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Report on Steeple Claydon Neighbourhood Plan 2013 - 2033

An Examination undertaken for Aylesbury Vale District Council with the support of the Steeple Claydon Parish Council on the May 2017 submission version of the Plan.

Independent Examiner: Patrick T Whitehead DipTP(Nott), MRTPI

Date of Report: 13 September 2017

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Contents

	Page
Main Findings - Executive Summary	3
1. Introduction and Background	3
• Steeple Claydon Neighbourhood Plan 2013 – 2033	3
• The Independent Examiner	4
• The Scope of the Examination	4
• The Basic Conditions	5
2. Approach to the Examination	6
• Planning Policy Context	6
• Submitted Documents	6
• Site Visit	7
• Written Representations with or without Public Hearing	7
• Modifications	7
3. Procedural Compliance and Human Rights	7
• Qualifying Body and Neighbourhood Plan Area	7
• Plan Period	7
• Neighbourhood Plan Preparation and Consultation	8
• Development and Use of Land	9
• Excluded Development	9
• Human Rights	9
4. Compliance with the Basic Conditions	9
• EU Obligations	9
• Main Issues	11
• General Issues of Compliance of the Plan	11
• Specific Issues of Compliance of the Plan's Policies	14
• Issue 1 The Settlement Boundary	14
• Issue 2 Housing allocation policies	15
• Issue 3 Policies for redevelopment opportunities	20
• Issue 4 Policies for the retention, protection and enhancement of green spaces and local facilities and for the design of development proposals	21
5. Conclusions	24
• Summary	24
• The Referendum and its Area	24
Appendix: Modifications	25

Main Findings - Executive Summary

From my examination of the Steeple Claydon Neighbourhood Plan and its supporting documentation including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – the Steeple Claydon Parish Council;
- The Plan has been prepared for an area properly designated – the Parish Council area shown on the map forming Figure 2 of the Neighbourhood Plan;
- The Plan specifies the period to which it is to take effect – 2013 - 2033; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to Referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

1. Introduction and Background

Steeple Claydon Neighbourhood Plan 2013 - 2033

- 1.1 Steeple Claydon is a village of rural character, surrounded by rolling landscape. Historically, there was employment locally for agricultural workers and at the now closed Calvert Brickworks. Nowadays, it typically provides residential accommodation for those working in the nearby towns of Buckingham, Aylesbury and Bicester and also Milton Keynes and London. More recently there has been a trend towards people working from home creating a more active environment. The village has a compact form with development mainly along two spine roads, and has a variety of facilities such as a primary school, GP surgery, public houses and some small shops. As a consequence, it is classified as a 'larger village' by Aylesbury Vale District Council (AVDC). The main impacts on the village in the near future are related to the HS2 project which has a site for an Infrastructure Maintenance Depot and a major construction compound in the Parish, and the East-West rail link between Bicester and Bletchley – the subject of a project to re-open the line early in the next decade.

- 1.2 AVDC designated the Steeple Claydon 'Neighbourhood Area' on 16 April 2015, with the entire parish to be included in this area. AVDC also confirmed the Steeple Claydon Parish Council as the relevant qualifying body. The Parish Council (PC) had resolved to develop a Neighbourhood Plan (NP) in 2015 and advertised for members to join a steering group, or Neighbourhood Plan team, which formed the working group responsible for the development of the Plan. The team sought to engage the local community and stakeholders in the plan making process, and retained consultants rCOH Ltd and Longman Planning Consultants to assist with various aspects of this process.

The Independent Examiner

- 1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Steeple Claydon Neighbourhood Plan (SCNP/the Plan) by AVDC, with the agreement of the Parish Council.
- 1.4 I am a chartered town planner and former government Planning Inspector, with more than 20 years experience inspecting and examining development plans. I am an independent examiner, and do not have an interest in any of the land that may be affected by the draft plan.

The Scope of the Examination

- 1.5 As the independent examiner I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
 - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
 - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.6 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended)('the 1990 Act'). The examiner must consider:
- Whether the Plan meets the Basic Conditions;
 - Whether the Plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended)('the 2004 Act'). These are:
 - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the Local Planning Authority;

- it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;
 - it does not include provisions and policies for 'excluded development';
 - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area;
 - whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to referendum; and
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended)('the 2012 Regulations').

1.7 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

The Basic Conditions

1.8 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area;
- Be compatible with and not breach European Union (EU) obligations; and
- Meet prescribed conditions and comply with prescribed matters.

1.9 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the neighbourhood plan should not be likely to have a significant effect on a European Site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European Offshore Marine Site (as defined in the Offshore Marine Conservation (Natural Habitats etc.) Regulations 2007), either alone or in combination with other plans or projects.

2. Approach to the Examination

Planning Policy Context

- 2.1 The Development Plan for this part of AVDC, not including documents relating to excluded minerals and waste development, is the adopted Aylesbury Vale District Local Plan (AVDLP) 2004. The saved policies from this Local Plan provide the relevant strategic policy background for assessing general conformity although the plan period was to 2011 so it is now considerably dated, particularly so far as housing policies are concerned. The AVDLP will be replaced by the Vale of Aylesbury Local Plan (VALP) a draft of which was published for consultation in July 2016. The latest timetable for submission of the VALP for examination is January 2018. Depending on the progress of the examination, adoption could potentially take place later in 2018. The VALP will set the spatial and growth strategy for the District for the plan period 2013 – 2033.
- 2.2 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. PPG makes clear that whilst a draft neighbourhood plan is not tested against the policies in an emerging Local Plan, the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the Basic Conditions against which a neighbourhood plan is tested. It cites, as an example, that up-to-date housing needs evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan contributes to the achievement of sustainable development¹. Paragraph 184 of the NPPF also provides, “*The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider area*”. On this basis, I make reference to the emerging Local Plan in this report.

