

**Modified Version January 2019**

**Wingrave with Rowsham Neighbourhood Plan 2013 – 2033**

Final Report 9<sup>th</sup> September 2019 to Aylesbury Vale District Council of the Examination into the Modified Version January 2019

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**9<sup>th</sup> September 2019**

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## **1.0 INTRODUCTION AND ROLE OF THE INDEPENDENT EXAMINER**

- 1.1** Neighbourhood Planning is an approach to planning which provides communities with the power to establish the priorities and policies to shape the future development of their local areas. This Report sets out the findings of the examination of the Modified Version January 2019 of the Wingrave with Rowsham Neighbourhood Plan 2013 – 2033 (originally 'Made' part of the Development Plan for Aylesbury District on 30<sup>th</sup> September 2016).
- 1.2** Wingrave with Rowsham is a Parish containing two historic communities to the north east of Aylesbury within the County of Buckinghamshire.
- 1.3** The Modified Version seeks to address errors in the drafting of the 'Made' Neighbourhood Plan which relates to the precise area and extents shown within the published Plan for a 1.4 hectare, allocated housing site labelled 'Policy 4 Land South of Leighton Road' and the inclusion of the same within the proposed Policy 1 Settlement Boundary area. This site is now the subject of a formal application for planning permission for 29 dwellings (LPA Ref. 17/04425/APP) under current consideration by Aylesbury Vale District Council.
- 1.4** With the agreement of the applicant, Aylesbury Vale District Council is waiting on the outcome of this Neighbourhood Plan Modification before determining the planning application and has previously advised the Qualifying Body that (based upon the Council's concerns as Local Planning Authority) that the scheme was not sufficiently in accordance with Policies 1 and 4 of the Made Plan (due to the more limited extents of the Policy areas as shown on the figures labelled 'Policy 1 – Spatial plan for the Parish' and 'Policies 2, 3 & 4 – Housing' on pages 41 and 42 of the 'Made' Neighbourhood Plan) and, therefore, consider a material modification to the wording of Policy 4 and to its definition of the site boundary on the Policies Maps of the Made Plan would be necessary to address the application's conflicts with the made plan.
- 1.5** The Neighbourhood Planning Act 2017 contains provisions to amend Section 38 of the Planning & Compulsory Purchase Act 2004 (As amended) ("the 2004 Act") in relation to modifying a made neighbourhood plan. As a result, the Neighbourhood Planning (General) & Development Management Procedure (Amendment) Regulations 2017, which came into force on 31 January 2018, amended the Neighbourhood Planning (General) Regulations 2012 (as amended) for this purpose. Those amendments enable the Qualifying Body to propose modifications to a made Neighbourhood Plan that (if considered not to be so significant or substantial as to change the nature of the neighbourhood development plan) requires only an independent Examination and not a further Referendum. The 2017 Regulations amend Regulations 14-20 of the 2012 Regulations so the process for preparing, consulting on, submitting, publicising and examining such modifications matches that for neighbourhood plans in general. However, Regulations 14 and 15 have been amended to require the Qualifying Body to publish a Statement alongside the Modification Proposal at the Pre-Submission stage and alongside the Modification Proposal and Neighbourhood Development Plan as proposed to be modified at the Submission stage respectively: *"setting out whether or not the qualifying body consider that the modifications contained in the modification proposal are so significant or substantial as to change the nature of the neighbourhood development plan which the modification proposal would modify, giving reasons for why the qualifying body is of this opinion"*.
- 1.6** My role as an Independent Examiner, when considering the content of a draft Modified Version of a 'Made' Neighbourhood Plan, is to determine whether the proposed

modifications are so significant or substantial as to change the nature of the neighbourhood development plan which the draft would replace in accordance with Schedule A2, paragraph 10(1), of the Planning and Compulsory Purchase Act 2004 (As amended).

**1.7** I have considered the proposed modifications and supporting information made available for the examination and determine that the proposed modifications are not so significant or substantial as to change the nature of the neighbourhood development plan.

