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Report on Waddesdon Neighbourhood Plan 2013 - 2033

An Examination undertaken for Aylesbury Vale District Council with the support of the Waddesdon Parish Council on the May 2017 Submission version of the Plan.

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Main Findings - Executive Summary

From my examination of the Waddesdon Neighbourhood Plan and its supporting documentation including the representations made, I have concluded that subject to the 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 – Waddesdon Parish Council;
- the Plan has been prepared for an area properly designated – the Neighbourhood Plan area, the boundary of which is coterminous with the Parish boundary, as identified on the Designation Map at Page 8 of the Plan;
- the Plan specifies the period to which it is to take effect – from 2013 to 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

Waddesdon Neighbourhood Plan 2013-2033

- 1.1 Waddesdon is an attractive village and parish within Aylesbury Vale district. It is situated some 6 miles west of Aylesbury and 12 miles east of Bicester (in Oxfordshire). The village of Waddesdon is situated on the lower slopes of Lodge Hill on which Waddesdon Manor stands. The present day identity of Waddesdon is closely linked to the development of the Waddesdon Estate, including Waddesdon Manor completed in 1883, and the patronage of the Rothschild family with many historic buildings being built or renovated during the late-Victorian period.
- 1.2 Waddesdon Manor is a Grade I listed building, and there are 27 other listed buildings within the village, many of which are within the Waddesdon Conservation Area, first designated in 1990 and formally reviewed and updated in 2014. The village has a broad range of community facilities, including a secondary school, a primary school, GP health surgery, shops, a hotel, two public houses and a number of commercial and business units providing local employment opportunities.

- 1.3 Waddesdon Manor is now owned by the National Trust, but is managed by the Rothschild Foundation. It is a significant visitor attraction attracting about 400,000 visitors a year, and visitor numbers are projected to increase over the Plan period. The A41 trunk road runs through the centre of the village, and is the principal road linking the village to Aylesbury and Bicester. The village centre experiences significant traffic congestion, particularly during the peak periods. Bus services link the village to Aylesbury and Bicester, with a limited service to the nearest railway station at Aylesbury Vale Parkway which is three miles to the south-east.
- 1.4 Beyond the village of Waddesdon, the surrounding countryside is primarily an area of undulating landscape. The village is at the northern edge of the Brill-Winchendon Hills Area of Attractive Landscape, designated in the Aylesbury Vale District Local Plan, 2004 (AVDLP), and to the south of the parish is the distinctive parkland landscape of Eythrope Park adjacent to the River Thames.

The Independent Examiner

- 1.5 As the Plan has now reached the Examination stage, I have been appointed as the examiner of the Waddesdon Neighbourhood Plan by Aylesbury Vale District Council (AVDC), with the agreement of the Waddesdon Parish Council.
- 1.6 I am a chartered town planner, with over 40 years of experience in planning, and have worked in both the public and private sectors. I have also served on a Government working group considering measures to improve the Local Plan system and undertaken peer reviews on behalf of the Planning Advisory Service.
- 1.7 I am independent of the qualifying body and the local authority and do not have an interest in any of the land that may be affected by the Draft Plan. I therefore have the appropriate qualifications and experience to carry out this independent Examination.

The Scope of the Examination

- 1.8 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.

1.9 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').

1.10 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

1.11 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.

1.12 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 Aylesbury Vale district, not including documents relating to excluded minerals and waste development, is the AVDLP 2004 and the saved policies of that Plan.
- 2.2 The emerging Vale of Aylesbury Local Plan (VALP) will in due course replace the saved policies from the AVDLP. The Pre-Submission Consultation stage of the VALP is expected to take place in Summer 2017. Submission of the VALP for examination is timetabled for January 2018. Depending on the progress of the examination, adoption could potentially take place later in 2018. At this juncture, this is clearly an aspirational, best case scenario timetable.
- 2.3 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 the housing supply policy in a neighbourhood contributes to the achievement of sustainable development¹. Paragraph 184 of the NPPF also provides that “The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider area”. On this basis, I make appropriate reference to the emerging VALP in this report.

¹ PPG Reference ID 41-009-20160211.

Submitted Documents

- 2.4 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the draft Waddesdon Neighbourhood Plan 2013-2033, dated May 2017;
 - the Neighbourhood Designation Map on Page 8 of the Plan which identifies the area to which the proposed neighbourhood development plan relates;
 - the Consultation Statement, dated May 2017;
 - the Basic Conditions Statement, dated May 2017;
 - the Site Assessment Report, dated May 2017;
 - the Local Green Spaces Report, dated May 2017;
 - all the representations that have been made in accordance with the Regulation 16 consultation; and
 - the Sustainability Appraisal (SA)/Strategic Environmental Assessment (SEA) Final Report, dated May 2017.

Site Visit

- 2.5 I made an unaccompanied site visit to the Neighbourhood Plan Area on 21 July 2017 to familiarise myself with it and visit relevant sites and areas referenced in the Plan, evidential documents and representations.

Written Representations or Public Hearing

- 2.6 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections and comments regarding the Plan, and presented arguments for and against the Plan's suitability to proceed to a referendum. I am satisfied that the material supplied is sufficiently comprehensive for me to be able to deal with the matters raised under the written representations procedure, and that there was not a requirement to convene a Public Hearing as part of this Examination.