Submitted Documents

- 2.3 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the draft Steeple Claydon Neighbourhood Plan 2013 -2033, May 2017;
 - Figure 2 of the Plan which identifies the area to which the proposed neighbourhood development plan relates;
 - the Consultation Statement, May 2017;
 - the Basic Conditions Statement, May 2017;
 - all the representations that have been made in accordance with the Regulation 16 consultation;
 - the Strategic Environmental Assessment (SEA) prepared by the Steeple Claydon Parish Council;
 - the Site Assessments Report, May 2017;
 - the Green Spaces Report, May 2017;

¹ PPG Reference ID: 41-009-20160211.

- The requests for additional clarification sought in my letter of 21 July 2017 and the subsequent response from the Parish Council²; and
- Correspondence relating to the Parish Council's request to remove Sites 2 and 3 (area of allotment garden) from the proposed Local Green Space designations³.

Site Visit

2.4 I made an unaccompanied site visit to the Neighbourhood Plan Area on 18 July 2017 to familiarise myself with it, and visit relevant sites and areas referenced in the Plan and evidential documents.

Written Representations with or without Public Hearing

2.5 This examination has been dealt with by written representations. There were no requests to be heard and I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan, and presented arguments for and against the Plan's suitability to proceed to a referendum.

Modifications

2.6 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

3.1 The SCNP has been prepared and submitted for examination by Steeple Claydon Parish Council which is a qualifying body. The Neighbourhood Plan Area covering the whole of the Parish of Steeple Claydon was designated by AVDC on 16 April 2015.

3.2 It is the only neighbourhood plan for Steeple Claydon, and does not relate to land outside the designated neighbourhood area.

Plan Period

3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2013 to 2033.

² Link to website: <https://www.aylesburyvaledc.gov.uk/Steeple-Claydon-neighbourhood-plan>

³ See footnote 2 above.

Neighbourhood Plan Preparation and Consultation

- 3.4 From the outset the Neighbourhood Plan team identified the need for an effective consultation process with the objective to ensure the developed plan was based on verifiable, quantified data. The team set down principles for the consultation process and a timeline of key events and milestones has been produced to demonstrate how the process worked and what outcomes were achieved⁴. This shows that, following the establishment of terms of reference in May 2015, the team embarked on the public consultation with baseline reports presented to the public. This was followed by a review of comments and appointment of consultants rCOH. An invitation was extended to villagers to participate through membership of 4 sub-groups (housing, employment, environment and community assets) in February 2016.
- 3.5 During the period June 2016 to November 2016, the main activities were organised, including holding a public exhibition with afternoon and evening events, and the preparation and publication of an official questionnaire. A meeting was held at the primary school on 17 November 2016 in order to give a formal presentation to the public, with a question and answer session. This was followed by a drop-in session at the Village Hall on 22 November to include information about the SCNP, exhibition stands, and the attendance of representatives from the developers with interest in the two main development sites in the village. The questionnaire was completed by a total of 384 respondents, a response rate of around 40%.
- 3.6 A summary of the questionnaire responses is provided at Appendix CS20 of the Consultation Statement and these were analysed during December/January with a detailed report prepared by the Longman Planning Consultancy (Appendix CS15). The summary shows a total of 54 comments with 10 identified respondents. The report includes a summary of recommendations for the SCNP arising from the analysis of the questionnaires. The pre-submission plan and supporting documents were published on 21 February 2017 with the Regulation 14 consultation being held between February and April 2017.
- 3.7 The submission plan was finalised in April and approved by the Parish Council on 2 May and submitted to AVDC on 31 May, with the Regulation 16 consultation closing on 12 July 2017. There were 11 responses, of which 3 were identified as objections and one request for a modification. I take account of these responses in my assessment of the Plan. I confirm that the consultation process has met the legal requirements for procedural compliance on neighbourhood plans and has had regard to the advice on plan preparation in the PPG.

⁴ Consultation Statement: Section 2.

Development and Use of Land

- 3.8 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

Excluded Development

- 3.9 The Plan does not include provisions and policies for 'excluded development'.

Human Rights

- 3.10 Section 6.2 of the Basic Conditions Statement states that the Neighbourhood Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention of Human Rights. AVDC is satisfied that the Plan does not breach Human Rights (within the meaning of the Human Rights Act 1998), and from my independent assessment I see no reason to disagree.

4. Compliance with the Basic Conditions

EU Obligations

- 4.1 The neighbourhood plan was screened for SEA by AVDC which, having reviewed the criteria, concluded that the SCNP has some potential to have significant environmental effects and so it was necessary to undertake SEA.
- 4.2 The screening opinion does not detail the potential effects of the SCNP policies but indicates they may be "*..beyond those expected by 'strategic' district-wide policies of the Local Plan, although the magnitude and location of these effects is difficult to ascertain at this stage of the plan making process*". AVDC recommended that the SEA should incorporate a Sustainability Appraisal (SA) "*...to consider more widely the balance of sustainability and to help ensure the plan meets the basic conditions*"⁵. In the event the PC chose to prepare an SEA under the Environmental Assessment of Plans & Programmes Regulations 2004, based on a Scoping Report agreed with AVDC and statutory consultees, but without including an SA. The PC has noted that there is no legal requirement for a SA of a neighbourhood plan⁶ and has, instead, relied on the Basic Conditions Statement to set out how the policies of the Plan meet the requirement to contribute to the achievement of sustainable development.

⁵ Final Strategic Environmental Assessment Report, Appendix A, paragraph 5.1.

⁶ PPG Reference ID: 41-072-20140306.

