

**Pitstone Parish Council**

# **Pitstone Neighbourhood Development Plan**

A Report to Aylesbury Vale District Council of the Independent  
Examination of the Pitstone Neighbourhood Development Plan

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## Overall Finding

This is the report of the Independent Examination of the Pitstone Neighbourhood Development Plan. The plan area is the entire Pitstone Parish area. The Plan period is 2013 to 2033. The Neighbourhood Plan includes eight policies relating to the development and use of land.

The report finds that subject to specified modifications the Neighbourhood Plan meets the basic conditions and other requirements to proceed to a local referendum within the Parish.

## Neighbourhood Planning

1. The Localism Act 2011 empowers local communities to take responsibility for the preparation of elements of planning policy for their area through a neighbourhood development plan. The National Planning Policy Framework (the Framework) states that “*neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.*”<sup>1</sup>
2. Following satisfactory completion of the necessary preparation process neighbourhood development plans have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the neighbourhood development plan, unless material considerations indicate otherwise.
3. The Pitstone Neighbourhood Development Plan (the Neighbourhood Plan) has been prepared by Pitstone Parish Council (the Parish Council), a qualifying body able to prepare a neighbourhood plan, in respect of the Pitstone Neighbourhood Area which was formally designated by Aylesbury Vale District Council (the District Council) on 20 November 2014.
4. The submission draft of the Neighbourhood Plan, along with the Consultation Statement and the Basic Conditions Statement, has been approved by the Parish Council for submission of the plan and accompanying documents to the District Council. Aylesbury Vale District Council has submitted the Neighbourhood Plan to me for independent examination.

## Independent Examination

5. This report sets out the findings of the independent examination into the Neighbourhood Plan.<sup>2</sup> The report makes recommendations to the District Council including a recommendation as to whether or not the Neighbourhood Plan should proceed to a local referendum. The District Council will decide what action to take in response to the recommendations in this report.
6. The District Council will decide whether the Neighbourhood Plan should proceed to referendum, and if so whether the referendum area

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<sup>1</sup> Paragraph 183 National Planning Policy Framework (2012)

<sup>2</sup> Paragraph 10 Schedule 4B Town and Country Planning Act 1990

should be extended, and what modifications, if any, should be made to the submission version plan. Should the Neighbourhood Plan proceed to local referendum and achieve more than half of votes cast in favour, then the Neighbourhood Plan will be 'made' by the District Council. If 'made' the Neighbourhood Plan will come into force and subsequently be used in the determination of planning applications and decisions on planning appeals in the plan area.

7. I have been appointed by the District Council with the consent of the Parish Council, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the Parish Council and the District Council. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I hold appropriate qualifications and have appropriate experience. I am a Member of the Royal Town Planning Institute; a Member of the Institute of Economic Development; a Member of the Chartered Management Institute; and a Member of the Institute of Historic Building Conservation. I have forty years professional planning experience and have held national positions and local authority Chief Planning Officer posts.
8. As independent examiner I am required to produce this report and must recommend either:
  - that the Neighbourhood Plan is submitted to a referendum, or
  - that modifications are made and that the modified Neighbourhood Plan is submitted to a referendum, or
  - that the Neighbourhood Plan does not proceed to a referendum on the basis it does not meet the necessary legal requirements.
9. I make my recommendation in this respect and in respect to any extension to the referendum area,<sup>3</sup> in the concluding section of this report. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.<sup>4</sup>
10. The general rule is that examination of the issues is undertaken by the examiner through consideration of written representations.<sup>5</sup>
11. The examiner has the ability to call a hearing for the purposes of receiving oral representations about a particular issue in any case where the examiner considers that the consideration of oral

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<sup>3</sup> Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

<sup>4</sup> Paragraph 10(6) Schedule 4B Town and Country Planning Act 1990

<sup>5</sup> Paragraph 9(1) Schedule 4B Town and Country Planning Act 1990

representations is necessary to ensure adequate examination of the issue, or a person has a fair chance to put a case. All parties have had opportunity to state their case. As I did not consider a hearing necessary I proceeded on the basis of written representations.

## **Basic conditions and other statutory requirements**

12. An independent examiner must consider whether a neighbourhood plan meets the “Basic Conditions”.<sup>6</sup> A neighbourhood plan meets the basic conditions if:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan,
- the making of the neighbourhood plan contributes to the achievement of sustainable development,
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations, and
- the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.<sup>7</sup>

13. An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.<sup>8</sup> All of these matters are considered in the later sections of this report titled ‘The Neighbourhood Plan taken as a whole’ and ‘The Neighbourhood Plan policies’.

14. In addition to the basic conditions and Convention rights, I am also required to consider whether the Neighbourhood Plan complies with the provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004.<sup>9</sup> I am satisfied the

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<sup>6</sup> Paragraph 8(2) Schedule 4B Town and Country Planning Act 1990

<sup>7</sup> Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

<sup>8</sup> The Convention rights has the same meaning as in the Human Rights Act 1998

<sup>9</sup> In sections 38A and 38B themselves; in Schedule 4B to the 1990 Act (introduced by section 38A (3)); and in the 2012 Regulations (made under sections 38A (7) and 38B (4)).

Neighbourhood Plan has been prepared in accordance with the requirements of those sections, in particular in respect to the Neighbourhood Planning (General) Regulations 2012 which are made pursuant to the powers given in those sections.

15. The Neighbourhood Plan relates to the area that was designated by the District Council as a neighbourhood area on 20 November 2014. Paragraph 1.1 of the Submission Version of the Neighbourhood Plan confirms the Plan area is defined by the Pitstone Parish boundary. A map of the Pitstone Designated Plan Area is included as Plan A of the Submission Version plan. The Neighbourhood Plan does not relate to more than one neighbourhood area,<sup>10</sup> and no other neighbourhood development plan has been made for the neighbourhood area.<sup>11</sup> All requirements relating to the plan area have been met.
16. I am also required to check whether the Neighbourhood Plan sets out policies for the development and use of land in the whole or part of a designated neighbourhood area;<sup>12</sup> and the Neighbourhood Plan does not include provision about excluded development.<sup>13</sup> I am able to confirm that I am satisfied that each of these requirements has been met.
17. A neighbourhood plan must also meet the requirement to specify the period to which it has effect.<sup>14</sup> The front cover of the Submission Version clearly shows the plan period to be 2013 – 2033.
18. The role of an independent examiner of a neighbourhood plan is defined. I am not examining the test of soundness provided for in respect of examination of Local Plans.<sup>15</sup> It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan. I have been appointed to examine whether the submitted Neighbourhood Plan meets the basic conditions and Convention rights, and the other statutory requirements.
19. A neighbourhood plan can be narrow or broad in scope. There is no requirement for a neighbourhood plan to be holistic, or to include policies dealing with particular land uses or development types, and there is no requirement for a neighbourhood plan to be formulated as,

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<sup>10</sup> Section 38B (1)(c) Planning and Compulsory Purchase Act 2004

<sup>11</sup> Section 38B (2) Planning and Compulsory Purchase Act 2004

<sup>12</sup> Section 38A (2) Planning and Compulsory Purchase Act 2004

<sup>13</sup> Principally minerals, waste disposal, and nationally significant infrastructure projects - Section 38B(1)(b) Planning and Compulsory Purchase Act 2004

<sup>14</sup> Section 38B (1)(a) Planning and Compulsory Purchase Act 2004

<sup>15</sup> Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 182 of the Framework

or perform the role of, a comprehensive local plan. The nature of neighbourhood plans varies according to local requirements.

20. Neighbourhood plans are developed by local people in the localities they understand and as a result each plan will have its own character. It is not within my role to re-interpret, restructure, or re-write a plan to conform to a standard approach or terminology. Indeed, it is important that neighbourhood plans are a reflection of thinking and aspiration within the local community. They should be a local product and have particular meaning and significance to people living and working in the area.
21. Apart from minor corrections and consequential adjustment of text (referred to in the Annex to this report) I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the basic conditions and the other requirements I have identified.<sup>16</sup>

## Documents

22. I have given consideration to each of the following documents in so far as they have assisted me in considering whether the Neighbourhood Plan meets the basic conditions and other requirements:

- Pitstone Neighbourhood Plan 2013-2033 Submission Version October 2015
- Pitstone Neighbourhood Plan Basic Conditions Statement October 2015
- Pitstone Neighbourhood Plan Strategic Environmental Assessment Report 2015
- Habitats Regulations Assessment of the Submission Version of the Pitstone Neighbourhood Plan September 2015
- Pitstone Neighbourhood Plan Consultation Statement October 2015
- Pitstone Neighbourhood Plan Local Green Spaces Report October 2015
- Pitstone Neighbourhood Plan Evidence Base (listed in the Submission Version Neighbourhood Plan)
- Representations received during the Regulation 16 publicity period
- Aylesbury Vale District Local Plan (AVDLP) Saved Policies (27 September 2007)
- National Planning Policy Framework (27 March 2012) [*In this report referred to as the Framework*]
- Technical Guidance to the National Planning Policy Framework (27 March 2012) [*In this report referred to as the Technical Guidance*]

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<sup>16</sup> See 10(1) and 10(3) of Schedule 4B to the Town and Country Planning Act 1990

- Department for Communities and Local Government Permitted development for householders' technical guidance (April 2014) [*In this report referred to as the Permitted Development Guidance*]
- Department for Communities and Local Government Planning Practice Guidance web-based resource (first fully launched 6 March 2014) [*In this report referred to as the Guidance*]
- The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014
- The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004 (as amended)
- Localism Act 2011
- Neighbourhood Planning (General) Regulations 2012 (as amended) [*In this report referred to as the Regulations*]

## Consultation

23. The submitted Neighbourhood Plan is accompanied by a comprehensive Consultation Statement which outlines the process undertaken in the preparation of the plan. In addition to detailing who was consulted and by what methods, it also provides a summary of comments received from local community members and other consultees and how these have been addressed in the submission plan. I highlight here a number of key stages of consultation undertaken in order to illustrate the approach adopted.