**1.8** Following the above determination, my role is limited to assessing whether the submission version of the Modified Version meets the 'basic conditions', and other matters as set out in paragraph 11 of that Schedule. The role is not to test the soundness of a Modified Version of a 'Made' Neighbourhood Plan or to examine other material considerations and consider whether there are exceptional reasons which would require a hearing as part of the examination. Schedule A2, paragraph 11(2) of the 2004 Act, states that the Plan must meet the following 'basic conditions';

- it must have appropriate regard for national policy;
- it must contribute towards the achievement of sustainable development;
- it must be in general conformity with the strategic policies of the development plan for the local area;
- it must be compatible with human rights requirements and
- it must be compatible with EU obligations.

**1.9** In accordance with Schedule A2, paragraph 13, of the 2004 Act, the Examiner must make a report on the submitted Modified Version of the 'Made' Neighbourhood Plan containing recommendations and reaching one of the following three concluding recommendations:

- (a) that the Modified Version of the Plan proceeds to be 'Made', on the basis it meets all the legal requirements, or
- (b) that, subject to modifications specified in the Examiner's report being made to the Modified Version, the modified submission version of the Proposal proceeds to be 'Made', or
- (c) that the submission version of the Modified Version does not proceed to be 'Made' on the basis that it does not meet the legal requirements.

**1.10** I am independent of the qualifying body, associated residents, business leaders and the local planning authority. I do not have any interest in any land that may be affected by the Plan and I possess the appropriate qualifications and experience required to undertake the Examination.

## **2.0 BASIC CONDITIONS**

**2.1** I now consider the extent to which the Modified Version meets the "basic conditions". A Basic Conditions Statement (Wingrave MNP Basic Conditions Statement) was prepared and published in January 2019 by Wingrave with Rowsham Parish Council as required by the Neighbourhood Planning (General) Regulations 2012 (as amended). This Statement explains the requirements the Modified Version of Wingrave with Rowsham Neighbourhood Plan must meet under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) to satisfy the basic conditions tests, what these comprise and how the

Plan Modification meets these tests, including the contribution that the Modified Version makes towards the achievement of sustainable development and its general conformity with the adopted and emerging strategic planning policies for the development of the area. This Statement has been supplied to me by Aylesbury Vale District Council, together with the other examination documents including the Modification Proposal Statement (January 2019), the Consultation Statement (January 2019), its Section 2 Pre-Submission Consultation Responses and Section 3 Summary of Changes made in the Plan as a result of the Modification Pre-Submission Consultation.

- 2.2** I note the confirmation received from Natural England that the Modification would not require the Strategic Environmental Assessment Screening Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening undertaken for the 'Made' Neighbourhood Plan to be revisited.
- 2.3** The Basic Conditions Statement demonstrates how the Neighbourhood Plan conforms with provision made under sections 61E (2), 61J and 61L of the Town & Country Planning Act 1990, as amended by s38C(5)(b) and by extension Schedule A2 of the 2004 Act. I am content that the Modified Version of the Wingrave with Rowsham Neighbourhood Plan, has been submitted by a Qualifying Body in accordance with requirements and processes set out in the 2004 Act and the Neighbourhood Planning Regulations 2012 and is thus still entitled to prepare/modify a Neighbourhood Plan for its area.
- 2.4** The Modified Version of the Wingrave with Rowsham Neighbourhood Plan covers the entire Parish of Wingrave with Rowsham. I am content that the Modified Version of the Wingrave with Rowsham Neighbourhood Plan meets the requirements of The Town & Country Planning Act 1990, s61G in relation to the designation of the Plan area and that the proposed Neighbourhood Plan does not relate to more than one neighbourhood area and that it would replace the 'Made' Neighbourhood Development Plan currently in place within this neighbourhood area, so that there would be no multiplicity of 'Made' plans within the area.
- 2.5** In relation to the Modified Plan period, the text of the 'Made' Plan contains clear reference to its starting point as 2013 and end point as 2033. The current submission does not propose any extension to the end point, as it seeks merely to correct a map drafting error in the originally 'Made' Plan.
- 2.6** Page 5 of the Modification Proposal Statement confirms that *"to enable the allocation of Land at Leighton Road, Wingrave in Policy 4 of the Made Plan to come forward as a deliverable site, it has been determined that the made neighbourhood plan must be modified. To do otherwise would leave the neighbourhood plan policies in conflict with the planning application. Should the planning application be modified to conform with the existing made version then this would be detrimental to the spirit of the plan and its intention of delivering a sustainable development for the benefit of new and existing residents."* This clearly explains the primary aim in commencing preparation of the Modified Version.
- 2.7** The current adopted Development Plan for the area is the Aylesbury Vale District Local Plan 2004 (saved policies) (AVDLP), and the emerging Vale of Aylesbury Local Plan 2013 and the 'Made' Wingrave with Rowsham Neighbourhood Plan. The emerging Vale of Aylesbury Local Plan 2013 (VALP) has reached an advanced stage having received the Inspector's interim findings and AVDC are progressing the VALP towards Main Modifications. The proposed Modified Version is clearly in general conformity with both the

