

From: [Rachael Riach](#)
To: [Steve Carnaby](#)
Subject: RE: [EXTERNAL] Buckland Neighbourhood Plan - Examiner procedural letter and questions
Date: 04 May 2022 15:56:00
Attachments: [375666 Natural England Response Letter Buckland Neighbourhood Plan Replacement.pdf](#)
[HE response Buckland.pdf](#)

Dear Steve,

FAO Derek Stebbing REF Buckland NP

Please take this email to be Buckinghamshire's answer to the Examiners question – '1. Can the Council please confirm the current timetable for the emerging Buckinghamshire Local Plan to cover the period to 2040, as referenced in the latest Local Development Scheme (LDS)?'

We can confirm that the Council's position continues to be as it is set out in the LDS.

A further thing we would like to make the examiner aware of is the results of the Dacorum BC Local Plan HRA work. It has been discovered that there is significant recreation pressure on Ashridge Estate (part of an SAC) thought to be caused by development. The impact zone includes some parts of Buckinghamshire. Planning applications are currently on hold in the area until a solution can be found / the conclusion of the Appropriate assessment.

Whilst we are unsure of the implications on the Buckland NP specifically, the Neighbourhood Area is in the impact zone of the SAC in question. I have attached Natural Englands response to the regulation 16 consultation for ease of reference, though it is inconclusive. Our screening statement did not consider there to be a requirement for an Appropriate assessment at the time it was carried out.

More information and the map of the impact zone can be found in Dacorum BC's note on the issue and we are happy to clarify further on the matter:

https://www.dacorum.gov.uk/docs/default-source/strategic-planning/hra-summary-faqs.pdf?sfvrsn=c38e079e_2

Best wishes,

Rachael Riach
Neighbourhood Planning Coordinator
Planning Growth and Sustainability
Buckinghamshire Council

Please note I work Tuesday to Friday
Tel: 01494 475701
Email: rachael.riach@buckinghamshire.gov.uk

From: Steve Carnaby <steve.carnaby@intelligentplans.co.uk>
Sent: 03 May 2022 14:35
To: clerk@bucklandpc.org.uk; Rachael Riach <rachael.riach@buckinghamshire.gov.uk>
Subject: [EXTERNAL] Buckland Neighbourhood Plan - Examiner procedural letter and questions

Buckland Neighbourhood Plan – Submission – Modification or New Neighbourhood Plan

1. Buckinghamshire Council have been requested to clarify their position on the Buckland Neighbourhood Plan as submitted.
2. The query has arisen because the Neighbourhood Plan Consultation Statement references the following: ‘Buckland Parish Council considers the changes that have been made to be material modifications which clarify the Plan but do not change the nature of the Plan.’
3. The neighbourhood planning regulations¹ allow for the modification of an existing neighbourhood plan.
4. Buckinghamshire Council is aware that Buckland Parish Council intended the changes proposed to the existing ‘Made’ neighbourhood plan to be made via the modification route. However, no such statement had been drafted at the regulation 14 stage and Buckinghamshire Council made it clear in their response that such a statement would be required at the submission stage.
5. When the Buckland Neighbourhood plan was submitted to Buckinghamshire Council, via email, there was no reference to the neighbourhood plan being a modification of the original and there was no modification statement submitted with the other documents. The regulations for submission of a new neighbourhood plan and a modification to an existing plan are very similar; the only difference is a specific requirement for a proposed modification to a neighbourhood plan. Regulation 15 states ‘(1) Where a qualifying body submits a plan proposal or a modification proposal to the local planning authority, it must include—... (f) in relation to a modification proposal, a statement setting out the whether or not the qualifying body consider that the modifications contained in the modification proposal are so significant or substantial as to change the nature of the neighbourhood development plan which the modification proposal would modify, giving reasons for why the qualifying body is of this opinion.’
6. Given the submission documents contained no reference to the submitted neighbourhood plan being a modification and in the absence of the required Modification Statement, Buckinghamshire Council accepted the submission on the basis that the submitted documents related to a new/replacement neighbourhood plan. On this basis Buckinghamshire Council did not produce a statement as required by regulation 17 e ii) on whether it considered the proposed modifications to the neighbourhood plan would change the nature of the neighbourhood plan when it sent the required documentation to the appointed examiner.
7. However, given the fact that the settlement boundary is a new restrictive neighbourhood plan policy, Buckinghamshire Council considers that even if the plan, as submitted, had been submitted as a modification to the existing made neighbourhood plan, the proposed change does significantly change the nature of the existing neighbourhood plan. Therefore, this council considers that the plan would have required to go to a referendum.

¹ The Neighbourhood Planning (General) Regulations 2012 as amended