24. A publicity campaign was undertaken during September and October 2014 to communicate the intention of developing a neighbourhood plan and invite interested parties to actively participate. As a result, upwards of 20 volunteers from the local community attended the inception meeting of the Neighbourhood Plan.

25. A Visioning Workshop was held in November 2014 at which alternatives for the future of Pitstone were debated. This provided the basis for the Vision Statement and provided parameters to the Steering Group and sub-groups for their future work.

26. Two Community Engagement Days were held at the Pitstone Memorial Hall on 22 and 28 March 2015. These were well publicised via the Pitstone Parish Post, which is distributed to all residents free of charge, a publicity leaflet delivered to all homes in the village, and posters placed on noticeboards and other locations around the village. The Engagement Days were attended by 229 people, with over 190

feedback forms received. A Facebook page was initiated prior to the events to stimulate further discussion with residents.

27. Following the Engagement Days, a number of follow-up activities were undertaken, specifically targeted at teenagers, and elderly residents (particularly those living in sheltered accommodation). Informal discussions were held with a group of teenagers at the Youth Café, Brookmead School and with residents of sheltered accommodation at Yardley Lounge. Infants from Brookmead School were also invited to write about how they would make Pitstone a better place to live.
28. Prior to the pre-submission consultation, the community was given an opportunity to discuss the emerging Neighbourhood Plan with members of its various working groups at the Annual Parish Assembly. An article in the Pitstone Parish Post outlined some of the key findings from the community consultation and how this had been progressed to a draft plan.
29. Pre-submission consultation in accordance with Regulation 14 was undertaken in the six-week period 1 June to 13 July 2015. The plan document was available on a website and paper copies available for inspection at several locations in the plan area. Two launch events were held at the Memorial Hall to provide opportunities for discussion on the proposed plan and the Steering Group had a presence at an annual summer event. A total of 128 comments were received from statutory consultees and residents and resulted in a number of changes to the plan that was approved by Pitstone Parish Council in October 2015.
30. The final draft of the Neighbourhood Plan has been submitted to the District Council. The Submission Version of the Neighbourhood Plan has been the subject of a Regulation 16 publicity period between 10 November and 22 December 2015. A total of 78 representations were submitted to the District Council which I have taken into consideration in preparing this report, even though they may not be referred to in whole, or in part.
31. Of the 78 representations, sixty-nine express support for the Neighbourhood Plan and a further five generally support the plan, with further comments. The majority of the representations are specifically in support of the Local Green Space designation, generally emphasising the points highlighted in the Local Green Spaces Report. Included with one of these representations is a petition of 449 signatures in support of the designation of the two parcels of land

between The Crescent and Marsworth Road as Local Green Space. Several of the representations focus on the Neighbourhood Plan policies and are referred to, where appropriate, later in my report. One representation states *“The Pitstone Neighbourhood Plan contains flaws not only in its application to local and national policy, but also in the lack of a clear and up-to-date evidence base to support its policies. Several areas of the Pitstone Neighbourhood Plan need to be addressed by a fundamental overhaul to the development strategy, failure to do so will undoubtedly lead to the plan being found unable to meet a number of the basic conditions at Independent Examination.”* Where the detailed representations relate to the Neighbourhood Plan as a whole I deal with them in the next section of my report and where they relate to specific policies I deal with them in the later section of my report when considering the policies concerned.

32. The Chilterns Conservation Board make a number of recommendations relating to the Submission Plan and SEA documents as a whole, including the addition of the Chilterns AONB to the ‘landscape’ commentary at paragraph 1.26 and a further reference in the Vision and Objectives. Whilst I would have no objection to these amendments I have not recommended modifications as the revisions are not necessary to meet the basic conditions.
33. The practice manager of a GP surgery with branch premises in Pitstone has questioned in a representation, whether the Neighbourhood Plan makes provision for a doctors’ surgery within the new build. It is my role to assess whether the Neighbourhood Plan meets the Basic Conditions and other statutory requirements and does not extend to recommending the inclusion of additional policies. Given this suggestion is not required in order to meet the basic conditions it is not appropriate that I recommend modification of the plan on this basis.
34. In regards to the statutory consultation bodies, Natural England stated it had no objection to the plan and both the Environment Agency and Highways England had no comments to make.
35. Consultation has satisfied the requirements of the Regulations involving engagement with stakeholders who have had opportunities to influence the content of the Neighbourhood Plan. The preparatory process has been conducted in an inclusive and transparent manner, with good publicity throughout. It is clear that the Neighbourhood Plan has emerged with input of the local community.

## The Neighbourhood Plan taken as a whole

36. This section of my report considers whether the Neighbourhood Plan taken as a whole meets EU obligations, habitats and human rights requirements; has regard to national policies and advice contained in guidance issued by the Secretary of State; whether the plan contributes to the achievement of sustainable development; and whether the plan is in general conformity with the strategic policies contained in the development plan for the area. Each of the plan policies is considered in turn in the section of my report that follows this.

Consideration of Convention rights; and whether the making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations; and the making of the Neighbourhood Plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects

37. The Basic Conditions Statement states *“The Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act.”* I have given consideration to the European Convention on Human Rights and in particular to Article 8 (privacy); Article 14 (discrimination); and Article 1 of the first Protocol (property).<sup>17</sup> I have seen nothing in the submission version of the Neighbourhood Plan that indicates any breach of the Convention. Although no equalities impact assessment has been undertaken the submission draft of the Neighbourhood Plan would appear to have neutral or positive impacts on groups with protected characteristics.

38. The District Council issued a Screening Opinion in December 2014 concluding that the Neighbourhood Plan should be prepared in accordance with the EU Directive 2001/42 on Strategic Environmental Assessment (SEA).

39. The Basic Conditions Statement states *“A SEA Scoping Report was published by the Parish Council in January 2015 for consultation with the statutory authorities to complete Stage A of the SEA process. The comments were then taken into account in Stages B and C of drafting the SEA alongside the Pre-Submission Neighbourhood Plan, both of which were published for consultation with the statutory authorities as*

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<sup>17</sup> The Human Rights Act 1998 which came into force in the UK in 2000 had the effect of codifying the protections in the European Convention on Human Rights into UK law.

*well as the general public. The final SEA is published alongside the Submission document.”*

40. The SEA report sets out the assessment framework used to assess the sustainability performance of the Neighbourhood Plan. It is confirmed that this was the subject of consultation with the statutory bodies as part of the SEA Scoping Report. It is concluded that there are no negative impacts of the strategic objectives of the Neighbourhood Plan and that there are no significant negative effects resulting from the policies of the Neighbourhood Plan. The SEA report includes consideration of options.
41. Natural England has confirmed during the publicity period comments made to the pre submission Plan. Natural England has no objection to the Plan but states *“the advice provided in our previous response applies equally to this submission.”* The concerns raised by Natural England to the pre submission Neighbourhood Plan was that it did not include an assessment of its effects on the Chiltern Beechwood SAC, Chilterns AONB or various SSSI’s in the southern area of the parish. However, Natural England go on to note the absence of development proposals in that area, and welcome the Local Green Space designations. Subsequent to the completion of the Pre-Submission Neighbourhood Plan, a screening for a Habitat Regulations Assessment was completed with respect to the European designated nature site of the Chiltern Beechwood SAC.
42. A representation states *“The Strategic Environmental Assessment/Sustainability Appraisal (SEA/SA) goes to the core compliance of basic condition (f) which requires strict adherence to the Environmental Assessment of Plan and Programmes Regulations 2004 (the SEA Regulations). Where an adequate SEA has not been undertaken a Neighbourhood Plan is unlikely to meet this basic condition. Gladman consider that the assessment undertaken is not a qualifying SEA, and greater consideration to plan alternatives is required.”* Further that *“The PNP seeks to limit the potential of further housing land being delivered through its use of a restrictive settlement boundary and countryside gap policies. Gladman contend that the SEA accompanying the PNP is flawed and fails to provide adequate justification for its judgements.”* *“Although the SEA assesses the PNP’s proposals against 5 sustainability objectives, none of these seek to consider the impact of the PNP’s policies and the likely significant effects in response of population and human health, which are issues that must be considered in any such assessment, as identified by Schedule 2, paragraph 6 of the SEA Regulations. It fails*