adopted policies in the Development Plan as well as the emerging VALP, as evidenced by the qualifying body in the Basic Conditions Statement submitted. The modification proposed is supported by both the evidence base for the 'Made' Plan and proportionate community consultation.

### **Appropriate Regard to National Policies and Guidance, including National Planning Policy Framework (NPPF)**

- 2.8** The Modified Version of the Neighbourhood Plan was formally submitted to AVDC on 22 January 2019 and so falls within the transitional arrangements set out in NPPF 2019 paragraph 214 under which terms this examination has been undertaken.
- 2.9** Presumption in favour of sustainable development: The NPPF 2012 advises that all plans should be based upon the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally. Paragraph 16 of the NPPF 2012 acknowledges that the application of the presumption in favour of sustainable development will have implications for how communities engage in neighbourhood planning. Neighbourhoods are encouraged to develop plans that support the strategic development needs set out in Local Plans (including policies for housing and economic development) and plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan. The Basic Conditions Statement asserts the Modified Version of the Neighbourhood Plan is planning positively, enabling an allocated site for housing to be developed as originally proposed (as opposed to prohibiting) by correcting an original drafting error which is presently preventing the Local Planning Authority from issuing a favourable determination to a current application for planning permission on the site.
- 2.10** The Basic Conditions Statement identifies how Policy 4 of the Neighbourhood Plan shows due regard to NPPF 2012. NPPF 2012 explains at paragraph 183, that neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.
- 2.11** The Modified Version of the Neighbourhood Plan includes a Statement establishing a very clear Vision for the Modification guided by proportionate community consultation and engagement. Clearly setting out the extent of consultation prior to the draft Pre-Submission version of the Plan the Consultation Statement contains the summary of responses received, their analysis and the minor changes made. There has been a very clear effort to translate the vision into a correction which enables the delivery of one of the key, meaningful, planning policies for sustainable housing growth in Wingrave by removing the currently perceived policy conflict of a current planning application as part of the adopted and emerging Development Plan for the District Plan area.
- 2.12** Paragraph 184 of the NPPF 2012 requires that non-strategic policies within Neighbourhood Plans should not promote less development than the strategic policies of the Development Plan or undermine those policies. Furthermore, neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Provided that neighbourhood plans do not promote less development than set out in Local Development Plans, or undermine the strategic policies, neighbourhood plans may shape and direct sustainable development in their area.
- 2.13** It is clear from the Basic Condition Statement that the District Council believe the Modified Neighbourhood Plan is in general conformity with the strategic policies of the current

Development Plan, striking a positive balance between the physical and policy constraints of the Parish and the requirement to secure community and economic development. The Basic Conditions Statement sets out how the proposed Modification supports Policy 4 in the adopted and emerging Development Plan and conforms with the provisions of the 'Made' Wingrave with Rowsham Neighbourhood Plan enabling new housing development. The Wingrave with Rowsham Neighbourhood Plan Basic Conditions Statement sets out how the Modification Proposal meets NPPF guidance for housing delivery cross referenced to the adopted and emerging Development Plan. There is no combined reference within the Basic Conditions Statement to confirm that both NPPF 2012 and 2019 have been considered, but the transitional arrangements for Plans prepared under the NPPF 2012 address this issue effectively<sup>1</sup>.

- 2.14** Subject to my comments in section 5 of this report, in relation to various policies of the Plan, I am generally satisfied that the Plan has adequate regard to both national guidance and the Development Plan.

