

# **Mursley Neighbourhood Development Plan 2021-2040**

**A report to Buckinghamshire Council on the Mursley  
Neighbourhood Development Plan**

**Andrew Ashcroft  
Independent Examiner  
BA (Hons) MA, DMS, MRTPI**

**Director – Andrew Ashcroft Planning Limited**

## **Executive Summary**

- 1 I was appointed by Buckinghamshire Council in June 2023 to carry out the independent examination of the Mursley Neighbourhood Plan.
- 2 The examination was undertaken by way of written representations. I visited the neighbourhood area on 24 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 allocation of sites for housing development and 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**  
**3 November 2023**

## **1 Introduction**

- 1.1 This report sets out the findings of the independent examination of the Mursley Neighbourhood Development Plan 2021-2040 ('the Plan').
- 1.2 The Plan was submitted to Buckinghamshire Council (BC) by Mursley Parish Council (MPC) in its capacity as the qualifying body responsible for preparing the neighbourhood plan. The neighbourhood area was designated on 12 July 2017 by the former Aylesbury Vale District Council (AVDC). AVDC was 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 MPC, to conduct the examination of the Plan and to prepare this report. I am independent of both BC and MPC. 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 examining other neighbourhood plans. 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 Environmental Report (April 2021)
- the representations made to the Plan.
- MPC'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 24 July 2022. 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), MPC prepared a Consultation Statement. It is proportionate to the neighbourhood area and its policies
- 4.3 Sections 4 and 7 Statement record 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 2021). Section 5 identifies the key organisations and stakeholders who were engaged as part of this process.
- 4.4 The Statement also provides the details of the way in which the Plan was refined because 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 Comments were received about the way in which MPC engaged with the community and took on board its comments. I have considered this matter very carefully and have considered MPC's detailed note on this matter in its response to the clarification note. On the balance of the evidence, I am satisfied that MPC has properly fulfilled its obligations on this matter. Plainly a consultation process is not guaranteed to satisfy all parties. This is recognised in the neighbourhood process by the inclusion of a community referendum at the end of the process.
- 4.6 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*

- 4.7 Consultation on the submitted plan was undertaken by BC. It ended on 8 June 2023. This exercise generated representations from the following organisations:
- Buckinghamshire Council (in its capacity as the local planning authority);
  - Buckinghamshire Council (Property Services);
  - Historic England; and

- Natural England.

4.8 Comments was also received from several parishioners.

4.9 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 Mursley. Its population in 2011 was 611 persons living in 256 households. It is located to the south-east of Buckingham and to the south-west of Milton Keynes. It was designated as a neighbourhood area in 12 July 2017 by the former AVDC.
- 5.2 The village has a distinct character. Its historic centre is a conservation area. The village is primarily linear in form, extending north/south along the B4032 Main Street. It includes several period buildings including St. Mary Church at the junction of Main Street and Church Lane and timber-framed homes with either thatched or clay-tiled roofs. More modern development is located off Main Street, along Swanbourne Road, Church Lane, Cooks Lane, The Beechams or Station Road. It tends to be relatively short in depth.
- 5.3 Mursley is in attractive rolling countryside. Its high position affords fine views, particularly from Cooks Lane, across fields which retain evidence of ancient ridge and furrow farming systems. The high position of the village also allows views of the white painted water tower in Whaddon Road both in longer distance views and from within the Conservation Area.

### *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. Mursley is identified as one of a series of smaller villages. The VALP advises that in the smaller villages, there will be more limited housing growth coming forward through either 'windfall' applications or neighbourhood plan allocations rather than allocations in this (VALP) Plan. Elsewhere in rural areas, housing development will be strictly limited. This is likely to be incremental infill development and should be principally in line with Policy D5 and other relevant policies in the (VALP) Plan
- 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 24 July 2023. I approached from Buckingham to the west. This helped me to understand its position in the wider landscape and its accessibility to the road network.

5.10 I saw the attractiveness and layout of the village and its historic assets. I appreciated the Church, the various timber-framed buildings, and the school/school house.

5.11 I look carefully at the proposed allocated site (off Cooks Lane) and the reserve housing site (off Station Road). I saw their relationship with the established format and layout of the village.