*to consider the effect of the Plan's policies would have on the provision of housing to meet local housing needs and the social wellbeing of Pitstone. The PNP is very simplistic and flawed with regard to the judgments made in assessing the PNP's proposals. In assessing Policy 1 the SEA continues to refer to the intention to contain the growth of the settlement and only considers one alternative, it is simply stated that this might include larger scale housing growth in the village of perhaps 300-400 dwellings that have not been promoted for development to the north and west of the village. Such a failure to properly identify and then assess alternatives is unlawful and would provide grounds for legal challenge and quashing of the policy (see notably recent Court of Appeal decision in Ashdown Forest Economic Development LLP v SSCLG [2015] EWCA Civ 681). In accordance with paragraph 042 of the PPG2 a qualifying body should carry out an appraisal of options and an assessment of sites against clearly identified criteria. There has been no attempt to score sites against a set of clearly defined criteria. The overall approach has been to provide a document that is not "proportionate" as asserted, but so limited in coverage as to be inadequate for the plan-making task in a plan that is intended to set the framework for projects within the neighbourhood plan area for the next 18 years. Gladman submit that the SEA accompanying the PNP fails to comply with the SEA Regulations and therefore is not a qualifying environmental assessment and is unable to meet basic condition (f)."*

43. The objective of EU Directive 2001/42<sup>18</sup> is "to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment." The Neighbourhood Plan falls within the definition of 'plans and programmes'<sup>19</sup> as the Local Planning Authority is obliged to 'make' the plan following a positive referendum result.<sup>20</sup>

44. The SEA report includes, as part 6, the environmental protection objectives that are considered relevant to the Neighbourhood Plan and the way those objectives and any environmental considerations have been taken into account during its preparation. I am satisfied the

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<sup>18</sup> Transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004

<sup>19</sup> Defined in Article 2(a) of Directive 2001/42

<sup>20</sup> Judgement of the Court of Justice of the European Union (Fourth Chamber) 22 March 2012

approach adopted is appropriate and note the statement “*The consultees made some helpful comments on the proposed SEA objectives.*” I also note the stated intention that “*the Neighbourhood Plan proposes that the progress in its implementation will be assessed using the measures for each objective*”. It is confirmed that should any real or potential negative impacts be identified then the Parish and District Councils will seek to review the relevant policies and their implementation. This commitment to plan monitoring represents good practice.

45. There is a need to consider whether the SEA Report generates and assesses alternatives for a reasonable range of plan issues and secondly for any given issue whether the range of alternatives considered is reasonable.
46. In the context of assessing the impact of the Neighbourhood Plan strategic objectives the SEA report states “*Given the national planning policy context, it was not a reasonable alternative to seek to avoid growth at all.*” The SEA report includes within part 8, Assessing the impact of the Neighbourhood Plan policies, a section with the title “*Assessing Reasonable Alternatives*”. This section includes the statement “*There is only one alternative option for defining the spatial plan in Policy 1. This is to provide for larger scale housing growth in the village of perhaps 300 – 400 new homes on sites that have not been promoted for development to the north and west of the village. In addition to this land not being made available for development, it is doubtful that such an option could be regarded as ‘reasonable’ in the absence of such promotional activity, other than for one site, which is the subject of the safeguarding for educational use in Policy 3. And given the community engagement activities undertaken to inform the Plan, it is also very unlikely that there would be public support for this option. However, to demonstrate the relative environmental merits of the chosen policy, a comparison has been made using the SEA objectives.*” “*The assessment indicates that the alternative would have negative landscape and biodiversity effects as a result of the loss of large areas of greenfield land around that part of the village. Although not as sensitive to development as the land to the south, the scale of this development would be difficult to mitigate and there are no obvious community benefits that may compensate for those negative effects. The land is not subject to flood risk nor has any clear effects on heritage assets, although if located on the north-eastern edge of the village it may affect the setting of the Ivinghoe Conservation Area*”. This statement contained in the SEA Report confirms there has been

some consideration of an alternative quantum and spatial distribution of development.

47. The SEA Report also states *“The only reasonable alternative to the remaining policies would be the choice of having no policy on the matter and relying upon the policies of the development plan. As shown in Table D below, in more or less each case, the ‘no policy’ option has made no material difference, as all the policy areas are covered by the development plan and NPPF. The Plan is merely refining those policy areas to reflect their specific relevance to this Parish”. “The only exceptions are policies 5 and 7, where it is possible that a reliance on a saved development plan policy may be insufficient to avoid negative landscape effects. Although the land south of Marsworth Road (in Policy 5) is defined outside the Settlement Boundary in Policy 1, its exclusion from the original Area of Attractive Landscape was never understood and it continues to be an anomaly. Its contribution to defining the edge of the village to Pitstone Hill is considerable and leaving the land with no designation other than being in the countryside is perceived to lessen its weight should a planning application be made for a major development scheme”. “In Policy 7, the two Local Green Spaces ought not to be under any threat from development as they are in public ownership and are well appreciated for their community and amenity value. However, in drawing a Settlement Boundary in Policy 1, within which both sites lie, it is possible that they may be at greater risk than would have been the case”.*

48. Generation of alternatives for every conceivable issue and option is not a requirement of the EA Regulations and could be detrimental to efficient plan making; insufficiently focussed on the important issues within the specific plan area; and not well suited to community led plan making where processes benefit from being proportionate, transparent and easily understood. The SEA report states *“The methodology for the assessment is intended to be proportionate to the task of assessing the modest development proposals of a Neighbourhood Plan in a relatively small parish area.”*

49. Regulation 12 (2) (b) of the EA Regulations requires identification, description and evaluation of the likely significant effects on the environment of reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme. Regulation 12 (3) states the report shall include such of the information referred to in Schedule 2 to the Regulations as may reasonably be required, taking account of – (a) current knowledge and methods of

assessment; (b) the contents and level of detail in the plan or programme; (c) the stage of the plan or programme in the decision-making process; and (d) the extent to which certain matters are more appropriately assessed at different levels in that process in order to avoid duplication of the assessment.

50. The EA Regulations acknowledge SEA is plan context dependent in terms of taking into account the objectives and geographical scope of a neighbourhood plan. In *Gladman Developments Ltd v Aylesbury Vale DC [2014] EWHC 4323 (Admin)* it was confirmed that a report will satisfy the requirements of the Implementing Regulations, and hence the Directive, if the information included in the report is that which is “*reasonably required to evaluate the likely significant effects of the plan or programme and reasonable alternatives taking account the objectives and the geographical scope of the plan or programme.*” The SEA Report includes identification, description and evaluation of the likely significant effects on the environment of reasonable alternatives.
51. With respect to the representation that “*There has been no attempt to score sites against a set of clearly defined criteria*” the Guidance states alternatives “*must be sufficiently distinct to highlight the different environmental implications of each so that meaningful comparison can be made. The alternatives must be realistic and deliverable*”. The alternative spatial strategy considered in the SEA report is reasonable, and relevant. The alternative addresses the essential strategic choices to be made as to the direction of the spatial strategy. A site based approach would offer a complexity of subtly different approaches rather than a small number of discrete alternatives. The alternative is presented in sufficient detail such that the difference between the options is very clear. The options are addressed at a strategic level, appropriate for a Strategic Environmental Assessment. This is distinct from the approach applicable to Environmental Impact Assessment for projects that usually relate to a specific site.
52. Alternatives presented in respect of policies have been assessed to the same level of detail against a consistent set of assessment criteria. Paragraph 8 of Schedule 2 to the EA Regulations requires an outline of the reasons for selecting the alternatives dealt with. The explanation of why the preferred alternatives were selected is brief, but is capable of description as an outline. This requirement has been met in respect of the Neighbourhood Plan. The requirement for the Environmental Report to include a non-technical summary has also been met.

53. The Guidance states “*The strategic environmental assessment should only focus on what is needed to assess the likely significant effects of the neighbourhood plan proposal. It should focus on the environmental impacts which are likely to be significant. It does not need to be done in any more detail, or using more resources, than is considered to be appropriate for the content and level of detail in the neighbourhood plan.*”<sup>21</sup> I consider likely significant effects have been assessed. I am satisfied that the level of consideration of alternative strategies in the SEA is appropriate for the content of the plan and meets the requirements of the SEA Directive and the Regulations. I am satisfied that the requirements in respect of Strategic Environmental Assessment have been met.

54. The Basic Condition Statement states “*The Neighbourhood Area is in close proximity to the European designated nature site of the Chiltern Beachwood Special Area of Conservation.*” A screening for a Habitats Regulation Assessment under the EU Habitats Regulations was subsequently undertaken and concluded that the policies did not trigger the need for an appropriate assessment. I conclude that the Habitats Regulations Report meets the requirements of the EU Habitats Regulations. I have not seen anything that suggests the Neighbourhood Plan will have a significant effect on a European offshore marine site.

55. There are a number of other EU obligations that can be relevant to land use planning including the Water Framework Directive, the Waste Framework Directive, and the Air Quality Directive but none appear to be relevant in respect of this independent examination.

56. I conclude that the Neighbourhood Plan:

- is compatible with the Convention rights
- does not breach, and is otherwise compatible with, EU obligations
- is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects

57. The Guidance<sup>22</sup> states it is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a draft neighbourhood plan submitted to it have been met in order for the draft neighbourhood plan to progress. The local planning authority must decide whether the draft neighbourhood plan

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<sup>21</sup> National Planning Policy Guidance Revision date 09 02 2015 Paragraph 30 Reference ID:11-030-20150209

<sup>22</sup> National Planning Policy Guidance paragraph 031 reference ID:11-031-20150209

is compatible with EU obligations (including obligations under the Strategic Environmental Assessment Directive):

- when it takes the decision on whether the neighbourhood plan should proceed to referendum; and
- when it takes the decision on whether or not to make the neighbourhood plan (which brings it into legal force).