- 4.3 The Basic Conditions Statement, Section 4, cross-references to the SEA, and then proceeds to provides an appraisal of how each policy performs in its social and economic as well as environmental attributes, using an approach similar to that used in Sustainability Appraisals (+ positive effect; 0 neutral effect; - negative effect). Concern was raised by the prospective developers of the land east of Buckingham Road (site no. SCD011 in the AVDC Housing and Economic Land Availability Assessment (HELAA)) regarding the Draft SEA: that the scope of the assessment is too narrow and does not address other sustainability matters. I will return to the individual site considerations later in the report (paragraphs 4.29-4.40). However, from my examination of the documentation I am satisfied that, in general, the approach used is not deficient in this respect.
- 4.4 The SEA process is outlined in the Final Report (May 2017) Section 2 and it is noted that the methodology is intended to be proportionate to the task of assessing the modest development proposals in a relatively small rural area (paragraph 2.3). Overall, I am satisfied that the methodology has assessed the Neighbourhood Plan Objectives and the Plan Policies against SEA objectives in an appropriate manner, proportionate to the scope of the Plan and the scale and nature of its policies.
- 4.5 I have noted that Natural England (NE) recommended that the SEA should *"...account for the impacts upon biodiversity of the proposed developments"*. NE expressed concern that two of the proposed development sites (policies SC2 and SC5) are greenfield sites having the potential to result in a loss of biodiversity if not sufficiently mitigated. The Regulation 14 Report prepared by rCOH and published by SCPC (April 2017) does make reference to the concerns in respect of the policies raised by NE (paragraphs 9 and 21), and those relating to the SEA (paragraph 12). The report includes a suggestion that *"...more details can be provided in the Final SEA report and its scope should be widened to enable an assessment of biodiversity effects.."* (paragraph. 12).
- 4.6 I have not found appropriate text incorporated in the Final SEA Report (May 2017) and have therefore given consideration to whether an assessment of biodiversity effects would alter the choices made. However, there is a general absence of brownfield land and the choice of alternative greenfield sites is severely limited (a matter I will return to, below, paragraph 4.36). For these reasons, I have determined that there would be no significant impact on the choices as a result of widening the scope of the SEA. In making this determination I have had regard to Government advice that SEA *"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"*⁷. Nevertheless,

⁷ PPG Reference ID: 11-030-20150209.

the matter of mitigation to take account of possible impacts on biodiversity should be addressed in an appropriate manner and this will form part of my consideration of the individual policies (paragraphs 4.38 & 4.43).

- 4.7 The SEA Final Report considers whether the land east of Buckingham Road could be a 'reasonable alternative' for the purposes of an assessment of reasonable policy alternatives (paragraph 9.6 *et seq*). In response it is argued that, given the weight of local opinion against the Buckingham Road proposal, and taking account of the Judicial Review on the Tattenhall Neighbourhood Plan (EWHC 1470)⁸, the option may be considered a non-starter. Nevertheless, the PC has indicated that following consultation on the SEA Scoping Report, on SEA measures alone there is no significant difference between this option and the Molly's Field allocation. In the event, shortly after submission of the SCNP for examination, planning permission was granted on appeal for the development of 95 dwellings on the land east of Buckingham Road (ref: APP/J0405/W/16/3154432 dated 20 July 2017). I will make further reference to this matter in this report (paragraph 4.20).
- 4.8 Overall, I am content that the SEA is adequate, giving a proportionate level of assessment of the environmental effects of the policies and proposals in the Plan.
- 4.9 The SCNP was further screened for Habitats Regulations Assessment (HRA), which was not triggered. The site is not in close proximity to a European designated nature site and AVDC has confirmed that no HRA is necessary. NE has not raised any issues regarding an HRA. From my independent assessment of this matter, I have no reason to disagree.

Main Issues

- 4.10 I have approached the assessment of compliance with the Basic Conditions of the SCNP as two main matters:
- General issues of compliance of the Plan, as a whole; and
 - Specific issues of compliance of the Plan policies.

General Issues of Compliance of the Plan

Regard to national policies and advice

- 4.11 The purpose of the SCNP is stated as "*..to allocate land for development and make planning policies..*" to be used in the determination of planning

⁸ <http://www.bailii.org/ew/cases/EWHC/Admin/2014/1470.html>

applications. It will also protect the special rural character of the village and its surrounding landscape (SCNP paragraph 1.2). The Plan avoids repeating national or local planning policies and focuses on a relatively small number of key development issues in the area. These include identification of a settlement boundary for the village; the allocation of land for housing development; the relocation of the existing GP surgery and Co-op store with guidance for redevelopment of the existing sites; seeking to protect Local Green Spaces and community facilities and providing design guidance for new developments.

- 4.12 The Plan sets out the planning policy context within which it has been developed and identifies the relevant parts of the NPPF to which it has had particular regard in Section 3 of the SCNP. The Plan makes provision for an adequate supply of housing land to meet the identified need, a matter to which I shall return (paragraphs 4.29-4.32), seeks to encourage appropriate employment uses and supports local employment opportunities and to protect and enhance community assets. In all of these matters, the Plan follows national policy and guidance.
- 4.13 So far as implementation is concerned, the NP indicates that this will be achieved through the local planning authority's determination of planning applications, and also through steering public and private investment into a series of infrastructure proposals. These are listed in the Plan with an indication that they will be prioritised for investment from S106 agreements and Community Infrastructure Levy funding (if implemented in the future). The Plan also gives an indication of highway safety and traffic calming schemes to be focused on locations identified by residents. In accordance with PPG advice⁹ these proposals are identified separately as non-land use matters.
- 4.14 In all of these matters, subject to the detailed comments and modifications I recommend in relation to individual policies and proposals, I am satisfied that the Plan has had regard to national policies and advice to meet this Basic Condition.

Contribution to the achievement of sustainable development

- 4.15 The Plan seeks to protect the intrinsic rural character of the village whilst allowing for sustainable growth to fully meet the residual housing requirement in line with the emerging VALP.
- 4.16 The most sustainable locations for new housing were evaluated through a site assessments process, set out in the Site Assessments Report, May 2017, and taking account of the relocation needs of local services and the consequent redevelopment opportunities. Subject to the detailed

⁹ PPG Reference ID: 41-004-20140306.

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comments I make below about individual policies I am satisfied that the Plan makes a contribution to the achievement of the economic, social and environmental aspects of sustainable development.