5.12 I took the time to look at the former Moat. Its scale and significance were very impressive.

5.13 I took time to look at the two proposed local green spaces. I saw their varied size and nature. I walked along Church Lane and into the countryside to the west of the village so that I could understand the significance and location of the proposed local green space at The Hangings.

5.14 I left the neighbourhood area on the A421 and drove to Milton Keynes. This helped me to understand its relationship with that settlement and the strategic highway network.

## 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 Mursley 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 allocating sites for residential development and the designation of local green spaces.
- 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 a policy for residential development (Policy MUR2). In the social role, it includes policies on community facilities (Policy MUR8) and housing mix (Policy MUR3). In the environmental dimension, the Plan positively seeks to protect its natural, built, and historic environment. It has policies on design (Policy MUR4), local heritage assets (Policy MUR5), local green spaces (Policy MUR6), and green infrastructure (Policy MUR7). 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, the former District Council provided a screening opinion in September 2019 that determined that a Strategic Environmental Assessment was required, in accordance with Regulation 9 of the Environmental Assessments of Plans and Programmes Regulations 2004 (as amended), which translated the EU Directive on Strategic Environmental Assessment into UK law.
- 6.15 The resulting Environmental Report (ER) was published in April 2021. It addresses environmental matters in a very comprehensive way. It appraises the various policies in the Plan against a series of environmental factors.
- 6.16 The ER makes the following conclusions:

*'Overall, the addition of up to 30 new homes delivered alongside the protection and enhancement of community provisions is considered likely to lead to significant positive effects in relation to the SEA theme of population and communities.*

*Potential minor negative effects have been identified in relation to the SEA themes of landscape, historic environment, and land, soil, and water resources. This is largely reflective of the greenfield land growth strategy (which ultimately reflects a lack of available brownfield alternatives). It is however noted that in relation to the historic environment, further consultation should be sought with Historic England to inform the extent and significance of potential effects on archaeological assets in development at the allocated site (Land at Cooks Lane). It is also recognised that wastewater infrastructure capacity should be confirmed prior to development at this site and the allocated reserve site at land off Station Road.*

*Minor negative effects are also considered likely in relation to the SEA theme of transportation, given it is anticipated that existing trends of high reliance on the private vehicle will continue in the absence of strategic sustainable transport interventions.*

*Minor positive effects are anticipated overall in relation to the SEA themes of biodiversity, climate change, and health and wellbeing. This is largely reflective of the additional housing targeted at meeting identified local housing needs (including affordable housing) and the identification of, and support for an improved green infrastructure network in the Plan area which is inclusive of active travel routes. Further positive effects can also be anticipated in relation to climate change, through the draft Plan's support for alternative and higher Passivhaus Standards which contribute to achieving zero/ low emission development and the Plan's focus on developing a high-quality green infrastructure network in Mursley.'*

### *Habitats Regulations Assessment*

- 6.17 In September 2019 the former AVDC also provided a Habitats Regulations Screening Assessment. The HRA took account of the potential impact of the Plan's policies on the Chiltern Beechwoods SAC (21km away to the south) and the Chiltern Beechwoods SAC (22km to the south west). It concludes that the making of the neighbourhood plan is not likely to have a significant effect on a protected site (as defined in the 2017 Regulations) either alone or in combination with other plans or projects.
- 6.18 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*

- 6.19 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*

- 6.20 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 MPC 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 excellent 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 (Map A) and the Plan period (in paragraph 1.3). It also introduces the basic conditions and the SEA/HRA process.
- 7.10 Section 2 comments about the parish.
- 7.11 Section 3 comments about the planning policy context within which the Plan has been prepared
- 7.12 Section 4 comments about the community's views on planning matters. It overlaps with the submitted Consultation Statement.
- 7.13 Section 5 sets out the vision and objectives for the Plan. The Vision neatly summarises the approach taken as follows:

*'To conserve and enhance the long-established integrity and identity of the Parish of Mursley within its rural setting and its specific historic and architectural character, whilst*

*managing change and embracing appropriate local development which meet the social, economic, and environmental needs of the Parish.'*

- 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.