Consideration whether having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Plan; and whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development

58. I refer initially to the basic condition “*having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan*”. The requirement to determine whether it is appropriate that the plan is made includes the words “*having regard to*”. This is not the same as compliance, nor is it the same as part of the test of soundness provided for in respect of examinations of Local Plans<sup>23</sup> which requires plans to be “*consistent with national policy*”.

59. Lord Goldsmith has provided guidance<sup>24</sup> that “*have regard to*” means “*such matters should be considered.*” The Guidance assists in understanding “*appropriate*”. In answer to the question “*What does having regard to national policy mean?*” the Guidance states a neighbourhood plan “*must not constrain the delivery of important national policy objectives.*”

60. The Basic Conditions Statement seeks to demonstrate that the Neighbourhood Plan has been prepared with regard to national policies as set out in the Framework. A statement is made to how the Neighbourhood Plan has specifically responded to paragraphs 16, 183 and 185 of the Framework.

61. The Neighbourhood Plan includes a positive Vision for sustainable growth that incorporates social, environmental and economic elements. This is consistent with the Framework’s underlying principles and specifically, the need to jointly and simultaneously seek

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<sup>23</sup> Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 182 of the Framework

<sup>24</sup> The Attorney General, (Her Majesty’s Principal Secretary of State for Justice) Lord Goldsmith, at a meeting of the Lord’s Grand Committee on 6 February 2006 to consider the Company Law Reform Bill (Column GC272 of Lords Hansard, 6 February 2006) and included in guidance in England’s Statutory Landscape Designations: a practical guide to your duty of regard, Natural England 2010 (an Agency of another Secretary of State)

economic, social and environmental gains through the planning system. The vision refers to the village having “*grown in terms of scale but its character and special countryside has been protected.*” This statement is consistent with the components of the Framework relating to ‘protecting green belt land’ and ‘delivering a wide choice of high quality homes.’ The reference in the vision to “*development of Pitstone Green Business Park*” and retention of “*open farmland*” for agricultural use is consistent with the components of the Framework relating to ‘building a strong, competitive economy’ and ‘supporting a prosperous rural economy’. The statement in the vision in respect to improved “*green infrastructure*” is consistent with components of the Framework relating to ‘promoting sustainable transport’, ‘promoting healthy communities’ and ‘conserving and enhancing the natural environment’. A representation questions the aspiration for a family pub/restaurant on the grounds of commercial viability however it is beyond my role to assess the soundness of the Neighbourhood Plan.

62. The vision is further supported by a number of objectives relating to housing, land assets, environment, education and community facilities. The objectives of the Neighbourhood Plan are consistent with the core planning principles of the Framework.
63. The Neighbourhood Plan taken as a whole seeks to shape and direct development. This is precisely the role national policy envisages for a neighbourhood plan.
64. Apart from those elements of policy of the Neighbourhood Plan in respect of which I have recommended a modification to the plan I am satisfied that need to ‘have regard to’ national policies and advice contained in guidance issued by the Secretary of State has, in plan preparation, been exercised in substance in such a way that it has influenced the final decision on the form and nature of the plan. This consideration supports the conclusion that with the exception of those matters in respect of which I have recommended a modification of the plan, the Neighbourhood Plan meets the basic condition “*having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan.*”
65. At the heart of the Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan making and decision-taking.<sup>25</sup> The Guidance states, “*This basic condition is consistent with the planning principle*

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<sup>25</sup> Paragraph 14 National Planning Policy Framework 2012

*that all plan-making and decision-taking should help to achieve sustainable development. A qualifying body must demonstrate how its plan or order will contribute to improvements in environmental, economic and social conditions or that consideration has been given to how any potential adverse effects arising from the proposals may be prevented, reduced or offset (referred to as mitigation measures). In order to demonstrate that a draft neighbourhood plan or order contributes to sustainable development, sufficient and proportionate evidence should be presented on how the draft neighbourhood plan or order guides development to sustainable solutions<sup>26</sup>.*

66. The Basic Conditions require my consideration whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development. There is no requirement as to the nature or extent of that contribution, nor a need to assess whether or not the plan makes a particular contribution. The requirement is that there should be a contribution. There is also no requirement to consider whether some alternative plan would make a greater contribution to sustainable development.

67. The Framework states there are three dimensions to sustainable development: economic, social and environmental. The Basic Conditions Statement includes a section that seeks to demonstrate the economic, social and environmental attributes of the Neighbourhood Plan.

68. I conclude that the Neighbourhood Plan, by guiding development to sustainable solutions, contributes to the achievement of sustainable development. Broadly, the Neighbourhood Plan seeks to contribute to sustainable development by providing for a level of growth in Pitstone whilst affording protection to the countryside around it. In particular I consider the Neighbourhood Plan seeks to:

- Provide for housing growth within the village;
- Ensure the character and special landscape values of the open countryside is not diminished;
- Encourage retention and development proposals that support the viability of local shops and services;
- Support economic growth through the retention of land for business development;

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<sup>26</sup>National Planning Policy Guidance (Ref ID:41-072-20140306)

- Promote a healthy community through the provision of improved community facilities including sporting facilities, footpaths, cycleways and community gardens and protection of local green spaces;
- Support active and sustainable transport by supporting development within pedestrian reach of essential facilities and key services; and
- Support an appropriate level of locally provided education.

69. I note the Neighbourhood Plan includes an Implementation Section (section 5). The projects identified do not form part of the Neighbourhood Development Plan and as such have not been considered as part of this independent examination. The proposed projects would not be the subject of any referendum and would not become part of the Development Plan for the area.

70. The Neighbourhood Plan preparation process is a convenient mechanism to surface and test local opinion on projects considered important in the local community and which may be prioritised in future CIL and other funding decisions. However, the Guidance states, *“Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non land use matters should be clearly identifiable. For example, set out in a companion document or annex.”*

71. Whilst the Neighbourhood Plan identifies that the implementation section of the document *“contains the non-land use planning proposals that have emerged from the local community”* and *“does not form part of the formal document”*, it is not discernible from the statutory plan. I recommend a modification in accordance with the Guidance.

**Recommended modification 1:**

**The Implementation section of the submission plan should be transferred to a non-statutory annex to the Neighbourhood Plan**

72. Subject to my recommended modifications of the Submission Plan including those relating to specific policies, as set out later in this report, I find that the Neighbourhood Plan, taken as a whole, has regard to national policies and advice contained in guidance issued by the Secretary of State and contributes to the achievement of sustainable development.

Consideration whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)

73. The Framework states that the ambition of a neighbourhood plan should “*support the strategic development needs set out in Local Plans*”.<sup>27</sup> “*Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans should not promote less development than set out in the Local Plan or undermine its strategic policies*”.<sup>28</sup>
74. The Guidance states, “*A local planning authority should set out clearly its strategic policies in accordance with paragraph 184 of the National Planning Policy Framework and provide details of these to a qualifying body and to the independent examiner.*”<sup>29</sup>
75. In this independent examination I am required to consider whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area). The District Council has informed me that the Development Plan applying in the Pitstone neighbourhood area and relevant to the Neighbourhood Plan comprises the Adopted 2004 Aylesbury Vale District Local Plan Saved Policies, and that all of the saved policies are considered to be strategic.
76. As the Local Plan Saved Policies predate the Framework, the Framework takes precedence where there is a conflict. There is no requirement for a neighbourhood plan to include particular types of development and land use policies, nor is there any requirement for a neighbourhood plan to deal with any particular development and land use issues.
77. A representation states that paragraph 1.31 of the Neighbourhood Plan should provide greater clarity regarding the relationship of the Vale of Aylesbury Plan (VAP) housing assessment to the allocation in the 2004 Aylesbury District Plan. I am satisfied the relevant paragraph of the Neighbourhood Plan does provide clarity in this respect through

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<sup>27</sup> Paragraph 16 National Planning Policy Framework 2012

<sup>28</sup> Paragraph 184 National Planning Policy Framework 2012

<sup>29</sup> National Planning Policy Guidance (ID: 41-04720 140306)

inclusion of the words *“in addition to those allocated for the former cement works under the AVDLP.”*

78. A further representation states the Neighbourhood Plan is premature as the emerging Local Plan is at such an early stage it is unclear what the preferred spatial strategy will be, or the scale of the growth that the plan will seek to accommodate. The representation also states *“Given the uncertainty regarding the final outcome of the strategic policies of the wider area, if the PNP progresses to Independent Examination it will likely be found inconsistent with basic conditions (a), (d) and (e) and will be unable to proceed to Referendum.”* The representation goes on to state *“it is not an appropriate time to advance the Pitstone Neighbourhood Plan given the fact that the Council do not have a Framework compliant Local Plan in place which identifies the full objectively assessed needs for housing nor are they able to demonstrate a robust 5-year housing land supply position at present.”*
79. In order to satisfy the basic conditions, the Neighbourhood Plan must be in general conformity with the strategic policies of the Development Plan. The emerging Local Plan is not part of the Development Plan and this requirement does not apply in respect of that. Emerging planning policy is subject to change as plan preparation work proceeds.<sup>30</sup> The Guidance states *“Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood areas. They can be developed before or at the same time as the local planning authority is producing its Local Plan”*. In *BDW Trading Limited, Wainholmes Developments Ltd v Cheshire West & Chester BC* [2014] EWHC1470 (Admin) it was held that the only statutory requirement imposed by basic condition (e) is that the Neighbourhood Plan as a whole should be in general conformity with the adopted development plan as a whole.
80. In considering a now repealed provision that *“a local plan shall be in general conformity with the structure plan”* the Court of Appeal stated *“the adjective ‘general’ is there, “to introduce a degree of flexibility.”*<sup>31</sup> The use of ‘general’ allows for the possibility of conflict. Obviously there must at least be broad consistency, but this gives considerable room for manoeuvre. Flexibility is however not unlimited. The test for neighbourhood plans refers to the strategic policies of the development plan rather than the development plan as a whole.