General conformity with strategic policies in the development plan

- 4.17 The saved policies from the AVDLP provide the relevant strategic policy background for assessing general conformity, although it is now considerably dated as the plan period was to 2011. The NP clearly states the particular policies considered to be most relevant (paragraph 3.4).
- 4.18 The adopted Local Plan will, in due course, be replaced by the VALP, currently in draft form with its submission for examination anticipated, as previously noted in early 2018. There is no statutory requirement for the SCNP to be in general conformity with the emerging Plan but the SCNP identifies the most relevant strategic policies in the draft VALP at paragraph 3.5. There has also been close continued collaboration with AVDC as advocated by PPG advice¹⁰ with the local planning authority working closely with the qualifying body in sharing evidence, particularly in respect of the changing housing supply requirement in the emerging Local Plan.
- 4.19 A key consideration for establishing general conformity with the relevant strategic policies in the local development plan (and having regard to government policies and advice) is the degree to which the SCNP provides allocations to meet the housing requirement for the village. The emerging VALP will set the spatial growth strategy for the Plan period 2013 – 2033 and in this context the housing requirement for the SCNP was based on the Buckinghamshire Housing and Economic Development Needs Assessment (HEDNA). More recently, the HEDNA has been updated to reflect the latest Government population and household projections, and there has also been continued dialogue with other authorities, resulting in the overall housing requirement for AVDC being revised downwards. However, work is continuing and the requirement has not been finalised.
- 4.20 In the circumstances the PPG advice¹¹ is that neighbourhood plans should consider the allocation of reserve sites to ensure that emerging evidence of housing need is addressed, and to help minimise potential conflict with the new Local Plan. However, as I have indicated (paragraph 4.7) planning permission was granted on appeal for the development of 95 dwellings on the land east of Buckingham Road (ref: APP/J0405/W/16/3154432 dated 20 July 2017). This provides a more than adequate buffer in the eventuality that the overall housing

¹⁰ PPG Reference ID: 41-009-20160211.

¹¹ PPG Reference ID: 41-009-20160211.

requirement for AVDC is not revised downwards. Accordingly, in my view there is no overriding necessity to identify reserve sites.

- 4.21 For all of these reasons I am satisfied that the SCNPs have taken account of the strategic policies in the adopted development plan and aligns its approach with the emerging Local Plan. In the round, I consider it is in general conformity with the strategic policies of the development plan for the area.

Specific Issues of Compliance of the Plan Policies

Issue 1: The Settlement Boundary (Policy SC1)

- 4.22 The Plan establishes and defines a settlement boundary for Steeple Claydon (Policy SC1). In doing so it makes explicit reference to Policy SC1 replacing saved AVDLP Policies RA3, RA13 and RA14. To be clear, AVDLP does not define settlement boundaries as such, and those policies provide for the control of specific developments within or on the edge of built-up areas – defined as “*land within the settlement framework principally occupied by permanent buildings*”. It is also of note that the emerging VALP, in its present form, does not define settlement boundaries, rather advocating a more flexible, criteria based approach.
- 4.23 Concern is expressed within the Regulation 16 representations that the use of a settlement boundary without sufficient flexibility to allow the Plan to respond positively to wider opportunities for sustainable growth is not in accordance with the NPPF. There is merit in the argument, although paragraph 55 of the NPPF quite clearly indicates that in rural areas housing should be located where it will enhance or maintain the vitality of rural settlements and that new isolated homes in the countryside should be avoided.
- 4.24 The policies are restrictive, both in extent and in the constraints imposed on development and amendments will be necessary in order to meet the Basic Conditions. The first of these concerns the inclusion of the term “*infill housing development*”. The term “infill” is commonly used to describe the infilling of small gaps in developed frontages with one or two dwellings. Indeed, this is the definition used in AVDLP Policy RA13. The term is too restrictive in the context of defined settlement boundaries and having regard to the approach to sustainable development embraced by the NPPF, accordingly, the word “*infill*” should be deleted in the Policy as shown in proposed modification **PM1**.
- 4.25 A second concern is that developments within the settlement boundary are limited to up to 5 houses and a site area not exceeding 0.20 hectares. These limitations are not properly justified in the supporting text and do not accord with NPPF policy and advice to promote sustainable

development in rural areas (paragraph 55) and optimise the potential of a site to accommodate development (paragraph 58). Revised wording to meet the Basic Conditions is included in proposed modification **PM1**.

- 4.26 The remaining concern with the Policy relates to the second set of criteria, iii) – vi). The criteria require some clarification concerning what exactly will be supported under the Policy in terms of development outside settlement boundaries. The NPPF (paragraph 54) indicates that, in rural areas, authorities should be responsive to local circumstances and plan housing development to reflect local needs – including through rural exception sites where appropriate. The introductory sentence to the criteria should make it clear that proposals which will not be permitted in the countryside should exclude rural housing exception sites.
- 4.27 Having regard to the NPPF, (paragraph 55), criteria iii) and iv) should be clarified to indicate, firstly that conversion of existing buildings means the re-use of redundant or disused buildings, and secondly that proposals that would be permitted within criterion iv) include the essential need for rural workers. In respect of both these criteria, and the introductory sentence referred to in the previous paragraph, I have noted that the introductory sentence was subject to extensive revision as a result of Regulation 14 comments and aligned with the approach used in the made Cheddington Neighbourhood Plan. However, this report is concerned to ensure the SCNP within its own locally distinctive context, has regard to national policy and advice and therefore should include the amended text in proposed modification **PM1**.
- 4.28 Paragraph 5.9 of the supporting text, second sentence, indicates that the Settlement Boundary is drawn to accommodate the sites that already have planning permission in addition to the proposed site allocations. It will be necessary to amend the Boundary following the grant of planning permission on appeal for development on the land east of Buckingham Road. Proposed modification **PM1** includes amendments relating to all these matters in order to have proper regard to national policy and advice and to meet Basic Conditions.