#### Policy MUR1 Mursley Village Boundary

- 7.15 The supporting text comments that this policy establishes and defines the Mursley Village Boundary to distinguish the consideration of planning applications within the settlement from those outside the boundary. In doing so, it refines VALP Policy S3 relating to development within the village and in the countryside and the Plan suggests that it is consistent with the wording of other made neighbourhood plans in this part of rural Buckinghamshire. Together with Policy MUR2, it also builds on VALP Policies D4 and BE2 which set out criteria for managing housing development in smaller villages in the (former) district and the design of new development, respectively
- 7.16 The policy sets the spatial strategy for the parish where objectives are to protect the intrinsic character and beauty of the countryside but to allow for sustainable growth to meet local housing needs over the Plan period. The boundary accommodates the two sites allocated and reserved in Policy MUR2. The Plan advises that these allocations will collectively deliver 30 new homes and meet and exceed the indicative housing requirement figure for the parish.
- 7.17 In the round I am satisfied that the policy has been prepared in a positive way. It establishes a spatial strategy for the parish and will concentrate new development in sustainable locations with good access to local facilities.
- 7.17 BC questions the restriction on the size of infill sites to five homes on sites of less than 0.2 hectares. I am satisfied that the restriction to 5 homes relates to the guidance in the VALP (Policy D4). However, I recommend the deletion of the parallel reference to the size of sites is deleted in the absence of any evidence to support this approach. In any event this part of the policy provides a degree of flexibility for larger schemes to come forward where appropriate evidence is included with development proposals.
- 7.18 The final part of the policy takes an equally well-balanced approach to development outside the village boundary. Nevertheless, I recommend the deletion of its final sentence. Its commentary about isolated dwellings in the countryside is already addressed in national policy and in the VALP. In addition, its element about barn conversions is not supported by any detailed evidence and does not have regard to national policy. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

**In the first bullet point delete 'on a site....0.2 hectares'**

**Delete the final sentence of the final part of the policy.**

#### Policy MUR2 Housing Site Allocations

- 7.19 Policy MUR2 serves two purposes in planning for the supply of new homes in the village over the Plan period. Firstly, it allocates land at Cooks Lane for a scheme that

will also deliver a new public open space for the village. Secondly, it reserves land off Station Road for a scheme in the later part of the plan period, should further housing be required, that will also deliver a new public space. The sites were favoured in the ER and a community survey.

- 7.20 The Plan comments that the policy is intended to operate in conjunction with Policy MUR1 to ensure that the future growth of the village is plan-led as encouraged by the NPPF. The policy has been designed to deliver homes that exceed the requirement of the VALP in the period to 2033 and provides for a potential requirement in the emerging Local Plan for additional homes. On this point the Plan advises that should the Local Plan not require additional homes, the Station Road site is only reserved, and the policy will be monitored in subsequent reviews of the Neighbourhood Plan to determine if its release for development is justified.
- 7.21 I looked carefully at the two sites during the visit. I have also taken account of the way in which the ER assessed the reasonable alternatives for new development and the way in which it identifies the environmental implications of the development of the two preferred sites (in Section 9). In addition, I have considered carefully the comments from parishioners on the proposed development of the two sites.
- 7.22 Paragraph 5.5 of the ER provides a helpful explanation for MPC's approach to this matter as follows:
- 'The Parish Council is aware that the emerging VALP requires no further housing site allocations to be made in Mursley to 2033. However, it is also recognised that the new Buckinghamshire Council are likely to progress work on a new Local Plan for the County which will replace the VALP. The Parish Council is therefore considering appropriate small-scale development sites consistent with its status as a 'small village' in the settlement hierarchy, with a view to providing certainty for the community as to the location, scale, and type of development to be taken forward in the Parish during the Plan period.'*
- 7.23 I have considered this matter very carefully. On the one hand, the development of the allocated site at Cooks Lane would delivery new homes in the parish beyond the level anticipated in the VALP. On the other hand, MPC has approached the overall delivery of housing in a positive way which seeks to influence the emerging debate on future growth in the County rather than respond to the matter in the future. In this context the identification of a potential reserve site would further reinforce such an approach.
- 7.24 Taking account of all the information available I am satisfied that the principle of such an approach is acceptable and meets the basic conditions. It will help to deliver the national ambition to boost significantly the supply of new homes (paragraph 60 of the NPPF). In addition, national policy is clear that a neighbourhood plan can deliver higher levels of growth that than anticipated in a local plan (here the VALP). Finally, I am satisfied that the development of 30 homes in the parish would not undermine the wider spatial strategy in the VALP. In this context it would have the added value of contributing to the housing land supply situation in the County.