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<sup>30</sup> The District Council has work underway to prepare The Vale of Aylesbury Local Plan. The Local Development Scheme dated December 2014 indicates adoption is intended in July/August 2017

<sup>31</sup> *Persimmon Homes v. Stevenage BC* the Court of Appeal [2006] 1 P & CR 31

81. The Guidance states, “When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:

- *whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with*
- *the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy*
- *whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy*
- *the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach.”<sup>32</sup>*

82. My approach to the examination of the Neighbourhood Plan policies has been in accordance with this guidance. If there were to be a conflict between a policy in a neighbourhood plan and a policy in a local plan the conflict must be resolved in favour of the policy contained in the last of those plans to become part of the Development Plan.<sup>33</sup> The Neighbourhood Plan cannot therefore prejudice the emerging Local Plan in this respect.<sup>34</sup>

83. Consideration as to whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area) has been addressed through examination of the plan as a whole and each of the plan policies below. Subject to the modifications I have recommended I have concluded the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan.

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<sup>32</sup> National Planning Policy Guidance (ID ref: 41-074 201 40306)

<sup>33</sup> Section 38(5) Planning and Compulsory Purchase Act 2004

<sup>34</sup> See paragraph 103 of the Judgement in *BDW Trading Limited, Wainholmes Developments Ltd v Cheshire West & Chester BC* [2014] EWHC 1470 (Admin)

## The Neighbourhood Plan policies

84. The Neighbourhood Plan includes 8 policies:

Policy 1: Pitstone Settlement Boundary

Policy 2: Land at Marsworth Road/ Vicarage Road

Policy 3: Land North of Marsworth Road

Policy 4: Land West of Westfield Road

Policy 5: Areas of Special Landscape Value

Policy 6: Design Principles

Policy 7: Local Green Spaces

Policy 8: Community Facilities

85. The Framework states *“Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan.” “Outside these strategic elements, neighbourhood plans will be able to shape and direct sustainable development in their area.”*<sup>35</sup>

86. The Guidance states *“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”*

87. *“While there are prescribed documents that must be submitted with a neighbourhood plan ... there is no ‘tick box’ list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan”.*

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<sup>35</sup> Paragraphs 184 and 185 National Planning Policy Framework 2012

88. *“A neighbourhood plan must address the development and use of land. This is because if successful at examination and referendum the neighbourhood plan will become part of the statutory development plan once it has been made (brought into legal force) by the planning authority. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.”*<sup>36</sup>

89. If to any extent a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Given that policies have this status, and if the Neighbourhood Plan is made they will be utilised in the determination of planning applications and appeals, I have examined each policy individually in turn.

### **Policy1: Pitstone Settlement Boundary**

90. This policy seeks to influence the spatial distribution of new development and includes four components as follows:

- The policy designates a Pitstone settlement boundary.
- Unless defined as a specified exception, proposals that result in the loss of publically accessible open space within the settlement boundary will not be permitted.
- The policy states development proposals outside the settlement boundary will not be permitted unless necessary for the purposes of agriculture or forestry; or enable enterprise, farm diversification or recreation that benefits the rural economy without harming open character of the land; or is expressly provided for in the Neighbourhood Plan.
- The policy further seeks to establish new development should not result in the reduction or loss of open land that contributes to defining the form and character of Pitstone village nor should it lead to any further coalescence with Ivinghoe village.

91. A representation endorses the settlement boundary as proposed. Another representation states *“this is a restrictive policy that will only serve to constrain the supply of otherwise sustainable development, contrary to the positive role that neighbourhood plans should play in meeting development needs. This will this have a negative impact on*

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<sup>36</sup> See section 38(6) of the Planning and Compulsory Purchase Act 2004.

*providing further growth in the wider parish of Pitstone, and is inherently flawed. The proposed policy is inflexible and ineffective and will not enable the PNP to respond to changes in the market i.e. where there is a housing land supply shortfall or growth requirements of the emerging Local Plan are significantly higher than previously anticipated. Given the recent Woodcock and SoS decision at Earls Barton, Gladman submit that this policy needs to allow for a significant degree of flexibility. In order to ensure that this policy is able to meet the basic conditions we recommend that it is deleted in its current form and replaced with the following wording: 'When considering development proposals, the Parish Council will take a positive approach to new development that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Development adjacent to the existing settlement will be permitted provided that the adverse impacts do not significantly and demonstrably outweigh the benefits of development'.*

92. Another representation proposes land immediately north of the settlement boundary and north of Cheddington Road, taking advantage of what is described as a newly constructed sewer and storm drain, should be developed to accommodate 80 plus houses.
93. Paragraph 16 of the Framework includes *"neighbourhoods should plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan"*. The settlement boundary has been drawn to include land supported for housing development in Policy 2, as well as committed housing schemes. The supporting paragraphs to Policy 1 include the statement *"the Plan can make a positive contribution towards the supply of new homes to meet local demand and need."* Policy 1 states the purpose of the settlement boundary includes *"guiding the physical growth of the village"*.
94. A representation states support for the identification of Farriers Corner for development. The representation also states that given the uncertainty regarding future primary school capacity the Vicarage Road site, marked 3 on the Policies Map, should be identified as a reserved housing site which will be brought forward once it is established there is sufficient infrastructure and education capacity within the village.
95. Whilst the Policies Map identifies three *"sites supported for development"* Policy 1 does not explicitly support development within the settlement boundary apart from justified exceptions to develop

publically-accessible open space. In this respect the policy fails to pay sufficient regard to plan positively to support local development and the policy does not adequately demonstrate a presumption in favour of sustainable development. Whilst the supporting text refers to any windfall housing schemes that are consented the wording of the policy does not reflect this. In order to ensure the policy has sufficient regard for national policy a modification is necessary. I recommend the policy should support development proposals within the settlement boundary subject to compliance with the other Neighbourhood Plan policies. In the absence of this modification the policy would not have sufficient regard for national policy and indeed this issue is of such significance that the Neighbourhood Plan should not proceed to referendum without the modification.

96. Paragraph 47 of the Framework relates to actions to be undertaken by local planning authorities to boost significantly the supply of housing. Whilst there is specific reference to 'Local Plan' the paragraph is silent with respect to neighbourhood plans. If modified as recommended Policy 1 will not place any cap on the number of dwellings or the amount of development that can take place within the settlement boundary.

97. The Neighbourhood Plan states *"Aside from addressing the need for open market and affordable housing, this level of housing supply is consistent with the proposed status of Pitstone as a 'large village' (as defined in the 2012 AVDC Settlement Hierarchy Assessment). The withdrawn Vale of Aylesbury Plan (VAP) of early 2014 proposed villages of this status should plan for approximately 50 new homes over the plan period. With the likelihood that the new Vale of Aylesbury Local Plan will propose higher levels of housing growth in due course, the (considerably higher) level of total housing supply derived from this policy is considered more likely to be consistent with that plan."* I consider use of reasoning and evidence arising from the emerging Local Plan preparation process has regard to the Guidance. It is not necessary to delay the Neighbourhood Plan preparation process until the emerging Local Plan is in place. I am mindful of the fact that should there ultimately be a conflict between the Neighbourhood Plan, and the Local Plan when adopted; the matter will be resolved in favour of the plan most recently becoming part of the Development Plan. I consider the Neighbourhood Plan if modified as recommended will adopt an appropriate positive approach to growth of the settlement seeking to shape and direct development.

98. The Neighbourhood Plan identifies land where residential development to accommodate approximately 70 homes will be supported. This represents a significant level of provision for new housing development. If modified as recommended, Policy 1 of the Neighbourhood Plan would provide opportunity for approximately 180 dwellings on supported and committed sites, plus windfall schemes to be developed, making a positive contribution to the supply of new homes. If modified as recommended the Neighbourhood Plan will clearly seek to boost significantly the supply of housing in the plan area.

99. Paragraph 49 of the Framework applies to relevant neighbourhood development plan policies for housing supply.<sup>37</sup> Policy 1 should be considered as a policy for the supply of housing in so much as, if modified as recommended, it supports development proposals within the defined settlement boundary, and because of its approach to development proposals in the countryside.<sup>38</sup> The latest calculation by the District Council shows the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.<sup>39</sup> The Neighbourhood Plan is not seeking to impose a cap on the supply of housing development. The elements of Policy 1 together seek to shape and direct development which is a role for neighbourhoods envisaged in the Framework. Paragraph 49 of the Framework states how relevant policies should be considered in the context of the then current supply situation; it does not relate to the formulation or establishment of policy. In any case the five-year housing land supply calculation published by the District Council in July 2015 is unlikely to remain unchanged throughout the Neighbourhood Plan period. In the context of paragraph 49 of the Framework whenever a five-year supply can be demonstrated during the plan period, Policy 1 once part of a made Neighbourhood Plan, should be regarded as up to date.