Issue 2 Housing allocation policies (Policies SC2 and SC5)

- 4.29 Advice in PPG¹² indicates that up-to-date housing needs evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan contributes to the achievement of sustainable development. Whilst the adopted AVDLP provides information on the housing requirement only to 2011, evidence contained in the emerging VALP provides a more up-to-date indication of housing targets. The total figure for housing need contained in the draft VALP is 33,300, based on

¹² PPG Reference ID: 41-009-20160211.

the January 2016 HEDNA. Steeple Claydon is classified as a 'large village' for which the housing requirement is calculated to be 208 over the Plan period 2013 – 2033 – a growth of 22% in the baseline housing stock. The SEA (May 2017), shows there were 116 dwellings committed or completed in the village since April 2013 leaving a residual requirement of at least 92 dwellings.

- 4.30 Since the publication of the draft VALP, the HEDNA has been updated to take into account the latest Government population and household projections with a new version published in October 2016. This has revised the total housing requirement downwards to in the region of 26,850, with implications for the spatial strategy and distribution of housing across the district. An update on the situation has been published on the AVDC website (21 June 2017) indicating a change in approach, from a percentage approach to apportioning development to settlements, to a capacity-led approach with allocations made on the basis of where there are suitable sites in sustainable locations. Clearly, the position to be adopted in the VALP with regard to future housing growth in Steeple Claydon is not yet finalised and it may be liable to further change following its formal examination.
- 4.31 The NP includes 2 specific allocations with a total capacity of approximately 118 dwellings, in excess of the requirement for an additional 92. Where a NP is brought forward before an up-to-date local plan is in place, PPG¹³ recommends the allocation of reserve sites to ensure that emerging evidence of housing need is addressed. However, the recent appeal decision granting permission for a total of 95 dwellings east of Buckingham Road has resulted in a total over-provision of 121 dwellings – more than enough to provide flexibility in the event that the emerging VALP provides evidence of an increased housing need. Indeed, the appeal decision acknowledged the “..*potential extent of unmet need in the neighbouring Council areas and the recognition that at least some of that unmet need is likely to be accommodated in Aylesbury Vale District*”¹⁴ as a factor in determining the appeal contrary to evidence that the Council had demonstrated a five year housing land supply, and that the “..*appeal scheme would have a harmful effect on the character and appearance of the area in conflict with development plan policy*”¹⁵.
- 4.32 To summarise, there has been continued collaboration between the PC and AVDC to meet the requirement for up-to-date housing needs evidence in the context of an emerging local plan. As a consequence, whilst the strict legal test requires conformity with the adopted local plan (AVDLP), I am satisfied that in this instance every effort has been made to minimise

¹³ PPG Reference ID: 41-009-20160211.

¹⁴ Appeal ref: APP/J0405/W/16/3154432, paragraph 33.

¹⁵ Appeal ref: APP/J0405/W/16/3154432, paragraph 34.

potential conflict between the Neighbourhood Plan and housing supply policies in the emerging local plan as advised in PPG, and referred to above. Accordingly, in respect of general conformity with the strategic policies of the development plan, I am satisfied that the Basic Conditions are met by the SCNP approach to determining housing allocations.

- 4.33 The two specific housing allocations are 'Molly's Field' land west of Addison Road (SC2) and land adjoining 12 Queen Catherine Road (SC5). Both are identified in the AVDC's HELAA as suitable for development, assessments with which the PC has agreed¹⁶.
- 4.34 The more significant of the two allocations is provided by Policy SC2, the Molly's Field proposal intended to deliver up to 110 new dwellings, together with sites for the convenience store and medical services relocation schemes. Policy SC2 is an allocation of 2 HELAA sites (HELAA reference numbers SCD008 and SCD010) and the overall allocation is considered suitable providing the impact on neighbouring listed buildings is taken into consideration. A questionnaire response (November 2016) suggested this was the preferred development site for the highest percentage of respondents. The site is a sustainable location, within a reasonable walking distance of the main village facilities and has a landscape character less sensitive to development than sites in other peripheral locations. The SEA scores the site as having a mainly neutral impact on SEA objectives¹⁷.
- 4.35 Information provided by the prospective developer has been fed into the SEA indicating that a scheme could be accommodated on the site without the loss of many existing landscape features, and without harmful effect on the listed buildings on West Street. There is also an indication that inevitable residual harmful effects can be mitigated successfully, given the existing relationship between the site and the village edges in this location. From my visit and consideration of the documentation it appears the assessment is correct in all of these matters and that, in the absence of any brownfield options, the site is the most appropriate allocation.
- 4.36 The Policy includes a list of 12 criteria to be met by any development proposals, including a minimum number of affordable units (31%) and provision for 5% to be made available as serviced self-build plots. The criteria have been worded to provide a clear statement of the requirements (subject to my comments, below, paragraphs 4.37-4.38). The Policy has regard to national policy, particularly in respect of NPPF paragraph 50 on mix of housing, paragraph 34 regarding a sustainable location and paragraph 70 concerning the need to ensure existing shops,

¹⁶ Site Assessments Report, May 2017, p3.

¹⁷ Final Strategic Environmental Assessment: Table B, p17.

facilities and services are able to develop and modernise in a sustainable way.