### **Contribution towards Achievement of Sustainable Development**

- 2.15** The submitted Statement provides the clear basis of the proposed Modification and how it will enable the delivery of new housing in accordance with the provisions of the 'Made' Plan. I consider that this offers a clear framework to test the credentials of the Modified Version and how it would properly contribute to the objective of sustainable development, subject to any amendments I may recommend below.

### **General Conformity with Strategic Policies for Local Area**

- 2.16** The statutory Development Plan currently relating to the Neighbourhood Plan area comprises those documents listed in paragraph 2.7 above. The approach to the preparation of the Modified Version of the Neighbourhood Plan has been to ensure general conformity with adopted and emerging Policies to ensure that the Neighbourhood Plan remains relevant for the duration of the VALP. This is demonstrated within the Basic Conditions Statement, which sets out clearly how the Modified Version conforms with relevant strategic policies both adopted and emerging, referring to the considerable regard given to the AVDLP saved policies and the evidence base of the adopted and emerging Development Plan documents as well as that produced for the 'Made' Neighbourhood Plan.

- 2.17** I am, therefore, satisfied that the Neighbourhood Plan is in general conformity with the strategic policies of the Development Plan.

### **Compatibility with European Union Obligations**

- 2.18** Natural England response to the pre-submission consultation indicates that the Strategic Environmental Assessment and Habitats Regulations Assessment undertaken for the 'Made' Neighbourhood Plan does not need to be revisited. This position is also taken by AVDC in their re-screening of the modification plan, concluding that they consider "no update is needed to the 2015 screening opinion for which a sustainability appraisal has already been carried out".

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<sup>1</sup> Paragraph 214 of NPPF 2019 identifies the transitional arrangements in place to address circumstances where Neighbourhood and Local Development Plans are already in preparation prior to the replacement of NPPF 2012 with the current version NPPF 2019 that allow such plans to continue to be considered under NPPF 2012. It comments that plans submitted before 24 January 2019 will be examined on the basis of NPPF 2012.

- 2.19** I therefore consider that a proportionate and focussed approach has been taken through the SEA process for the Modified Version of the Neighbourhood Plan and that the screening assessment has been completed in a timely fashion at the appropriate stage of the Modified Version preparation.
- 2.20** The NPPG advises, at Paragraph 31 (Ref ID: 11-031-20150209), that it is for the Local Planning Authority to ensure that the strategic environmental assessment requirements have been met and whether the neighbourhood plan proposal is compatible with EU obligations (including obligations under the Strategic Environmental Assessment Directive).
- 2.21** I consider in relation to sustainability appraisal, including Strategic Environmental Assessment, the analysis previously undertaken is sufficient in a neighbourhood planning context and that the Basic Conditions have been met in contributing to sustainable development and meeting this component of EU regulation.

### **Compatibility with Human Rights Requirements**

- 2.22** I consider it is unnecessary for an Equalities Impact Assessment to be provided for the Modified Version in order to demonstrate how its preparation has had due regard throughout to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights bearing in mind AVDC's satisfaction in this regard during preparation of the 'Made' Plan and that requisite consultation complies with the requirements of Regulations 14, 15(2) & 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended). This is on the basis that nothing in the Modification Proposal materially affects the human rights implications of the written provisions of the 'Made' Plan. I therefore consider that the proposed modified plan meets the requirements of this basic condition.

## **3.0 BACKGROUND DOCUMENTS**

- 3.1** In examining the Modified Version Wingrave with Rowsham Neighbourhood Plan, I have had particular regard to the following documents which include the Submission Version of the Modified Plan:

- a) National Planning Policy Framework, 2012
- b) National Planning Policy Framework, July 2019 (revised)
- c) National Planning Policy Framework, Planning Practice Guidance, 2014-2019
- d) Town and Country Planning Act 1990 (as amended)
- e) The Planning and Compulsory Purchase Act 2004 (as amended)
- f) The Planning Act 2008
- g) The Localism Act (2011)
- h) The Neighbourhood Planning (General) Regulations (2012)
- i) The Housing & Planning Act (2016)
- j) Aylesbury District Local Plan 2004
- k) Vale of Aylesbury Plan 2013 – Proposed - pending issue of Inspector's Final Report
- l) Wingrave NP REFERENDUM VERSION
- m) Wingrave NP Modification Proposal Statement - Master – Jan 2019
- n) Wingrave NP Modification Consultation Statement - Master REDACTED - Jan 2019
- o) Wingrave MNP Basic Conditions Statement - Master - January 2019

