the approach taken. It comments that: ‘Building-related energy consumption is also a significant contributor to greenhouse gas emissions. The need to achieve higher levels of energy efficiency (such</i></p>	Accept Examiner’s recommendations and justification.

		<p><i>as high-quality lighting, heating controls, insulation, draught proofing etc. alongside locally-produced clean, low carbon and renewable energy), is an important aspect of sustainable construction in new developments. However, sustainable construction for new and refurbished buildings incorporates more than just aspects of energy use. It also relates to other environmental impacts that buildings and inhabitants cause, for example, on water drainage and usage, waste generation and the use of unsustainable materials (in construction). Improved design of buildings can also lead to benefits in terms of, increased available income, reduced fuel poverty, ecology, and quality of life for residents. Various standards for the efficient construction of new dwellings have been removed and are now covered by building regulations.'</i></p> <p><i>Amongst its other elements Policy C3 comments that: 'The Council will seek to ensure that all development schemes achieve greater efficiency in the use of natural resources, including measures minimise energy use, improve water efficiency and promote waste minimisation and recycling. Developments should also minimise, reuse, and recycle construction waste wherever possible.'</i></p> <p><i>Policy MUR9 of this Plan builds on this established local approach. It will result in a situation where the neighbourhood plan would offer a supportive context for development proposals in the parish to achieve more sustainable solutions that those required by the Local Plan policy. Plainly the wider situation may be affected by changes to national or local planning policies on these matters in the Plan period.'</i></p>	
PM10	27	<p>Other Matters - General</p> <p><i>Modification of general text (where necessary) to achieve consistency with the modified policies and to accommodate any administrative and technical changes.</i></p> <p>Other Matters – Specific <i>Replace any references to the Plan period so that they consistently comment '2021 to 2040'</i></p>	Accept Examiner's recommendations and justification.