- 4.37 Criterion iv) provides for the food retail scheme (the relocation of the Co-op store), indicating a requirement for “*..a single building of a gross floor area of no more than 280 m²*”. The limit relates to Sunday Trading legislation which limits the retail floorspace to 280 sqm before the imposition of restrictions on opening hours. However, representations on behalf of the Co-operative Group suggest that the 280 sqm should be a net sales area, and that anything below this level would represent a sub-standard facility which would be unattractive to an operator. The Regulation 14 report by consultants rCOH (Consultation Statement, Appendix CS22) states at paragraph 12, that “*the retail floor space cap should be increased to 280 sqm as requested*”, but the amended criterion makes no reference to ‘retail’ floorspace. This should be amended as shown in proposed modification **PM2**.
- 4.38 NE has suggested that the Policy should be clearer about requiring a net biodiversity gain from developing the Greenfield site. This is based on paragraph 109 of the NPPF which includes a requirement that the planning system should contribute to and enhance the natural and local environment by, amongst other matters, “*...providing net gains in biodiversity where possible*”. The Regulation 14 report prepared by consultants rCOH has flagged up the NE comments but there have been no revisions to take account of the concern, and the criterion vii) requirement for biodiversity improvements in relation to the loss of the hedgerow on part of Addison Road is too specific and generally inadequate. The representation by NE at Regulation 16 stage suggests a form of wording which would ensure biodiversity is adequately considered in the course of an application for development and I have adapted this to be included as a criterion in the Policy, as shown in proposed modification **PM2**. With this modification, the proposed allocation has had regard to national policy and advice, and is in general conformity with adopted strategic local planning policy. It also meets the Basic Condition regarding the achievement of sustainable development.
- 4.39 I have given careful consideration to the consequences of the decision on appeal to grant planning permission for up to 95 dwellings on the land east of Buckingham Road, particularly in respect of the residual requirement of 92 dwellings to meet overall housing need (paragraph 4.7 above). There is an assessment of the Buckingham Road site in relation to the Molly’s Field site contained in the SEA at paragraphs 9.4 – 9.8. It notes that the Buckingham Road site would deliver a similar scale of housing development and could accommodate the relocated food store and GP surgery. However, the AVDC reasons for refusal suggested landscape effects in that location, as a result of development of the size proposed, could not satisfactorily be mitigated (the appeal decision letter

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also found against the proposal on the grounds of the harmful effect on the character and appearance of the area but found other matters to weigh against this). Additionally, a majority of local people, asked to give a preference between the two sites, favoured the Molly's Field option.

- 4.40 Nevertheless, permission now exists on the land east of Buckingham Road. It is also clear that there has been a substantial investment in time and effort on the part of the PC and AVDC to ensure that the best alternative scheme has been chosen in terms of development potential, the benefits of relocation of facilities, and social and environmental impact. I have already indicated (paragraph 4.20) that the appeal decision has taken account of the potential extent of unmet need in the neighbouring Council areas which may have to be accommodated in Aylesbury Vale District. In this circumstance, I can see no benefit to the local community in determining that the Neighbourhood Plan should be withdrawn in order to reconsider the allocation of the Molly's Field land.
- 4.41 Policy SC5 allocates a 0.2ha parcel of vacant land on Queen Catherine Road for residential development. It is anticipated that approximately 8 dwellings could be delivered, of which at least half should be bungalows suitable for occupation by older households, or designed to meet Lifetime Homes standards. It is an open field with nothing in the way of surface features other than the boundary vegetation. It is in a sustainable location within the village settlement boundary which continues the line of the eastern boundary of the Rookery Way/Sandholme development.
- 4.42 The comment in the Regulation 16 representations regarding the potentially over-prescriptive requirement for bungalows is noted. The Policy had been amended following the Regulation 14 representations but retains an emphasis on dwellings suitable for older residents. The relatively low density is justified by the nature of the site and surroundings, including its location at the edge of the built development (apart from the more isolated Manor House Farm). From my visit, the development on the south side of Queen Catherine Road is relatively low density suggesting that a similar low density approach on this site would be appropriate. The NPPF, paragraph 50, indicates that authorities should plan for a mix of housing based on the needs of the different groups in the community, including those of older people, and that development should respond to local character, including the surroundings of the site. From the above, I consider the Policy does seek to have regard to this advice. It is also consistent with the requirements of saved Policy GP35 in the AVDLP.
- 4.43 As with Policy SC2, NE has suggested that the Policy should be clearer about requiring a net biodiversity gain from developing the Greenfield site. The representation by NE at Regulation 16 stage suggests a form of wording which would ensure biodiversity is adequately considered in the

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course of an application for development which I have adapted for inclusion as a criterion in the Policy, as shown in proposed modification **PM3**. With this addition, the Policy meets the Basic Conditions.

Issue 3 Policies for redevelopment opportunities (Policies SC3 and SC4)

- 4.44 Policy SC3 provides guidance for the redevelopment of the convenience food store at the junction of West Street/Chaloner's Hill (the Co-op store) for a mixed-use scheme in the event that the relocation of the store to the Molly's field development site (Policy SC2) has been implemented. The proposed uses are C3 residential scheme and a D2 community use. This latter use is a matter of concern and has been the subject of a Regulation 16 objection on behalf of the Co-op. It is argued that the Class D2 element was not included in previous iterations of the SCNP and was inserted at the pre-submission stage. It is also stated that there is no evidence to justify its inclusion.
- 4.45 The supporting text at paragraphs 5.15 – 5.17 make no reference to the D2 use, providing justification only for the C3 residential component. There is no indication of what the purpose of the D2 use would be and the Policy itself is tentative: indicating that if its inclusion would make the mixed-use scheme unviable then it should be dropped in favour of a wholly residential use. It suggests a self-contained unit with a size limit of 75sq.m. The only supporting evidence is contained in the Regulation 14 Report prepared for the PC by consultants rCOH¹⁸. It indicates (paragraph 17) that the "*total loss of a use of the land that has a community benefit...should be reconsidered*". It recommends an amendment to the Policy to include a small ground floor unit of up to 75sq.m. for D2 use, with the justification that the PC is "*keen to acquire an office and meeting room (using funds it will secure from the nearby HS2 project)*".
- 4.46 The evidence from the documentation, above, does not make a convincing case for the significant revision of the Policy at pre-submission stage, nor does it increase the deliverability of the scheme: indeed, it introduces an element which, at the very least, is likely to delay the emergence of a deliverable scheme. Government advice is that the policies and proposals need to be deliverable¹⁹ and that robust, albeit proportionate, evidence should support the choices made and the approach taken²⁰. In order to meet the Basic Conditions, and particular to have regard to national policy and advice, criterion ii) of the Policy should be deleted in its entirety as shown in **PM4**.

¹⁸ Consultation Statement, Appendix CS22.