#### **4.0 PUBLIC CONSULTATION AND CONSULTATION STATEMENT**

**4.1** Part 5 of The Neighbourhood Planning (General) Regulations 2012, "the Regulations", makes provision in relation to procedure for making neighbourhood development plans. To fulfil the legal requirements of Regulation 15(2) of Part 5 of the Neighbourhood Planning (General) Regulations 2012, the consultation statement should contain the following:

- details of people and organisations consulted about the proposed Neighbourhood Plan;
- details of how they were consulted;
- a summary of the main issues and concerns raised through the consultation process, &;
- descriptions of how these issues and concerns were considered and addressed in the proposed Neighbourhood Plan.

**4.2** The Consultation Statement should also demonstrate that there has been proper community engagement and that it has informed the content of the Plan. It should also make it clear and transparent that those producing the plan have sought to address the issues raised during the consultation process. Consultation and community engagement is a fundamental requirement of the Neighbourhood Planning Regulations, the process of plan-making being almost as important as the plan itself. Such engagement with the community during the plan-making process has raised awareness and encouraged the community in the Parish to understand/question both the proposed policies as well as the Plan's scope/limitations.

**4.3** The Consultation Statement clearly sets out the process followed to secure public engagement in the Plan area and with statutory consultees, with the assistance of officers of Aylesbury District Council. The Consultation Statement charts the progress and activities to the point it was deemed ready for submission to Aylesbury District Council to appoint and forward to an Independent Examiner.

**4.4** I note that the Pre-Submission Modified Plan Regulation 14 Consultation Period ran for the requisite time-period and that during that period a proportionate programme of information dissemination and engagement about the draft Modified Plan was undertaken to explain the proposed Modification. At the end of the consultation period, the detailed responses were analysed. The Consultation Statement demonstrates that comments received were on relatively minor details all of which were addressed by adjustments to the text prior to its finalisation and formal Submission to Aylesbury District Council in January 2019.

**4.5** The Consultation Statement records the Regulation 14 responses to the draft Modification and reflects the views from the various parties and Aylesbury District Council on draft Modification formulation. Importantly, the Neighbourhood Plan Pre-submission Consultation Responses explains the actions taken and/or assessments made in relation to the comments received with a view to responding to concerns with the intention of enhancing the quality of the Modified Plan. The Consultation Statement does not cover the Regulation 16 Consultation as this was undertaken following submission. I have taken these details and a review of the representations made on the Submission Modification Neighbourhood Plan into consideration in the examination of the Plan and in making my observations and recommendations on the proposed Modification (see below).

**4.6** I am satisfied that the Consultation Statement complies with Section 15(2) of part 5 of the 2012 Neighbourhood Planning Regulations and that the proposed Modified Neighbourhood Development Plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act, in accordance with 15(1) of part 5 of the 2012 Neighbourhood Planning Regulations (as amended).

**5.0 WINGRAVE WITH ROWSHAM NEIGHBOURHOOD PLAN 2013–2033 – LAND USE PLANNING POLICIES 1 & 4**

**5.1** I now turn to consider land use planning Policies 1 & 4 of the Wingrave with Rowsham Neighbourhood Plan. It was established in *R. (Maynard) v Chiltern District Council*<sup>2</sup> that it is wrong to consider each policy within a neighbourhood development plan examination, in the context of compliance with the strategic policies of the development plan and the NPPF, in relation to Basic Conditions a) and e), but rather it is the Plan as whole that needs to be considered in the context of such policy guidance, in terms of "general conformity". In *Woodcock*<sup>3</sup>, paragraph 8(2)(e) of Schedule 4B of 1990 Act only required the LPA to consider whether the draft Neighbourhood Plan, as a whole, is in general conformity with the adopted Development Plan. It is not appropriate to consider whether there is a tension between one policy of the Neighbourhood Plan and one element of the Local Plan, Core Strategy or emerging Joint Local Plan. I have used this approach in assessing whether the Plan meets the Basic Conditions.