- 7.25 For the purpose of this report, I will assess the site-specific suitability of the proposed allocated and reserve sites separately against the basic conditions.

*Cooks Lane.*

- 7.26 The proposed site is located to the northern side of Cooks Lane. It occupies a field and the western part of an adjoining field. The policy anticipates that the site will yield 20 homes. It includes a range of criteria addressing the mix of homes, archaeological assessments, the location and delivery of open space and transport mitigation measures. As the landowner, BC's Property Team makes detailed comments on the criteria in the policy. Several parishioners also comment about the proposed development.

- 7.27 Based on my observations during the visit, I am satisfied that the proposed site is well-related to the existing built form of the village. It will complement the residential development to the south of Cooks Lane and that to the east of Main Street and off Manor Close. In addition, one of the criteria in the policy comments that the public open space should be positioned in the western part of the site. This will ensure that there is appropriate separation between the new properties and the existing properties in Manor Close. In addition, the archaeological issues relating to ridge and furrow fields in the ER are translated into one of criteria in the policy. The policy also anticipates the need for an assessment of the impact of the proposed development on the capacity and safety of the junction of Cooks Lane.

- 7.28 I have considered all the information very carefully. In the round, I am satisfied that the proposed development is appropriate and can be sensitively incorporated into the local environment. In this wider context I recommend a series of modifications to the criteria in the policy. The first is the replacement of the reference to historic concept plan with a reference to a masterplan for the development of the site. The second is the repositioning of the criterion on the delivery of the open space into the supporting text and a refinement of its approach. This reflects that the matter relates to the implementation of the policy rather than operating as a land use policy. The third is the inclusion of additional criteria into the policy to ensure that there is the opportunity for pedestrians and cyclists to enter and leave the site from Cooks Lane other than through the vehicular access and to retain the significant tree and hedge boundary along the southern edge of the site. Otherwise, I am satisfied that its allocation meets the basic conditions.

*Station Road*

- 7.29 The proposed reserve site is located to the immediate south of the modern housing development (Taylors Corner) on the south side of Station Road. The policy anticipates that the site will yield 10 homes. It includes a range of criteria addressing the mix of homes, the location and delivery of open space and transport mitigation measures.
- 7.30 The proposed site raises different issues from those relating to Cooks Lane. Firstly, it is on the edge of the village adjacent to the recent Taylors Corner development. That development is peripheral to the overall village and further development in this part of

the village would be equally peripheral. Secondly the proposed allocation would spill out into a larger field and would have no natural or man-made boundaries.

- 7.31 Based on these two matters and my observations during the visit, I am not satisfied that the proposed site is well-related to the existing built form of the village. It will not complement its natural layout and form. In these circumstances, I recommend that the policy is deleted. I also recommend consequential modifications to the supporting text (which frequently refers to both sites included in the Plan).
- 7.32 In coming to this conclusion I have considered its implications on the wider aspirations of the Plan to deliver new housing in the Plan period. Plainly it could reduce the (potential) delivery of housing in the Plan period by ten homes. However, given the circumstances as described in paragraph 7.23 of this report I am satisfied that the proposed allocated site (at Cooks Lane) is effectively operating as the site to deliver the growth required in the parish in the VALP. In this broader context, MPC will have the opportunity to provide a more detailed assessment of the need for the development of Station Road site (and/or other sites elsewhere in the parish) as part of a review of the Plan. Such an approach would also provide MPC with a much greater insight into the emerging strategic housing requirements in the County and their implications within the parish.