¹⁹ PPG Reference ID: 41-005-20140306.

²⁰ PPG Reference ID: 41-040-20160211.

- 4.47 The second redevelopment policy, SC4, concerns criteria to be met by proposals for the change of use and refurbishment of the main surgery building and development of car park land on Vicarage Road for residential use. This would occur if the medical services scheme proposed for inclusion in the Molly's Field development (Policy SC2) is implemented. There have been no Regulation 16 comments regarding the Policy, although AVDC questioned the rationale and viability of the scheme at Regulation 14 stage. The Policy was amended to take account of the local architectural significance of the building and the community's desire to see the orchard retained and protected as Local Green Space.
- 4.48 It would appear that the Surgery considers the relocation project to be a low priority and so there is no great urgency attached to any redevelopment proposals. However, the existing building is not capable of being extended to meet any additional demand for its services and the car parking provision is inadequate. An additional issue is resistance within the community to the Surgery being relocated. The Policy includes a proviso that viability evidence will be required to support the loss of the established D1 non-residential use. In the circumstances, the Policy provides a sound basis for considering re-use of the surgery building and land, if the scheme to incorporate a new facility in the Molly's Field development comes to fruition. It has regard to national policy in the NPPF, by planning positively to ensure that established facilities are able to develop and modernise in a sustainable way (paragraph 70). It also contributes to the achievement of sustainable development by encouraging proposals to re-use buildings for residential use. Therefore, it meets the Basic Conditions.

Issue 4 Policies for the retention, protection and enhancement of green spaces and local facilities and for the design of development proposals (Policies SC6, SC7 and SC8).

- 4.49 The NPPF, paragraph 76, provides for neighbourhood plans to identify for special protection green areas of particular importance to the local community and to designate them as Local Green Spaces (LGS). This allows local communities to rule out development except in very special circumstances and the NPPF makes it clear (paragraph 78) that local policy for managing development should be consistent with policy for Green Belts. The PC has identified a number of LGSs and provided for their protection through Policy SC6. The designation of the areas is supported by the Green Spaces Report (May 2017) which lists the criteria for sites to qualify for designation as set out in paragraph 77 of the NPPF and then considers each of the 8 sites in turn. Six of the sites are identified as accessible green spaces in the Steeple Claydon Fact Pack produced by AVDC in 2011. The remaining two are new local green spaces proposed by the SCNP. I looked critically at these areas on my site visit.

- 4.50 So far as numbers 1 and 4 – 7 are concerned I found that they are all in reasonably close proximity to the community that they serve and are demonstrably special, in so far as they have attractive vegetation and views, or are recreational areas. From my visit, none in my assessment should be considered as extensive tracts of land. Numbers 2 and 3 comprise areas of allotment garden which may be considered as special to the community and providing recreational value. Certainly, from my visit, both areas appear to be well used. Both of the allotments are owned by the local Claydon Estate and leased to the Steeple Claydon Allotment and Horticultural Society (SCAHS). The Claydon Estate's Regulation 16 representations has expressed concern about the designations, arguing that the "*demonstrably special*" test has not been met by the two allotment sites. The Estate has suggested that there is no written agreement with the SCHAS and that it would be pleased to enter into negotiations over the terms of such an agreement. This, it suggests, would provide greater security of tenure as an alternative to LGS designation. The PC has reviewed the situation (EGM, 14.08.2017) and accepted the Estate's proposal. Accordingly, it has requested that the two allotment areas are removed from Policy SC6.²¹ I have included a proposed modification, **PM5**, to effect their deletion.
- 4.51 The final designation is for land south-east of St. Michael's Church. It is described in the Report as a field with distinctive ancient ridge-and-furrow contours and an avenue of mature oak trees, very popular with dog-walkers and local in character. I observed it is all of these. It is also adjacent to the Bernwood Jubilee Way, a 61 mile circular recreational route within the Ancient Royal Forest of Bernwood devised to celebrate the Queen's Golden Jubilee. The avenue of trees provides an attractive vista towards and terminated by the Church and a recreational route into the heart of the village. I have given this proposal careful consideration since, at the time of my visit, the land between the avenue and Queen Catherine Road was disturbed by operations to install a major power cable and gave a quite different impression from that described in the Report. Nevertheless, I have concluded that it does hold a particular local significance and is local in character. Furthermore, it is not an extensive tract of land and so should properly be included as LGS. Overall, the Policy has proper regard to national policy and advice and meets the Basic Conditions.
- 4.52 Policy SC7 has two purposes: firstly, it seeks to prevent the unnecessary loss of community facilities and secondly, it supports proposals to improve viability by way of extension or partial redevelopment. It identifies a number of buildings that are seen as an essential part of its status as a 'larger village'. The supporting text argues that without them the village would not be a sustainable location for new homes, whilst their ongoing

²¹ Link to website: <https://www.aylesburyvaldc.gov.uk/Steeple-Claydon-neighbourhood-plan>

viability is seen as requiring the contribution of new housing growth. The buildings listed include the primary school, village hall and library, the post office, three public houses and the fish bar.