**5.2** The proposed change to Policy 1 is merely to substitute an amended settlement development limit boundary plan to reflect the correction and modification to the plan indicating the boundary of the site to which Policy 4 relates. This replacement plan correctly reflects the boundary change indicated in the plan relating to Policy 4 and therefore I see no reason for any adjustment from that proposed (the minor amendment to the Policy 4 area recommended below does not affect the settlement boundary).

**5.3** However, I consider that it is still prudent from an implementation perspective, to briefly review Policy 4 to ensure that the Proposed Modification retains it as a genuine land use planning policy and that it will (with the other unchanged policies contained in the Modified Plan as a whole) serve the Parish effectively in the future for development management purposes, should the Plan be made. Before doing so, I would recommend that whilst each of the main sections of the Submission Version of the Plan is numbered that there is a practical requirement for each and every Sub-Section and all individual paragraphs of the Modified Plan to be enumerated for greater ease of future reference and legibility by those endeavouring to make practical use of it for development management purposes in the future.

**Housing**

**5.4** Aylesbury District Council has confirmed that it can currently demonstrate the requisite housing supply after recalculations undertaken following the issue of NPPF 2018 (as revised by NPPF 2019). The 'Made' Wingrave with Rowsham Neighbourhood Plan proposed new housing development, making clear the community desire to plan for and accommodate sufficient growth required to support local services and focus new development in the most sustainable location, so enabling new housing development to be considered more positively.

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<sup>2</sup> 1 [2015] EWHC 3817 (Admin), Holgate J, 16th November 2015

<sup>3</sup> 2 *Woodcock Holdings Ltd v Secretary of State for Communities and Local Government*, [2015] EWHC 1173 (Admin), [2015] JPL 1151, Holgate J, 1st May 2015.

## 5.5 Policy 4: Land South of Leighton Road, Wingrave (as Made)

*The Neighbourhood Plan allocates 1.4 Ha of land south of Leighton Road, Wingrave, as shown on the Policies Map, for housing development of approximately 30 dwellings.*

*Development proposals will be supported, provided they accord with the following principles:*

- i. 35% of the total homes provided on site shall be affordable homes located throughout the scheme, unless it can be demonstrated that a smaller percentage is required to deliver a viable scheme;*
- ii. the emphasis of open market and affordable dwelling types should be on providing larger detached homes;*
- iii. The vehicular access shall be off Leighton Road in a manner that minimises the loss of the protected trees on the road frontage;*
- iv. The scheme layout shall provide for buildings with their principal elevation facing towards, but with no vehicular access, to Leighton Road to provide a positive street edge;*
- v. Parking for houses in the scheme shall be integrated with the open space and buildings to create a safe and attractive pedestrian environment and to avoid parking problems on local roads; and*
- vi. The landscape scheme shall create a strong, attractive and distinct long term settlement edge on its three boundaries to the open countryside beyond;*
- vii. The detailed design of the scheme should make provision for any bat habitats on the site; and*
- viii. The layout and landscape scheme shall provide public open space within the site scheme that contributes to the achievement of the Aylesbury Vale Green Infrastructure Strategy and specifically:*
  - a. Allow for glimpse views through the site from existing properties on Leighton Road to the open countryside to the south and east of the site;*
  - b. Create an attractive setting and amenity for the development;*
  - c. Have special regard to sustaining and enhancing the significance of proximate heritage assets and their settings including the listed buildings at Nos. 22 – 28 (odd) Leighton Road and the gates, walls and railings to Mount Tabour House; and*
  - d. Improve the quality and management of the landscape area to the Leighton Road frontage.*

**5.6** The Proposed Modification to the wording of Policy 4 as currently stated in the 'Made' Neighbourhood Plan is as follows:

## 5.7 Proposed Modification - Policy 4 (as submitted)

*On land south of Leighton Road, Wingrave, as shown on Policy Map 4, the Neighbourhood Plan allocates 1.4 Ha for housing development of approximately 30 dwellings and 0.8Ha of public open space.*