**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.’**

**In Part A of the policy delete the fifth bullet point.**

**In Part A of the policy add additional bullet points to read:**

- **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.**

**Delete Part B of the policy**

*Replace paragraphs 5.6 to 5.9 with:*

*‘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.*

*The site was favoured in the site assessment process, comprising the Environmental Report (ER) and a community survey. The site will not 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.*

*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.*

*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.'*

#### Policy MUR3 Housing Mix

- 7.33 The Plan advises that this policy is intended to give local effect to VALP Policy H6a on housing mix by giving an emphasis to the types of new homes that will help rebalance the current mix of homes to ensure a sustainable community. In respect of affordable housing, the policy modifies the adopted VALP policy (H1) by lowering the threshold at which the policy applies from schemes of 11 to 10 or more dwellings. This brings the policy up to date with the NPPF (paragraph 64) and its definition of 'major development'. The Plan comments that this matter is not considered a change to strategic policy that would be inconsistent nor that requires parish-specific viability testing.
- 7.34 The first part of the policy provides a more detailed local approach to housing mix than that included in Policy H1 of the VALP. BC Property Team suggest that the approach taken is prescriptive and does not meet the basic conditions. I have considered this matter carefully. On the balance of the evidence (including that in Table A and paragraphs 5.11 and 5.12), I am satisfied that the generality of the approach taken is appropriate. Nevertheless, I recommend detailed modifications to the wording of the policy to recognise that the housing mix required by the policy may not always be practicable or viable. I also recommend additions to the supporting text to explain how such issues would be resolved through the development management process.
- 7.35 I am satisfied that the second part of the policy takes an appropriate approach. The ten or more homes threshold for affordable housing corresponds with that taken in national legislation. I have considered the need for this part of the policy given that other than for the allocated site other sites are expected to be of five or less homes. On the balance of the evidence, I have concluded that the retention of this part of the

policy would be appropriate. It would address any otherwise acceptable proposals which may come forward for ten or more homes in the Plan period and provide clear guidance on their need to deliver affordable homes.

**Replace Part A of the policy with:**

**‘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:**

- **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.’**

*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.’*

Policy MUR4 Design Strategy

- 7.36 The Plan comments that the policy refines VALP Policies BE1 and BE2 by setting out a design strategy for the Parish in line with the approach recommended in the National Design Guide. It acknowledges that the village has distinct character areas - the designated Mursley Conservation Area and the remainder of the village within the Village Boundary (parts of which form part of the setting of the Conservation Area). The supporting text comments that the policy is not prescriptive in expecting specific architectural styles. It identifies those essential features of the historic village, designated a Conservation Area, and requires applicants to demonstrate they have both understood the significance of those features and have positively responded to them in their design proposals. In addition, the Plan advises that Policy MUR4 encourages all proposals to adopt sustainable methods of construction.
- 7.37 The policy takes a very positive approach to this matter. It helpfully captures the character of the conservation area and that of the remainder of the parish. In the round it is a good local response to Section 12 of the NPPF.
- 7.38 I recommend a series of detailed modifications to the wording of the policy to bring the clarity required by the NPPF. This approach will allow BC to apply it consistently throughout the Plan period. The recommended modification to part E of the policy will ensure that the use of timber relates to that sourced responsibly. Otherwise, the policy meets the basic conditions. It will deliver the environmental dimension of sustainable development.

**In A replace ‘possible’ with ‘practicable’**

**In B and C replace ‘In setting out.... applicants should’ with ‘Development proposals should’**

**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.’**

Policy MUR5 Local Heritage Assets

- 7.39 Policy MUR5 identifies several buildings and structures that have local heritage importance, either because of their architectural or their historical/social and/or their village-scape value. It also identifies those fields that contain the most historically significant examples of ridge and furrow as local heritage assets. A description of each building on the list is included in Appendix A.
- 7.40 The policy takes an appropriate approach to this matter. I am satisfied that the proposed local heritage assets have been carefully selected. In their different ways they complement the listed buildings in the village centre. The asserts are helpfully described in the appendix.
- 7.41 I recommend a detailed modification to the wording used in part A of the policy. As submitted, it takes a very prescriptive approach which does not have regard to paragraph 203 of the NPPF. The recommended modification takes the balanced approach to local heritage assets as set out in national policy. I recommend a similar approach to part B of the policy which addresses ridge and furrow fields.