- 4.53 The Policy follows advice in the NPPF, paragraph 28, which indicates that neighbourhood plans should promote the retention and development of local services and community facilities in villages. It is also in general accord with advice on the promotion of healthy communities, including the need to guard against the unnecessary loss of valued facilities, and is compliant with policies GP32 and GP93 in the adopted AVDLP, subject to the detailed comment, below.
- 4.54 The viability of those uses listed is not measurable in similar terms, with the school, village hall and library being ostensibly non-commercial in nature. Also, the Policy states that proposals will be resisted unless “*..it can be clearly demonstrated that the use of the building and land is no longer viable or that the use can be satisfactorily relocated...*”. However, in the case of commercial properties and uses, the Policy gives no guidance on how viability should be tested and therefore how evidence might be assessed. It is a commonly accepted practice to require a marketing exercise to show that the existing use is not viable and, elsewhere, AVDC has proposed the use of such an exercise (for example AVDLP, saved Policy GP.32, paragraph 4.98) and, indeed, the requirement is included in the last paragraph of Policy SC3 in this Plan. The incorporation of such a requirement would give a clear message to prospective developers and a structured basis on which to determine viability. I have included appropriate text in proposed modification **PM6**, the inclusion of which will ensure compliance with AVDLP. With the modification, the Policy meets Basic Conditions.
- 4.55 The general design guidance provided by Policy SC8 follows advice provided in the NPPF, specifically paragraph 59. The Policy then provides further design principles to which proposals must have particular regard on matters specific to the village. Generally, these seek to reinforce local distinctiveness as recommended by paragraph 60 in the NPPF.
- 4.56 Although there have been no Regulation 16 objections or other comments regarding the Policy, the third of the local design principles - regarding the potential impact of proposals on the nature of development on Queen Catherine Road - is not worded in a precise manner and is not supported by text in paragraph 5.28 in the Plan. Whilst AVDLP Policy GP.34 which provided design guidance has not been saved, supporting text at paragraphs 4.114/115 notes that in countryside locations “*..space about buildings is a fundamental requirement of rural settings*” and that the impact of proposals through their location upon skylines is important. I appreciate this supporting text is now redundant, however, the broad approach is nevertheless carried forward in the emerging VALP, Policy

BE2, on the design of new development, through criterion e. which relates to the effect of proposals on important public views and skylines. I have proposed revised text at **PM7** for the third bullet point of the Policy, and additional text to the supporting paragraph to address these matters. With these amendments, the Policy meets the Basic Conditions.

5. Conclusions

Summary

- 5.1 The Steeple Claydon Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the neighbourhood plan, and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The Steeple Claydon Neighbourhood Plan as modified has no policy or proposals which I consider significant enough to have an impact beyond the designated neighbourhood plan boundary, requiring the referendum to extend to areas beyond the plan boundary. I recommend that the boundary for the purposes of any future referendum on the plan should be the boundary of the designated neighbourhood plan area.
- 5.4 The Steeple Claydon Neighbourhood Plan is a well presented document providing appropriate policies to ensure sustainable development of the village which reflects the wishes and aspirations of local residents. The documentation supporting the Plan shows the degree of sustained hard work which has gone in to the development and justification of the policies. It also shows the commitment of the team to including as many as possible of the villagers in the production of the Plan and the close co-operation which has been achieved with AVDC. Indeed, I have noted that the Council has commended the work of the neighbourhood plan team and reiterates its support for the SCNP.

Patrick whitehead

Examiner

Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Page 22	<p>Policy SC1</p> <p>Amend the second sentence by deleting the word “infill” as follows:</p> <p><i>“...proposals for infill development within the Settlement Boundary will be supported, provided:”</i></p> <p>And delete the word “infill” in the third sentence of paragraph 5.9 of the supporting text and amend the text in brackets: “(defined here as <u>generally</u> five or fewer dwellings)”.</p> <p>Amend the first criterion as follows:</p> <p><i>“i. They comprise <u>generally no more than 5 houses on a site not exceeding 0.20 hectares, unless evidence can be provided to support a larger scheme;</u>”</i></p> <p>Amend the introductory sentence to criteria iii) – vi) as follows:</p> <p><i>“<u>Development proposals, other than for rural housing exception schemes, on land outside the Settlement Boundary will not be permitted in the countryside unless:</u>”</i></p> <p>Amend criterion iii) as follows:</p> <p><i>“..both through conversion <u>the re-use of existing redundant or disused buildings and well-designed new buildings;</u>”</i></p> <p>Amend criterion iv) as follows:</p> <p><i>“They promote the development and diversification of agricultural and other land-based rural businesses, <u>including meeting the essential need for a rural</u></i></p>

		<p><u>worker.</u></p> <p>Appendix A – Policies Map:</p> <p>The Settlement Boundary will require amendment to include the land east of Buckingham Road for which planning permission has been granted through the appeal process.</p>
PM2	Page 23	<p>Policy SC2</p> <p>Amend criterion iv) as follows:</p> <p><i>"The convenience food retail scheme (class A1) comprises a single building of a gross net retail floor area of no more than 280 m², dedicated delivery area and car parking;"</i></p> <p>And provide an additional criterion as follows:</p> <p><i>"xiii) The scheme layout should provide appropriate green infrastructure to ensure a net gain in biodiversity for the site".</i></p>
PM3	Page 25	<p>Policy SC3</p> <p>Amend the Policy by deleting criterion ii) in its entirety and re-numbering the remaining criteria as i) – iv).</p>
PM4	Page 27	<p>Policy SC5</p> <p>Provide an additional criterion as follows:</p> <p><i>"v) The scheme layout should provide appropriate green infrastructure to ensure a net gain in biodiversity for the site".</i></p>
PM5	Page 28	<p>Policy SC6</p> <p>The following sites to be deleted from the list of Local Green Spaces:</p> <ul style="list-style-type: none"> • <i>The Herd's Hill allotments</i> • <i>The Queen Catherine Road allotments</i>
PM6	Page 29	<p>Policy SC7</p>

		<p>Provide additional text to follow the second paragraph ending in "...for the ongoing benefit of the local community." as follows:</p> <p><u>"In the case of proposals involving the loss of commercial facilities it must be demonstrated through a viability assessment that they are no longer viable and that they have been subjected to an 18 month marketing period at an appropriate valuation and in a manner agreed with the Local Planning Authority."</u></p>
PM7	Page 30	<p>Policy SC8</p> <p>Amend the text of the third bullet point as follows:</p> <p><u>"The glimpse public views of open countryside south between buildings from on the south side of Queen Catherine Road to the open countryside should not be obstructed respected."</u></p> <p>And the following text should be added to paragraph 5.29:</p> <p>"The open nature of development on the south side of Queen Catherine Road provides important and locally valued views towards the open countryside beyond. This local distinctiveness should be recognised and respected by proposals for new developments".</p>