



# **GREAT AND LITTLE KIMBLE CUM - MARSH NEIGHBOURHOOD PLAN DECISION STATEMENT – PROCEEDING TO REFERENDUM**

Decision taker: Ian Manktelow (Strategic Planning Manager) in consultation with Councillor Nick Naylor (Cabinet Member for Planning and Environment) as per the scheme of delegation in the Council's constitution.

Author: Judith Orr (Senior Planning Policy Officer)

Date: 23<sup>rd</sup> April 2020

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## Executive summary

Following the examination of the Great and Little Kimble cum- Marsh 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 Great and Little Kimble cum- Marsh Neighbourhood Plan following its examination. Pursuant to the Buckinghamshire Council constitution and in particular 2.18a page 193, the Corporate Director or Directors with Responsibility for Planning are responsible for making decisions relating to neighbourhood planning.

### 2. Background

2.1. The Great and Little Kimble cum- Marsh Neighbourhood Plan (the Neighbourhood Plan) relates to the Neighbourhood Area that was designated by the Council on 13 November 2017. This area is coterminous with the Great and Little Kimble cum- Marsh Parish boundary and is entirely within the Local Planning Authority Area. Great and Little Kimble cum- Marsh Parish is the designated qualifying body for the Plan.

2.2. Great and Little Kimble cum- Marsh Parish Council undertook pre-submission consultation on the draft Plan in accordance with Regulation 14 between 9<sup>th</sup> May and 20<sup>th</sup> June 2019.

2.3. Following the submission of the Great and Little Kimble cum-Marsh Neighbourhood Plan to the Council on 28<sup>th</sup> November 2019, along with supporting documents, the Council publicised the Neighbourhood Plan for a six-week period on 8<sup>th</sup> January 2019, and representations were invited in accordance with regulation 16. The consultation ended on 18<sup>th</sup> February 2020.

### **3. Independent examination**

3.1. The Council, with the consent of Great and Little Kimble cum- Marsh Parish Council, appointed Mr David Hogger to undertake the examination of the Great and Little Kimble cum- Marsh 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 10<sup>th</sup> March 2020.

3.3. The Examiner's report was received on 1<sup>st</sup> April 2020. 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 Neighbourhood Area designated by the Council, which is the Great and Little Kimble cum- Marsh Parish.

### **4. Initial 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 in 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 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 his report and the reasons for them, the Council, with the consent of Great and Little Kimble cum- Marsh Parish Council, has decided to accept the Examiner's modifications to the Neighbourhood Plan. The Parish Councillors have accepted the Neighbourhood Plan (submission version November 2019) as modified by the independent Examiner's recommendations.
- 4.4. The Examiner recommended that the Neighbourhood Plan should proceed to a referendum subject to the modifications being made, and that the referendum area should be the designated Neighbourhood Area which is Great and Little Kimble cum- Marsh Parish.
- 4.5. Annex 1 below outlines the Plan Modifications made 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 and the justification for this.
- 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 delayed, in accordance with The Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums)(England and Wales)<sup>1</sup> Regulations 2020 until the 6<sup>th</sup> May 2021.

## 5. Other information

5.1. The Independent Examiner's Report and the Great and Little Kimble cum- Marsh Neighbourhood Plan and supporting documents can be viewed on the Council's website: [Neighbourhood planning](#)

5.2. Paper copies will be made available as soon as practicable at the Council's Wycombe area office on Queen Victoria Road, High Wycombe, HP11 1BB Buckinghamshire.

**Ian Manktelow**

**Strategic Planning Manager**

**23rd April 2020**

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<sup>1</sup> [The Local Government and Police and Crime Commissioner \(Coronavirus\) \(Postponement of Elections and Referendums\) \(England and Wales\) Regulations 2020](#)

## Annex 1: Schedule of proposed Plan Modifications and BC decision

GLKNP = Great and Little Kimble cum- Marsh Neighbourhood Plan; BC = Buckinghamshire Council; PM = Examiner's Plan Modification

| Proposed modification number (PM) | Page no./ other reference | Modification   | BC decision / justification                         |
|-----------------------------------|---------------------------|--|---|
| PM1                               | Policy KIM2<br>Page 18    | Amend the first bullet point to read:<br><br>Any new development must <del>protect</del> <b>preserve</b> and <del>where practical</del> enhance heritage assets .....  | Accept Examiner's recommendation and justification. |
| PM2                               | Policy KIM2<br>Page 18    | In the third bullet point replace <del>affect</del> by <b>effect</b> .   | Accept Examiner's recommendation and justification. |
| PM3                               | Policy KIM2<br>Page 18    | Revise the fourth bullet point to read:<br><br>Where appropriate, any new development should <del>maintain</del> <b>incorporate</b> views <b>towards</b> the open countryside and <del>incorporate</del> <b>include reasonable and justified</b> landscape buffers between the site and any adjoining existing residential property. | Accept Examiner's recommendation and justification. |
| PM4                               | Policy KIM2<br>Page 18    | Amend the fifth bullet point as follows:<br><br>The building design of any new residential dwelling should avoid overlooking or being overlooked by any other (new or existing) dwelling <b>and appropriate levels of privacy, together with a good outlook, should be achieved.</b> <del>Where a front or rear window in a</del>    | Accept Examiner's recommendation and justification. |