**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.’**

**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.’**

Policy MUR6 Local Green Spaces

- 7.42 Policy MUR6 proposes the designation of two Local Green Spaces (LGS) in accordance with paragraph 102 of the NPPF. It advises that the Village Green has a

historic value as a social space and continues to play an integral part in the enjoyment of the village and is therefore special to the community. It also advises that The Hangings is the last remaining patch of florally diverse semi-improved grassland in the Parish, with a complex intersecting ridge-and-furrow pattern probably dating from a pre-enclosure large field system

- 7.43 I looked at the proposed LGSs carefully during the visit. The Village Green is a classic LGS. Whilst The Hastings is more remote from the village, it offers an interesting reflection on the agricultural heritage of the parish.
- 7.44 Based on all the information available to me, including my own observations, I am satisfied that they comply with the three tests in paragraph 102 of the NPPF. 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.
- 7.45 The first part of the policy lists the proposed LGSs. The remainder sets 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 seek to control development proposals on adjoining sites. Whilst I can understand the circumstances in which MPC 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. BC will be able to assess proposals on sites adjacent to the proposed LGSs on their merits. I also recommend the inclusion of additional supporting text to explain this matter.
- 7.46 I recommend that an inset map is prepared for the Village Green LGS. Its limited size means that it is not easily visible on a map of the scale used in the submitted Plan. Otherwise, it meets the basic conditions. It will contribute to the delivery of the social and environmental dimensions of sustainable development.

**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.’**

*At the end of paragraph 5.18 add:*

*‘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.'*

*Prepare an inset map for Map D to show the boundaries of the Village Green in an appropriate level of detail.*

#### Policy MUR7 Green Infrastructure Network

- 7.47 The Plan comments that the policy supports VALP Policy I1 on Green Infrastructure by defining a network of green infrastructure assets in Mursley as a means of increasing connection to the countryside and of improving local biodiversity through connecting habitats. The policy also promotes the Green Infrastructure Strategies that cover Aylesbury Vale at varying levels. Finally, the policy requires that all development proposals that lie within or adjoining the Network should consider how they may improve connectivity, or at the very least not undermine the integrity of connecting spaces and habitats.
- 7.48 I am satisfied that the policy takes a positive and appropriate approach to this matter. The Network has been carefully identified on Maps E(a)/E(b). In this context, I recommend that part A of the policy is modified to clarify the link between policy and maps.
- 7.49 I recommend that part B of the policy is recast so that it has the clarity required by the NPPF. In doing so I recommend that the wording allows BC to apply its contents on a proportionate basis. This acknowledges that individual proposals will bring their own opportunities to contribute towards the improvement of the connectivity and maintenance of the Network. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the environmental dimension of sustainable development.

**In part A of the policy replace 'Policies Maps' with 'Map E(a) and E(b)'**

**Replace part B of the policy with:**

**'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.'**

#### Policy MUR8 Community Facilities

- 7.50 This policy celebrates the importance of community facilities in providing opportunities for social cohesion and the wellbeing of the residents of the parish. It identifies a series of community facilities (part A), establishes a policy for their protection and for their modification and/or improvement.
- 7.51 In the round, I am satisfied that the policy takes an appropriate approach. I saw the importance and significance of the identified facilities during the visit. Part B of the policy correctly takes account of the potential for the use of the facilities and their viability to alter within the Plan period.

- 7.52 Within this context I recommend the following modifications to ensure that the policy has the clarity required by the NPPF:
- changes to the wording used in part A of the policy;
  - a clearer definition of the location for replacement facilities in part B of the policy; and
  - the relocation of the final sentence of part B of the policy into the supporting text. This acknowledges that the matter is about the implementation of the policy rather than as a land use policy.
- 7.53 Paragraph 5.27 comments that the two proposed LGS (in Policy MUR6) should be recognised as community facilities, as should the new public open spaces associated with proposed housing development schemes (in Policy MUR2). The intended approach towards LGSs has little merit as the policies address different issues and the LGS policy is more onerous than the community facilities policy. Whilst the intended approach towards the additional LGSs has some merit, it is one which should be addressed in a review of the Plan rather than at this stage. This would allow a developed green space on the Cooks Lane to be assessed against the criteria in the NPPF. In these circumstances I recommend that paragraph 5.27 is deleted. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social dimension of sustainable development.