*Development proposals will be supported, provided they accord with the following principles:*

- i. 35% of the total homes provided on site shall be affordable homes located throughout the scheme, unless it can be demonstrated that a smaller percentage is required to deliver a viable scheme;*
- ii. the emphasis of open market and affordable dwelling types should be on providing larger detached homes;*
- iii. The vehicular access shall be off Leighton Road in a manner that minimises the loss of the protected trees on the road frontage;*
- iv. The scheme layout shall provide for buildings with their principal elevation facing towards, but with no vehicular access, to Leighton Road to provide a positive street edge;*
- v. Parking for houses in the scheme shall be integrated with the open space and buildings to create a safe and attractive pedestrian environment and to avoid parking problems on local roads;*
- vi. The landscape scheme shall create a strong, attractive and distinct long-term settlement edge on its three boundaries to the open countryside beyond;*
- vii. The detailed design of the scheme should make provision for any bat habitats on the site; and*
- viii. The layout and landscape scheme shall provide public open space within the site scheme that contributes to the achievement of the Aylesbury Vale Green Infrastructure Strategy and specifically shall:*
  - a. Allow for glimpse views through the site from existing properties on Leighton Road to the open countryside to the south and east of the site;*
  - b. Create an attractive setting and amenity for the development;*
  - c. Have special regard to sustaining and enhancing the significance of proximate heritage assets and their settings including the listed buildings at Nos. 22 – 28 (odd) Leighton Road and the gates, walls and railings to Mount Tabour House;*

- d. Improve the quality and management of the landscape area to the Leighton Road frontage; and**
- e. On land within the site and fronting Leighton Road offer to provide a specific community benefit in the form of a private car park for the use of residents of Leighton Road."**

**5.8** There are components of the proposed rewording which unnecessarily retain superfluous repetition of phrasing within the various criteria. The general phrasing of the policy is insufficiently positive, failing to ensure the criteria are all enforceable requirements (as opposed to advisory guidance). The following changes to wording are therefore recommended to simplify structure and provide greater clarity, enabling easier interpretation and more effective application for development management purposes:

### **5.9 Proposed Modification - Policy 4 (as recommended)**

***On land south of Leighton Road, Wingrave (as shown on Policy Map 4) approximately 1.4 Ha housing development shall be supported which provides for approximately 30 dwellings, and the provision of approximately 0.8Ha of public open space, provided it accords with the following:***

- i. 35% of all dwellings shall be affordable units (integrated throughout the development) unless it can be demonstrated that a smaller percentage is required to deliver a viable scheme;***
- ii. open market and affordable dwelling types shall emphasize provision of larger detached units;***
- iii. a single vehicular access shall be provided off Leighton Road which minimises loss of road frontage protected trees;***
- iv. buildings with principal elevations shall be provided facing towards (but with no vehicular access to) Leighton Road to provide a positive street edge;***
- v. residential parking shall be integrated with proposed open space and buildings to create a safe and attractive pedestrian environment and to minimise potential parking problems on local roads;***
- vi. landscaping shall create a strong, attractive and distinct long-term settlement edge to southern, eastern and western open countryside boundaries;***
- vii. provision shall be made for retention or replacement of any bat habitats on site, and;***
- viii. provision shall be made for public open space within the proposed layout and landscaping which contributes to the achievement of the Aylesbury Vale Green Infrastructure Strategy, and:***
  - a. allows for glimpse views from existing properties on Leighton Road through to open countryside beyond the site to the south and east;***
  - b. creates attractive setting and amenity space;***
  - c. demonstrates special regard to sustaining and enhancing the significance of proximate heritage assets and their settings, including listed buildings Nos. 22 – 28 (odd) Leighton Road and gates, walls and railings of Mount Tabour House;***
  - d. improves quality and management of landscaped area to Leighton Road frontage, and;***
  - e. within the site and Leighton Road frontage provides dedicated car parking for existing residential properties on Leighton Road, in addition to that for the new dwellings within the proposed development.***

## **6.0 SUMMARY**

**6.1** In accordance with Schedule A2, paragraph 13 of the Planning and Compulsory Purchase Act 2004, I set out the summary of my findings below.