100. I now consider the third and fourth components of Policy 1. The Neighbourhood Plan states the settlement boundary “*reflects the important open character of the land in the countryside that surrounds the village.*” This approach has regard to the component of the

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<sup>37</sup> Crane v Secretary of State for CLG 2015 in relation to the Broughton Astley Neighbourhood Development Plan

<sup>38</sup> South Northamptonshire Council v Secretary of State for CLG and others 2014 distinguishes between a general policy restricting development in open countryside from one to protect a specific feature or area such as a gap between settlements. Also see Cheshire East Borough Council v Secretary of State for CLG & Richborough Estates Partnership LLP 2015, although the latter is to be considered by the Court of Appeal

<sup>39</sup> Aylesbury Vale District Council Position Statement for the Council’s 5 Year Housing Land Supply (July 2015)

Framework relating to conserving and enhancing the natural environment, and in particular protecting and enhancing valued landscapes.

101. The Framework aims to support a prosperous rural economy. The Framework states neighbourhood plans should: support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings; promote the development and diversification of agricultural and other land-based rural businesses; and support sustainable rural tourism and leisure developments. The Framework also states *“Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as: • the essential need for a rural worker to live permanently at or near their place of work in the countryside; or • where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or • where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or • the exceptional quality or innovative nature of the design of the dwelling. Such a design should: – be truly outstanding or innovative, helping to raise standards of design more generally in rural areas; – reflect the highest standards in architecture; – significantly enhance its immediate setting; and – be sensitive to the defining characteristics of the local area.”*
102. I have noted the Neighbourhood Plan does include at Policy 5 provision to protect an area identified as being of special landscape value. I consider this to be an appropriate approach. Whilst the Framework states great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty and seeks to protect Green Belt land these designations do not extend to cover the entire Neighbourhood Plan area. I consider the wording of Policy 1 does not have sufficient regard to the relevant provisions of the Framework that support a prosperous rural economy, nor to the recognition in the Framework of special circumstances to allow new isolated homes in the countryside. In addition, the policy does not offer a practical framework within which decisions on planning applications can be made as set out in paragraph 17 of the Framework. The meaning of the term *“result in the reduction or loss of open land that contributes to defining the form and character of Pitstone village”* is unclear. I recommend that the policy should be modified in these respects.

103. This policy seeks to establish that new development in the countryside should not lead to any further coalescence with Ivinghoe village. Settlements that have already joined together in one or more locations could additionally be joined together at other places. A development proposal could contribute to further coalescence. I am satisfied this element of the policy offers a practical framework for decision takers and seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community.
104. Whilst a representation has put forward additional land as being suitable for allocation in the Neighbourhood Plan I find that Policy 1, as recommended to be modified, meets the Basic Conditions and the existence of any sites outside the Pitstone settlement boundary, whether they are suitable for development or not, as additional sites, is not a matter against which the Neighbourhood Plan is to be examined.
105. I have earlier referred to the fact that the Policies Map presented at Section 6 of the Submission Version Neighbourhood Plan includes 3 sites “*supported for development (Policy1)*”. These sites are not specifically identified in Policy 1 and should not be referred to as though they were. I recommend a modification in this respect.
106. The policy includes in two places the phrase “*will not be permitted*”. With regard to the issue of decision making the Framework states “*the planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise*”. This basis for decision making should be made clear through use of the term “will not be supported” in recognition that the basis of decision making is the development plan unless material considerations indicate otherwise. The material considerations at the time of determination of a future planning application are unknown and therefore cannot be dismissed through a policy that states development will be permitted or not permitted. I have recommended a modification so that the basis of decision making on planning applications should be clarified.
107. The Neighbourhood Plan states the policy replaces saved AVDLP policies RA3, RA13 and RA14 relating to development within and adjoining rural settlements in so far as they are applied in the designated neighbourhood area. The Neighbourhood Plan also states the policy complements Policy RA2 in defining Pitstone village and its

relationship with neighbouring Ivinghoe village as requiring special consideration. The policy is in general conformity with the strategic policies contained in the Development Plan, the Adopted Aylesbury Vale District Local Plan Saved Policies.

108. The policy has regard to the components of the Framework concerned with conserving and enhancing the natural environment. In addition, the policy as recommended to be modified has regard to the component of the Framework concerned with delivering a wide choice of high quality homes. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. I consider that subject to the modification recommended this policy meets the basic conditions.

#### **Recommended modification 2:**

##### **In Policy 1**

- **After “plan period” Insert “Proposals for development within the settlement boundary will be supported subject to compliance with the other Neighbourhood Plan policies.”**
- **In paragraphs 2 and 3 delete “not be permitted” and insert “not be supported”**
- **In paragraph 3 replace i with “they support the sustainable growth and expansion of a business or enterprise in the countryside area, both through conversion of existing buildings and well-designed new buildings; promote the development and diversification of agricultural and other land-based rural businesses; or support sustainable rural tourism and leisure developments that benefit businesses in the countryside area, communities and visitors, and which respect the character of the countryside”**
- **replace ii with “there are special circumstances for an isolated new home such as: the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or the design of the dwelling is of exceptional quality or innovative nature.”**

**On the Policies Map and associated key delete reference to “sites supported for development”**

## Policy 2: Land at Marsworth Road/ Vicarage Road

109. This policy seeks to establish conditional support for development of approximately 70 homes on the Pitstone Development Area land adjoining Marsworth Road and Vicarage Road as shown on the Policies Map. Development principles are set out.
110. Anglian Water has no objection to mixed use development of the site but advises there is a need to improve the water supply network to enable the development and that improvements to the foul sewerage network may also be necessary.
111. A representation states the requirement to deliver items i to vi represents an unreasonable burden having regard to the nature and scale of the residential development at around 80 dwellings. The representation also states:
- it has been established there are no mainstream pub/restaurant operators who have expressed an interest in developing a new facility in the village and that if it could be adequately demonstrated there is no demand the land should not continue to be held vacant;
  - provision of a doctor's surgery would be more important to the community than a pub/restaurant. The policy should accommodate this alternative in the event there is no other location for a doctor's surgery;
  - it would be more appropriate that the D1 day nursery should be located on the site reserved for education purposes;
  - the number of dwellings should be increased to 80;
  - provision of a multi-use games area will form part of the Council's sport and recreation tariff and should not be an additional financial burden on this development; and
  - as the site is in multiple ownership the policy should accommodate development other than on a comprehensive basis.
112. Two other representations question the viability of achieving a family pub/restaurant. One of those representations also questions the desirability of requiring *a day nursery, creche or preschool*. A further representation states *"The wording of Policy 2 is still overly*

*prescriptive. Support for development should not be framed as being conditional on providing land for an A4 drinking establishment/or licensed A3 restaurant/cafe and a D1 Nursery. Consideration should also be given to amending the wording of Policy 2 to provide land for a Doctors Surgery as an alternative to the requirement for land for either of the proposed A4/A3 or D1 uses. Consideration should also be given to the allocation of other land within the Neighbourhood Plan Area for the proposed A4/A3 and D1 uses. The Parish Charity considers that there are more appropriate locations to locate such uses, The Parish Charity is concerned that the proposed location might adversely affect the residential amenity of some residents.”*

113. Another representation states the nursery school use should be deleted from this policy and included within Policy 3. Whilst a number of representations have proposed alternatives in terms of land uses and their distribution it is not within my role to recommend an alternative neighbourhood plan nor to recommend modifications to the submitted plan that are not required in order to meet the basic conditions and other specified requirements.

114. A further representation states *“This policy seeks to allocate land for approximately 70 homes in the Pitstone Development Area. Whilst welcoming this approach to growth, this level of housing development still has no regard to objectively assessed housing needs. Gladman consider that it is premature of the Parish Council to advance the PNP ahead of the strategic policies and the level of growth that the VALP will need to deliver. This document will confirm how much development a neighbourhood plan in the position of the PNP should seek to accommodate. It therefore cannot be considered that the plan provides a positive and flexible framework to future housing needs when the intention of Policy 1 is to contain the physical growth of the settlement”*.

115. I have earlier in my report concluded the Neighbourhood Plan can proceed in advance of the Local Plan and given consideration to the question of whether the Neighbourhood Plan places a restriction on development and found the plan will boost significantly housing supply in the plan area. It is not the function of a neighbourhood plan to prepare strategic planning policies to meet assessed needs over a Local Plan area<sup>40</sup>. The site allocation does not represent all the housing development that will occur in the plan area over the plan period. The Neighbourhood Plan anticipates other development proposals will be made inside the settlement boundary, which as

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<sup>40</sup> Gladman Developments v Aylesbury Vale District Council 2014 EWHC 4323 (Admin)

recommended to be modified Policy 1 supports, provided they do not result in the loss of any existing publically accessible open space and are consistent with other development plan policy.

116. With respect to the representation that the site could accommodate a higher number of homes it is not within my role to recommend an alternative plan. I do note the flexibility provided by use of the word “*approximately*” in the policy. Whilst another site to those allocated is proposed in a representation it is similarly beyond my role to make additional site allocations. The benefits or disbenefits of any alternative site, relative or not to the allocated sites are not a matter for my consideration either. I recommend a modification in order to recognise the mechanism through which an appropriate financial contribution should be made towards provision of a multi-use games area must be determined at the appropriate time. It is not necessary for the policy to recognise current land ownership arrangements in order to meet the basic conditions.