**In part A of the policy replace ‘will be resisted’ with ‘will not be supported’**

**In part B of the policy replace ‘in a suitable location’ with ‘in an accessible and sustainable location’**

**Delete the final sentence of part B of the policy.**

*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.’*

Policy MUR9 Zero Carbon Buildings

- 7.54 The policy advises that the context for the setting of energy efficiency standards at the Local Plan or Neighbourhood Plan scale is complex. Background information on this matter is included in Appendix B of the Plan. The Plan advises that the policy has been formulated as a temporary measure as in due course, it is expected that the new Local Plan, if not national policy itself, will make such provisions across the County.
- 7.55 The policy is in five parts, the combination of which is intended to deliver a step change in the energy performance of all new developments in the parish and, in doing so, encourage, and incentivise the use of the Passivhaus or equivalent standard of building design. Along with the passive design capacity assessment, it is anticipated that designers will demonstrate compliance using a design for performance methodology



such as the Passivhaus Planning package or CIBSE TM34 Operational Energy. The Plan comments that achieving this level of performance will make a significant contribution to mitigating climate change that the Neighbourhood Plan can deliver, and a contribution to wider initiatives at the County level.

7.56 The approach taken on this matter is both comprehensive and ambitious. As the Plan acknowledges the policy context for encouraging higher energy efficiency standards at a local plan or neighbourhood plan scale is complex.

7.57 I sought MPC's views in the clarification note on the extent to which it had assessed the way which the policy has regard to national policy, and the way in which the efficiency of new buildings is increasingly being controlled through the Building Regulations. I also sought clarification on the way in which the policy could be applied proportionately and without having an onerous effect on minor and domestic proposals. In its response MPC commented that:

*'it was keen to be "ahead of the field" and to develop in a way that was seen to be inevitable as far as a goal of zero carbon buildings. Section B does state "wherever feasible", understanding that there could be problems in achieving this goal in some instances but still the aim remains, which we feel is consistent with central government desire and will be born out in current and future building regulations.'*

7.58 I have considered the policy and the responses to the clarification note very carefully. In doing so, I have looked in detail at national and local policies on this matter.

7.59 National policy is set out in the NPPF. Its paragraph 153 sets the scene in commenting that plans should take a proactive approach to mitigating and adapting to climate change. Paragraph 155 continues by commenting that (amongst other things) that plans should help increase the use and supply of renewable and low carbon energy and heat, by providing a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts).

7.60 Planning Practice guidance (PPG) considers these matters in further detail. PPG ID:6-009-20150327 comments that:

*'The National Planning Policy Framework expects local planning authorities when setting any local requirement for a building's sustainability to do so in a way consistent with the government's zero carbon buildings policy and adopt nationally described standards. Local requirements should form part of a Local Plan following engagement with appropriate partners, and will need to be based on robust and credible evidence and pay careful attention to viability. In this respect, planning authorities will need to take account of government decisions on the Housing Standards Review when considering a local requirement relating to new homes. If considering policies on local requirements for the sustainability of other buildings, local planning authorities will wish to consider if there are nationally described standards and the impact on viability of development.'*

7.61 PPG ID:6-012-20190315 comments that:

*'The Planning and Energy Act 2008 allows local planning authorities to set energy efficiency standards in their development plan policies that exceed the energy efficiency requirements of the building regulations. Such policies must not be inconsistent with relevant national policies for England. Section 43 of the Deregulation Act 2015 would amend this provision, but is not yet in force. The Written Ministerial Statement on Plan Making dated 25 March 2015 clarified the use of plan policies and conditions on energy performance standards for new housing developments. The statement sets out the government's expectation that such policies should not be used to set conditions on planning permissions with requirements above the equivalent of the energy requirement of Level 4 of the Code for Sustainable Homes (this is approximately 20% above current Building Regulations across the build mix).'*