**6.2** I am satisfied that the Qualifying Body is entitled to submit a Modified Neighbourhood Development Plan for the designated Neighbourhood Area. The policy modifications proposed relate to development and use of land within the designated Neighbourhood Area. The plan period of the Neighbourhood Development Plan is 2013 to 2033 and it does not contain policies relating to "excluded development" as defined s61K of the Town & Country Planning Act 1990 (as amended). I am also satisfied that the Modified Plan does not relate to more than one neighbourhood area and that there is no other NDP in place that it will not replace/modify within this Neighbourhood Area. The Plan has been examined against current/adopted/emerging national/local policy.

**6.3** The Plan has also been subject to a Screening Assessment in compliance with EU Directive 2001/42 on Strategic Environmental Assessment confirming that the SEA undertaken in respect of the 'Made' Plan does not need to be revisited as a result of the Proposed Modification. This gives confidence that the Plan, if made, should make a positive contribution to sustainable development within the Plan area, supported by Natural England comments that the proposed modifications are an improvement to the plan.

### ***Public Consultation***

**6.4** As to public consultation, the process and management of the community consultation appears thorough and I am confident that the Consultation Statement outlining the terms of reference and actions, consultation correspondence and feedback leading to the formulation of the draft Modification, and subsequent pre-submission and submission consultations on the Modified Plan policy changes adequately fulfils the requirements of Regulations 15 and 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended). I consider there are no exceptional reasons which might reasonably require a public hearing to consider the proposed Modification.

### ***Compatibility with Human Rights Requirements***

**6.5** Under the European Convention on Human Rights and the requirements of Schedule A2, paragraph 11, of the Planning and Compulsory Purchase Act 2004 and the Human Rights Act 1998, I am satisfied AVDC's assessment undertaken for the 'Made' Plan does not need to be revisited and that the Modified Plan is otherwise compatible with EU obligations and will contribute to achieving sustainable development within the Neighbourhood Plan area.

### ***Textual, Policy & Map/Figure Revisions***

**6.6** I am satisfied that subject to the recommended policy revisions being accepted, that the Modified Wingrave with Rowsham Neighbourhood Plan 2013-2033, has given adequate regard to the policies in the relevant National Planning Policy Framework and other relevant national planning guidance and would be in conformity with the strategic policies of the adopted Aylesbury Vale District Local Plan (saved policies) and the emerging Vale of Aylesbury Local Plan. If these recommended changes are accepted (and the necessary associated modifications are made to the supporting text to ensure consistency and legibility within the document) I believe that the Modified Wingrave with Rowsham Neighbourhood Plan 2013-2033 will make a positive contribution to sustainable housing development within the designated area.

## **7.0 RECOMMENDATIONS**

### ***Modifications to meet the basic conditions***

**7.1** For the reasons set out above and subject to the modifications indicated in the preceding sections of this examination report being accepted and incorporated into a revised version of the Plan, I consider that the Plan would meet the basic conditions in terms of:

- having appropriate regard to national planning policy;
- contributing to the achievement of sustainable development;
- being in general conformity with the strategic policies in the development plans

for the local area;

- being compatible with human rights requirements; and
- being compatible with European Union obligations.

**7.2** I therefore recommend that in accordance with Schedule A2, paragraph 13 of the Planning and Compulsory Purchase Act 2004 that the modifications specified in this report are made to the Modified Wingrave with Rowsham Neighbourhood Plan 2013-2033 and that the Submission Version of the Plan as modified may proceed to be 'Made'.

## **8.0 CONCLUSIONS**

**8.1** I conclude that, subject to the recommendations in this report being accepted, the Plan would meet the basic conditions as defined in the Localism Act 2011, Schedule A2, paragraph 11(2) of the Planning and Compulsory Purchase Act 2004.

**8.2** In accordance with the Schedule A2, paragraph 13, of the Planning and Compulsory Purchase Act 2004, I recommend that the modifications specified in this report are made to the proposed Modified Neighbourhood Plan and if accepted proceeds to be 'Made'.

**Martin S. Lee, MA MRTPI AMInstLM MTCPA NPIERS NSI**  
**Independent Examiner**  
**9<sup>th</sup> September 2019**