| Proposed modification number (PM) | Page no./ other reference      | Modification   | BC decision / justification                         |
|-----------------------------------|--------------------------------|--|---|
|                                   |                                | <del>habitable room faces a blank wall whose height exceeds the highest point of the window, there should be no more than 15 metres between the highest point of the window and the top of the wall measured at an angle of 45 degrees upwards from the lower point.</del> |   |
| PM5                               | Policy KIM2<br>Page 18         | Add the following to the sixth bullet point:<br><br><b>The details regarding the maintenance, management, implementation timescale and costs associated with open space provision must be clearly set out and accompany any relevant planning application.</b>             | Accept Examiner's recommendation and justification. |
| PM6                               | Policy KIM2<br>Page 18         | Amend the seventh bullet point to read:<br><br>Setbacks from the highway in any new development should be <del>similar to but not closer to the highway than</del> <b>compatible, in terms of appearance, with those of any nearby properties.</b>                         | Accept Examiner's recommendation and justification. |
| PM7                               | Policy KIM2<br>Page 18         | Amend the start of the ninth bullet point as follows:<br><br>Where <del>practical</del> <b>justified</b> , a new development ....  | Accept Examiner's recommendation and justification. |
| PM8                               | Policy KIM2<br>Pages 18 and 19 | In the tenth bullet point it should be car owners at the end of the first sentence.  | Accept Examiner's recommendation and justification. |



| Proposed modification number (PM) | Page no./ other reference | Modification   | BC decision / justification                         |
|-----------------------------------|---------------------------|--|---|
|                                   |                           | <p>The third sentence of the tenth bullet point should read:</p> <p>Car spaces should be provided on driveways <del>adjoining a new</del> <b>within the dwelling plot</b>, with car parks ....</p>   |   |
| PM9                               | Policy KIM2<br>Page 19    | <p>Amend the last sentence of the tenth bullet point to read:</p> <p>Garages should be treated as a car parking space only if <del>large enough both to accommodate cars and to provides general storage unless appropriate storage is provided elsewhere within the curtilage</del> <b>they meet the minimum size in the Buckinghamshire County Council Parking Guidance (or any successor document).</b></p> | Accept Examiner's recommendation and justification. |
| PM10                              | Policy KIM2<br>Page 19    | Replace the word <b>garden</b> (space) in the fourteenth bullet point with <b>amenity</b> .  | Accept Examiner's recommendation and justification. |
| PM11                              | Policy KIM2<br>Page 19    | <p>Delete bullet point 15 and replace it with a clarified requirement:</p> <p><del>Any new development should not differentiate between private ownership and other forms of tenure in a manner that endangers the overall quality of the new buildings</del></p> <p><b>There should be no discernible difference between the private and affordable housing in terms of the quality of the</b></p>            | Accept Examiner's recommendation and justification. |

| Proposed modification number (PM) | Page no./ other reference   | Modification   | BC decision / justification                         |
|-----------------------------------|---|--|---|
|                                   |   | <b>design and the appearance of the dwellings.</b>   |   |
| PM12                              | Policy KIM3<br>Land at The Laurels, Marsh Road (Site 10)<br><br>Page 21 | Amend the fourth bullet point to read:<br><br>The development should provide that all new buildings are set back from <del>and front on to</del> Marsh Road and are of a form and scale that reflect the rural village character of the local area.                            | Accept Examiner's recommendation and justification. |
| PM13                              | Policy KIM3<br>Land at the Laurels, Marsh Road (site 10)<br><br>Page 21 | Amend the last bullet point to read:<br><br>The development should include provision for the satisfactory mitigation of surface water run- off and foul water drainage <del>in all affected areas, both within and outside the site</del> <b>arising from the development.</b> | Accept Examiner's recommendation and justification. |
| PM14                              | Policy KIM3<br>Land off Kimblewick Road (site 14)<br><br>Page 22        | In the fourth bullet point change the reference to <b>0.2 hectares</b> <del>0.5 acres.</del>   | Accept Examiner's recommendation and justification. |
| PM15                              | Policy KIM3<br>Land off Kimblewick Road (site 14)<br><br>Page 22        | Replace all of the fourth bullet point with:<br><br><b>The public open space should include a new landscaped public park (level grassed area of not less than 0.2 hectares) with a utilities service point. Details about the Management of the space (including any</b>       | Accept Examiner's recommendation and justification. |