117. The policy does not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community.

118. The policy includes a number of obligations including, making land available for specified uses; providing a proportion of affordable homes at least in line with District Council policy; and in respect of a multi-use games area. Paragraph 173 of the Framework states developments should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. I recommend the policy should be modified so as to recognise that divergence from the stated requirements may occur on the basis of demonstration that a lower provision is necessary to make a scheme viable.

119. The policy is in general conformity with the strategic policies contained in the Development Plan, the Adopted Aylesbury Vale District Local Plan Saved Policies.

120. The policy has regard to the components of the Framework concerned with requiring good design; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the recommended modifications this policy meets the basic conditions.

**Recommended modification 3:  
In Policy 2**

- **After “provided that” insert “subject to viability”**
- **Delete “a planning obligation is made for”**

**Policy 3: Land North of Marsworth Road**

121. This policy seeks to safeguard land north of Marsworth Road, as defined on the Policies Map and key, for D1 education use and to resist proposals for other forms of development.
122. A representation states the policy should be extended to include use for a doctor’s surgery. The representation states the site should be able to accommodate a primary school, nursery school and a doctors’ surgery, but if necessary additional land to the north could be utilised. Another representation suggests it would be prudent to reserve land for a primary school and suggests this land could be used for other purposes. It is not within my role to recommend modification of the Neighbourhood Plan to include additional proposals.
123. The School Place Planning Commissioning Partner has made a helpful representation analysing the current position regarding school place provision and setting out a response to the Neighbourhood Plan policies. It is evident the possibility of expansion of the existing Brookmead School would need to be subject to consultation with key stakeholders, funding and planning. The planning of future school place provision arrangements in the wider area including Pitstone is at present not finalised. It is not within my role to test the soundness of the Neighbourhood Plan and that includes the question whether it is necessary or appropriate to safeguard a site for education use.
124. The key to the Policies Map includes a reference to “Any land falling to the west of the dotted black line which is given over, at any time during the period of this Plan, to the expansion of the adjoining Pavilion Site is (or shall thereby become) excluded from this Policy”. This clarification is referred to but not reflected fully in the policy wording. I recommend inclusion of the words of clarification in the policy wording for the avoidance of doubt created by the inconsistency. In this way the policy will provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

125. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community.
126. The policy is in general conformity with the strategic policies contained in the Development Plan, the Adopted Aylesbury Vale District Local Plan Saved Policies.
127. The policy has regard to the components of the Framework concerned with promoting healthy communities. Subject to the recommended modification this policy meets the basic conditions.

**Recommended modification 4:**  
**The words of clarification included in the key to the Policies Map should be repeated in Policy 3**

#### **Policy 4: Land West of Westfield Road**

128. This policy seeks to establish support for development proposals for business uses (B1, B2 and B8) on land west of Westfield Road which is identified on the Policies Map. The policy also states proposals for a change of use of any part of the land to dwellings will be resisted unless it can be clearly demonstrated that the land is no longer viable for business use and alternative uses are suitable.
129. A representation states *“It would be detrimental to the village if housing were ever allowed on this site which backs on to the railway line and is in the centre of the employment land. It is vital that increase in housing is balanced with increase in job opportunities, however an adequate power supply to the site need to be determined. Paras 4.24 and 4.25 are confusing. While all land west of Westfield road is designated for employment use, and most of the land is already developed for such use, the vacant land referred to in policy 4 has had at least two planning applications for employment use granted, but none of them have ever been implemented”*. I consider the paragraphs of the Neighbourhood Plan referred to provide a clear explanation and justification for the policy.
130. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community.

131. The policy is in general conformity with the strategic policies contained in the Development Plan, the Adopted Aylesbury Vale District Local Plan Saved Policies, and in particular Saved Policy RA26.
132. The policy has regard to the components of the Framework concerned with building a strong, competitive economy and requiring good design. The policy also has regard to the starter homes exception sites policy with respect to under-used and unviable industrial and commercial land as set out in the Guidance<sup>41</sup>. This policy meets the basic conditions.

### **Policy 5: Areas of Special Landscape Value**

133. This policy seeks to define land south of Marsworth Road, as shown on the Policies Map, as an Area of Special Landscape Value in which proposals for the development of the land should respect its landscape character. Proposals that will adversely affect this character will be resisted unless appropriate mitigation can be secured.
134. Six representations express support for the policy. Another representation states *“I think it would be important to add the views from Westfield Road across quarry one to the Pitstone Hills. This is a stunning view and gives the Pitstone Green Business Park a spectacular setting which enhances the buildings and adds to their commercial attractiveness.”* It is not within my role to recommend modification of the Neighbourhood Plan to include additional proposals.
135. Another representation states *“The identification of the Special Landscape Value Area appears to be arbitrarily drawn seeking to prevent development in the future rather than based on specific landscape value. Aylesbury Vale Local Plan identifies land of special landscape value by reference to the AONB, Area of Attractive Landscape and Local Landscape Areas, none of these apply to the area coloured blue on the Policies Map. In the circumstances we believe there is no landscape justification for the proposed designation and it should be deleted from the Neighbourhood Plan.”*

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<sup>41</sup> Following the Written Statement of the Minister of State, Department for Communities and Local Government 2 March 2015

136. A further representation states *“This policy seeks to define an Area of Special Landscape and resist development in this location. Gladman note the recent Issues and Options consultation undertaken by AVDC which ended on 4th December 2015. Gladman submitted detailed representations in response to this consultation. It is noted that at present the Council refer to the 2008 work involving field based data collection. The Council themselves in the Issues and Options consultation document noted that this earlier work was criticised due to a lack of stakeholder or public validation. Furthermore, Gladman are unclear on the status of the new work prepared by LUC on behalf of AVDC to form part of the 2015 Landscape Study. The very broad approach to landscape designations which was a feature of the approach to landscape designations in the old AVDC Local Plan are not Framework compliant and will need to be assessed from a fresh perspective rather than being influenced by past work which has already been subject to criticism as outlined above. Gladman submit that this policy is a strategic matter that will be dealt with by the local planning authority based on the most up-to-date landscape evidence. Given the uncertainty of whether this policy will factor into the emerging Local Plan Gladman recommend that it necessary that this policy is deleted in order to allow flexibility of the plan going forward”*.
137. Development Plan saved policy RA8 identifies areas which have particular landscape features and qualities that are considered appropriate for particular protection. The policy provides that *“development proposals in these areas should respect their landscape character. Development that adversely affects this character will not be permitted unless appropriate mitigation measures can be secured. Where permission is granted the Council will impose conditions or seek planning obligations to ensure the mitigation of any harm caused to the landscape interest.”* The Neighbourhood Plan states, Policy 5 corrects the unwarranted exclusion of the land in question from policy RA8 *“which covers the remainder of Pitstone Hill as it climbs towards the Chilterns AONB to the south and east.”*
138. The Chilterns Conservation Board welcome the designation of the Area of Special Landscape Value and suggest the policy could be re-framed to cover a wider area protecting the setting of the Chilterns AONB as it slopes up the escarpment. Whilst it is beyond my role to recommend the application of a policy to additional land where this is not required in order to meet the basic conditions I do note the intention that Policy 5 should complement saved policy RA8 and that together they can be interpreted as protecting the setting of the

Chilterns AONB which has the highest status of protection in relation to landscape and scenic beauty.<sup>42</sup>

139. The Framework states *“The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes”*. I consider it is acceptable for a community to require development proposals to respect the landscape character of a locally valued landscape area particularly where as in the present case the requirement is capable of expert interpretation as contributing to a wider protection of the setting of landscape of the highest status of protection.
140. The policy is in general conformity with the strategic policies contained in the Development Plan, the Adopted Aylesbury Vale District Local Plan Saved Policies.
141. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community.
142. The policy has regard to the components of the Framework concerned with requiring good design; and conserving and enhancing the natural environment. This policy meets the basic conditions.

### **Policy 6: Development Principles**

143. This policy seeks to establish support for development proposals that meet specified design criteria.
144. A representation expresses support for the policy. Historic England also express support for the policy but suggest alternative wording to provide greater clarity when greater than two storey development would be appropriate and to ensure requirements relating to hedgerows and trees are not unduly onerous. I consider these adjustments are necessary to meet the basic conditions and have recommended modification of the policy in these respects.
145. Another representation states car parking standards should be as specified by the District Council and that the standards being proposed will potentially have an adverse effect on housing density and require more land to be allocated. It is appropriate for the policy to

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<sup>42</sup> Paragraph 115 National Planning Policy Framework 2012

shape development to reflect the rural nature of the area. The policy does allow variation where this can be justified.

146. The policy is in general conformity with the strategic policies contained in the Development Plan, the Adopted Aylesbury Vale District Local Plan Saved Policies.

147. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy does not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. However, the policy does properly seek to promote or reinforce local distinctiveness. The policy has regard to the components of the Framework concerned with requiring good design; meeting the challenge of climate change; conserving and enhancing the natural environment; conserving and enhancing the historic environment; and supporting high quality communications infrastructure. Subject to the recommended modifications this policy meets the basic conditions.

#### **Recommended modification 5:**

##### **In Policy 6**

- **delete “with the remainder no more than three storeys” and insert “rising to a maximum scale of three storeys only occasionally and where this would not affect the character of adjacent areas or the rural character of the village.” And**
- **replace the first part of iv) with “where development could affect existing hedgerows or trees that contribute to Pitstone’s rural or village character their landscape schemes include their retention. Where practicable, landscaping schemes should include planting of new trees (including orchard trees), ...”**

#### **Policy 7: Local Green Spaces**

148. This policy seeks to designate two adjacent areas of land, currently in use as allotments and as public open space, as a Local Green Space. There is inconsistency in the use of the singular and plural description between the policy and supporting text and in the

policy title. I have proceeded on the basis that the policy relates to the designation of a single Local Green Space as the policy wording suggests. I have dealt with the necessity for consequential adjustments within the annex to my report.