7.62 Policy C3 of the VALP provides 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 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.'*

7.63 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.'*

7.64 Taking account of all the information, I recommend modifications to the policy to ensure that it meets the basic conditions. The recommended modifications are underpinned by five key (and related) factors. The first is that an independent examiner's role is to assess a neighbourhood plan against the basic conditions. Whilst it widely anticipated that the national policies about the energy efficiency of new houses will change within the Plan period, it is not my role to seek to anticipate the details of that future approach. This would ultimately be a matter for any potential future review of a 'made' Plan to address.

- 7.65 The second is that there is no direct connection between the approach taken in Policy C3 of the VALP and the proposed Policy MUR9. These circumstances will create fundamental problems in terms of the way in which the two policies will be applied in the Plan period. As such the proposed approach will not bring the clarity required by the NPPF. This conclusion is reinforced as the Local Plan policy is up-to-date and its supporting text acknowledges that the Building Regulations are a key way in which national controls is applied to the efficiency of new buildings.
- 7.66 The third is that the Written Ministerial Statement of March 2015 continues as an element of government policy. Whilst I have taken account of the responses to the clarification note, I have concluded that to all intents and purposes the policy requires Passivhaus technology. Whilst this is proposed in the context of where such an approach is 'feasible' the policy does not offer any definitive guidance on how feasibility would be assessed beyond the commentary in paragraph 5.31 that an applicant must demonstrate those factors which would make the delivery of Passivhaus technology unfeasible. The effect of such an approach would be that BC and the developer concerned would need to engage in an onerous and detailed technical debate on this point. In the round, I have concluded that the policy's approach is contrary to the Written Ministerial Statement. In any event such excellent technology may be overtaken by other similar approaches to building efficiency which come forward within the Plan period.
- 7.67 The fourth is that MPC has offered no direct evidence or assurance about the effect of the policy on new development in the parish. Its reference on viability to paragraph 5.32 of the Plan is to general, rather than to specific, local information. In addition, whilst I have noted MPC's comments on this matter, there is no evidence available to me on this matter including any details from specific developers.
- 7.68 The fifth and final key factor is that the policy as submitted includes a series of elements which explain the proposed operation of the policy rather than being policy (Parts C/D/E).
- 7.69 Taking account of all these circumstances, I recommend a package of modifications to both the policy and to the supporting text. The recommended modifications to the submitted policy would result in a situation where the neighbourhood plan would offer a supportive context for development proposals in the parish to achieve more sustainable solutions than those required by the VALP policy rather than requiring this to be the case.
- 7.70 In specific terms, I recommend that the first two parts of the policy are modified so that they take on a less prescriptive format which has regard to national policy. The modifications have also been designed so that they will add value to Policy C3 of the VALP. In this context it is appropriate for a neighbourhood plan policy to offer support for carbon ready/Passivhaus buildings as opposed to requiring this to be the case.
- 7.71 In this context I recommend the deletion of parts C and E of the policy which would no longer apply to the wider policy.
- 7.72 I also recommend a consequential package of modifications to the supporting text.

Replace the policy with:

**‘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.**

**Proposals for a Passivhaus or equivalent standard buildings with a space heating demand of less than 15KWh/m<sup>2</sup>/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.**

**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.’**

*Replace paragraphs 5.28 to 5.37 as follows:*

*‘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 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.’*

*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.’*

*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.'*

#### Other Matters - General

- 7.73 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 MPC 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

- 7.74 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.
- 7.75 I also recommend a more general modification to the text of the Plan based on BC's comments insofar as it is necessary to ensure that the Plan meets the basic conditions as follows:

*Replace any references to the Plan period so that they consistently comment '2021 to 2040'*

- 7.76 BC also raise a series of other matters (mainly relating to nature conservation and biodiversity matters 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 MPC.

## 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 2040. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community including the allocation of land for housing development and the designation of two LGSs.
- 8.2 Following the independent examination of the Plan, I have concluded that the Mursley 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 Mursley 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 on 12 July 2017.
- 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**  
**3 November 2022**