| Proposed modification number (PM) | Page no./ other reference  | Modification  | BC decision / justification                         |
|-----------------------------------|--|---|---|
|                                   |  | <p><b>financial implications) should accompany any planning application for the site unless the satisfactory transfer of these responsibilities to a third party has been agreed beforehand.</b></p>  |   |
| PM16                              | Policy KIM3<br>Land off Kimblewick Road (site 14)<br><br>Page 22 | Amend bullet point 5 to read:<br><br>The development <del>provides</del> <b>should include, as far as reasonably practical, that all new buildings that</b> front on to either Kimblewick Road and/or Grove Road and <del>(ii)</del> the public open space should include green links of a form and scale that reflect the local village character.   | Accept Examiner's recommendation and justification. |
| PM17                              | Policy KIM3<br>Land off Kimblewick Road (site 14)<br><br>Page 22 | Amend bullet point 7 to read:<br><br>The development should be accessed from Kimblewick Road. <del>using a single access point at a location that minimises</del> <b>Additional</b> traffic movements along Kimblewick Road should be minimised and <b>highway safety maximises safety,</b> including for animals and individuals not using vehicular transport <b>should be maximised.</b> | Accept Examiner's recommendation and justification. |
| PM18                              | Policy KIM3<br>Land South of Grove Road (site 15)<br><br>Page 22 | The title of this policy should read:<br><br><b>Reserve Site:</b> Land South of Grove Lane (Ref: No 15)   | Accept Examiner's recommendation and justification. |

| Proposed modification number (PM) | Page no./ other reference            | Modification  | BC decision / justification                         |
|-----------------------------------|--------------------------------------|---|---|
|                                   |                                      | <p>And the first bullet point should be extended as follows:</p> <p>... and is held in reserve <b>until a decision is taken on the railway twin-tracking proposal, the details of the Grove Lane infrastructure improvements are agreed and the monitoring of housing provision clearly demonstrates that there is a need to release this site for development.</b></p> |   |
| PM19                              | Policy KIM3<br>Page 24               | In the interests of clarity, the emboldened text which follows paragraph 5.16 should have a sub-title: <b>Phasing Delivery.</b>   | Accept Examiner's recommendation and justification. |
| PM20                              | Phasing policy<br>Page 24            | <p>The last part of the last sentence of the policy (currently located below paragraph 5.16) should read:</p> <p>... with the possibility that the required new homes will <b>not</b> be delivered in <b>accordance with a clear and structured phasing schedule.</b> <del>a somewhat haphazard manner over the full plan period.</del></p>                             | Accept Examiner's recommendation and justification. |
| PM21                              | Policy KIM6<br>Employment<br>Page 26 | <p>Amend bullet point 4 to read:</p> <p>The existing vehicular access <b>and the nature of the existing highway network that would be used,</b> is capable of ...</p>   | Accept Examiner's recommendation and justification. |
| PM22                              | Policy KIM6<br>Employment            | At the start of bullet point 8 insert the words: <b>Where justified</b> the landscape ...   | Accept Examiner's recommendation and justification. |

| Proposed modification number (PM) | Page no./ other reference  | Modification   | BC decision / justification                         |
|-----------------------------------|--|--|---|
|                                   | Page 26  |  |   |
| PM23                              | Policy KIM8<br>Protecting International Habitats<br><br>Page 27                      | Amend second sentence to read:<br><br>Proposals should also seek to minimise their impact on, and <del>where practical</del> deliver net gains for biodiversity, including <del>where practical</del> realising opportunities to establish coherent ecological networks.   | Accept Examiner's recommendation and justification. |
| PM24                              | Policy KIM3<br>Housing site allocations 10 (page 21); 14 (page 22); and 15 (page 22) | Add an additional criterion to each of these three allocation policies to read:<br><br><b>An appropriate financial contribution to fund infrastructure improvements in the Parish is included within a S106 Agreement.</b>   | Accept Examiner's recommendation and justification. |
| PM25                              | Paragraph 6.5<br><br>Page 29   | In (i) the reference should be to Marsh <del>Road Lane</del> .   | Accept Examiner's recommendation and justification. |
| PM26                              | Implementation<br><br>Page 30  | Add an additional paragraph under the heading <b>Monitoring</b> to read:<br><br><b>In order to ensure that the Vision and Objectives of the local community are achieved (as set out on page 16) it is important that the implementation of the policies in this Plan are monitored. To that end the Parish Council will commit to undertake an annual assessment in order to consider whether or not the policies</b> | Accept Examiner's recommendation and justification. |

| <b>Proposed modification number (PM)</b> | <b>Page no./ other reference</b> | <b>Modification</b>  | <b>BC decision / justification</b> |
|--|----------------------------------|--|------------------------------------|
|  |                                  | remain relevant and effective and if not, what action to take. |                                    |