149. This policy has been the subject of the vast majority of representations made on the Neighbourhood Plan. Representations support the Local Green Space designation, generally emphasising the points highlighted in the Local Green Spaces Report regarding use and enjoyment. In many cases the representations are made with a great deal of passion and express deep concern that the areas in question should not be developed. Included with one of the representations is a petition containing 449 signatures of local people who support the designation of the two parcels of land between The Crescent and Marsworth Road as a Local Green Space. One representation comments on Quarry 1 local wildlife site and about Pitstone Fen. It is not within my role to recommend the addition of other Local Green Space proposals.

150. The Framework states *“Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances. Identifying land as Local Green Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or reviewed, and be capable of enduring beyond the end of the plan period.”*

151. I find the Local Green Space designation is being made when a neighbourhood plan is being prepared, and I have seen nothing to suggest the designation is not capable of enduring beyond the end of the plan period. The intended designation has regard to the local planning of sustainable development contributing to the promotion of healthy communities, and conserving and enhancing the natural environment, as set out in the Framework.

152. The second paragraph of Policy 7 attempts to establish locally defined criteria whereby proposals for development would not be resisted. The implications of Local Green Space designation are set out in the Framework and are not open to local variation. I recommend a modification in this respect.

153. The Framework states that: *“Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:*

- *where the green space is in reasonably close proximity to the community it serves;*
- *where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
- *where the green area concerned is local in character and is not an extensive tract of land.*

I find the intended Local Green Space designation relates to green space that is in reasonably close proximity to the community it serves; and the green area is local in character and is not an extensive tract of land.

154. The Neighbourhood Plan states the green spaces are an integral part of the parish and are therefore regarded as special to the local community. The Local Green Spaces document contained within the Neighbourhood Plan evidence base sets out information that confirms why those identified areas are of particular significance to and valued by the local community as follows:

- It is stated the area of land in use as allotments has recreational value for those residents tending the allotments; allows planting of trees, bushes and vegetable crops; is used for BBQ’s and other social events; encourages social interaction and engagement; and is *“a valuable piece of visual open space and public amenity space that complements the village green feel of the adjacent Recreation Ground on entering the centre of Pitstone.”* It is also stated the site provides a habitat for unspecified varieties of rare or protected lizard.
- It is stated the area of land in use as public open space produces floral displays and hosts a variety of trees that are locally maintained; provides opportunity for harvesting of fruit from bushes and trees; offers a tranquil area that is regularly used by the local community as a picnic site, place for quiet contemplation, and general recreation. It is further stated this area is the only large and tranquil space available to residents in the older part of the village, and the only such space in Pitstone available to residents of the majority of sheltered and retirement accommodation.

In addition, the significance of the contribution of these areas of land to visual amenity generally is emphasised. Whilst the submission Neighbourhood Plan and supporting documentation offer sufficient evidence for me to conclude the areas are demonstrably special to a local community and hold a particular local significance I am extremely impressed by the number and quality of local representations that demonstrate without question that Local Green Space designation is wholly appropriate. Subject to the recommended modification this policy meets the basic conditions.

**Recommended modification 6:**

**In Policy 7**

**Delete the text after “resisted” and insert “other than in very special circumstances”**

**Policy 8: Community Facilities**

155. This policy seeks to establish that, except in specified circumstances, loss or serious harm to a financially viable designated Asset of Community Value will be resisted. The policy also seeks to establish conditional support for proposals to improve the viability of a designated Asset of Community Value or other established community use.
156. A representation expresses support for the policy. Another representation states *“This policy states that development proposals that will result in either the loss of or significant harm to a designated Asset of Community Value will be resisted. This policy does not seek to designate Assets of Community Value and therefore does not allow for a decision maker to apply policy consistently and with ease. Gladman recommend that policy 8 be deleted as it is contrary to basic conditions (a).”*
157. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

158. The policy does not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. However, the policy does properly seek to protect visual and residential amenity.

159. The policy is in general conformity with the strategic policies contained in the Development Plan, the Adopted Aylesbury Vale District Local Plan Saved Policies.

160. The policy has regard to the components of the Framework concerned with promoting healthy communities and meets the basic conditions. This policy meets the basic conditions.

## Summary and Referendum

161. I have recommended the following modifications to the Submission Version Plan:

### **Recommended modification 1:**

**The Implementation section of the submission plan should be transferred to a non-statutory annex to the Neighbourhood Plan**

### **Recommended modification 2:**

#### **In Policy 1**

- **After “plan period” Insert “Proposals for development within the settlement boundary will be supported subject to compliance with the other Neighbourhood Plan policies.”**
- **In paragraphs 2 and 3 delete “not be permitted” and insert “not be supported”**
- **In paragraph 3 replace i with “they support the sustainable growth and expansion of a business or enterprise in the countryside area, both through conversion of existing buildings and well-designed new buildings; promote the development and diversification of agricultural and other land-based rural businesses; or support sustainable rural tourism and leisure developments that benefit businesses in the countryside area, communities and visitors, and which respect the character of the countryside”**
- **replace ii with “there are special circumstances for an isolated new home such as: the development would represent the optimal viable use of a heritage asset or**

would be appropriate enabling development to secure the future of heritage assets; or where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or the design of the dwelling is of exceptional quality or innovative nature.”

On the Policies Map and associated key delete reference to “sites supported for development”

**Recommended modification 3:**

**In Policy 2**

- After “provided that” insert “subject to viability”
- Delete “a planning obligation is made for”

**Recommended modification 4:**

The words of clarification included in the key to the Policies Map should be repeated in Policy 3

**Recommended modification 5:**

**In Policy 6**

- delete “with the remainder no more than three storeys” and insert “rising to a maximum scale of three storeys only occasionally and where this would not affect the character of adjacent areas or the rural character of the village.” And
- replace the first part of iv) with “where development could affect existing hedgerows or trees that contribute to Pitstone’s rural or village character their landscape schemes include their retention. Where practicable, landscaping schemes should include planting of new trees (including orchard trees), ...”

**Recommended modification 6:**

**In Policy 7**

Delete the text after “resisted” and insert “other than in very special circumstances”

162. I also make the following recommendation in the Annex below.

**Recommended modification 7:**

**Identified errors that are typographical in nature or arising from updates should be corrected. Modification of general text will be necessary to achieve consistency with the modified policies**

163. I am satisfied that the Neighbourhood Plan<sup>43</sup>:

- is compatible with the Convention rights, and would remain compatible if modified in accordance with my recommendations; and
- subject to the modifications I have recommended, meets all the statutory requirements set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990 and meets the basic conditions:
  - having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
  - the making of the neighbourhood plan contributes to the achievement of sustainable development;
  - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
  - does not breach, and is otherwise compatible with, EU obligations; and would continue to not breach and be otherwise compatible with EU obligations if modified in accordance with my recommendations; and
  - the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.<sup>44</sup>

**I recommend to Aylesbury Vale District Council that the Pitstone Neighbourhood Development Plan for the plan period up to 2033 should, subject to the modifications I have put forward, be submitted to referendum.**

164. I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if to be extended, the nature of that extension.<sup>45</sup> I have seen nothing to suggest the referendum area should be extended beyond the designated Neighbourhood Area.

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<sup>43</sup> The definition of plans and programmes in Article 2(a) of EU Directive 2001/42 includes any modifications to them

<sup>44</sup> Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

<sup>45</sup> Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

**I recommend that the Neighbourhood Plan should proceed to a referendum based on the area that was designated by the District Council as a Neighbourhood Area on 20 November 2014.**

### Annex: Minor Corrections to the Neighbourhood Plan

I am able to recommend modification of the Neighbourhood Plan in order to correct errors.<sup>46</sup> The Neighbourhood Plan includes a number of errors that are typographical in nature or arising from updates. I recommend these are corrected as follows:

P2 list of land use policies delete “Design” insert “Development”

1.15 Sites of Special Scientific Interest not importance

4.25 after “failure of” insert “a”

4.27 after “divide” insert “it”

The title to Policy 5 and title in the list of land use policies should refer to area not areas;

Appendix A of SEA needs correcting to refer to the correct name of the Chilterns Area of Outstanding Natural Beauty (para 1.15) (not Chiltern as it currently states)

Plan B key should state West Coast Main Line (There are no Chiltern Line services and no proposed HS2 link as shown in the plan key)

Pitstone Parish Charity and another representation states the designation of former allotments as allotments/facility on the Proposals Map and Plan B respectively should be updated

The supporting text and policy title relating to Policy 7 should be adjusted so as to refer to the designation of a single area of Local Green Space

A number of consequential modifications to the general text of the Neighbourhood Plan will be necessary as a result of recommended modifications relating to policies.

**Recommended modification 7:  
Identified errors that are typographical in nature or arising from updates should be corrected. Modification of general text will be necessary to achieve consistency with the modified policies**

Chris Collison  
Planning and Management Ltd  
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18 January 2016  
REPORT ENDS

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<sup>46</sup> Paragraph 10 (3)(e) of Schedule 4B to the Town and Country Planning Act 1990