Modifications

- 2.7 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 in full in the Appendix.

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The Waddesdon Neighbourhood Plan has been prepared and submitted for examination by Waddesdon Parish Council which is a qualifying body. An application to AVDC for the Parish to be designated a neighbourhood planning area was made on 19 February 2015, and was approved by the District Council on 1 April 2015.
- 3.2 It is the only neighbourhood plan for Waddesdon, 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.

Neighbourhood Plan Preparation and Consultation

- 3.4 The Waddesdon Neighbourhood Plan has been prepared in response to the Localism Act 2011. Work commenced on the preparation of the Plan in May 2015 when a Steering Group was established comprising members of the Parish Council and the wider community. A variety of methods were used to communicate with the community and stakeholders during the plan preparation period, commencing in July 2015 with an initial consultation. The first Vision Workshop was held in December 2015 and this was followed by an informal consultation during June-July 2016 on potential issues and matters to be included in the Plan. The public events were publicised within the community by a variety of methods, including notices in the Waddesdon Newsletter, the dedicated Waddesdon Plan website and through other publicity, including the local press and radio.
- 3.5 The outcomes from the various community engagement events held during 2015 and 2016, together with comments from residents and stakeholders, informed the preparation of the Pre-Submission Neighbourhood Plan which was published for consultation under Regulation 14 of the 2012 Regulations, between 5 December 2016 and 10 February 2017. A total of 58 responses were received during that period, including comments from key stakeholders and statutory consultees. The Consultation Statement (at Section 3 and Appendix U) summarises the Regulation 14 responses and the Steering Group's response to the matters raised and, where appropriate, how amendments were made to the emerging Plan (as set out at Section 4).
- 3.6 Regulation 14 Pre-Submission consultation took place between December 2016 and February 2017. The Neighbourhood Plan was then formally submitted to AVDC on 19 May 2017 and subject to Regulation 16 consultation which lasted six weeks and closed on 3 July 2017. I take into

account the 10 responses then received in writing this report, as well as the earlier Consultation Statement. I am satisfied that the consultation process has been open and transparent, has met the legal requirements for procedural compliance and has had regard to the guidance in the PPG on plan preparation.

Development and Use of Land

- 3.7 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

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

Human Rights

- 3.9 The Basic Conditions Statement (at Section 6) states that the Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights, and complies with the Human Rights Act, 1998. From my assessment of the Plan, its accompanying evidence base studies and the consultation responses made to the Plan at the Regulations 14 and 16 stages, I am satisfied that none of the objectives and policies in the Neighbourhood Plan will have a negative impact on groups with protected characteristics. Many will have a positive impact. AVDC is satisfied that the Plan is compatible with Human Rights requirements. I have considered this matter independently and I have found no reason to disagree with that position.

4. Compliance with the Basic Conditions

EU Obligations

- 4.1 The Neighbourhood Plan was screened for SEA by AVDC in December 2015, which found that it was necessary to undertake SEA under the Environmental Assessment of Plans & Programmes Regulations 2004. The District Council also recommended that, although not a requirement, the SEA should incorporate a Sustainability Appraisal (SA) to consider more widely the balance of sustainability. With regards to Habitats Regulations Assessment (HRA), the District Council found that the Plan contains broadly similar levels of development to those assessed as part of a district-wide HRA Screening, and that on this basis any further HRA Screening is unlikely to be necessary. Natural England, Historic England and the Environment Agency have not raised any concerns on any matters concerning the SEA, or the need for HRA Screening. On the basis of the

information provided and my independent consideration, I am satisfied that the Plan is compatible with EU obligations.

- 4.2 The Plan is therefore accompanied by a SA/SEA Final Report (dated May 2017) in accordance with EU Directive 2001/42. One representation states that the SA/SEA is flawed in that it fails to assess reasonable alternatives in the selection of the most appropriate spatial strategy for accommodating the growth required to meet local housing needs against clearly identified criteria. I have given careful consideration to this representation and to the relevant guidance in the PPG. In particular, I have considered the point that the SA/SEA should "...outline the reasons the alternatives were selected, the reasons the rejected options were not taken forwards and the reasons for selecting the preferred approach in light of the alternatives"².
- 4.3 I have considered the methodology of the SEA process, as set out on pages 7-9 of the SA/SEA Final Report and am satisfied that the methodology employed has taken account of Plan options and alternatives for testing. With regard to the policy allocating land for development, which is Policy WAD2, I am further satisfied that alternative policy options for accommodating housing growth, derived from the Site Assessment Report, have been considered and that the SA/SEA Final Report (at Section 9) has provided an appropriate level of information and reasoning as to why those alternatives were not selected as part of the Plan's preferred spatial strategy.
- 4.4 I conclude on this matter that the SA/SEA is robust and comprehensive, and has given the necessary (and proportionate) level of assessment to the environmental effects resulting from the policies and proposals contained in the Submission Plan.

Main Issues

- 4.5 Having read the Waddesdon Neighbourhood Plan submission document, the Regulation 16 consultation responses, the supporting evidence base documents for the Plan and having undertaken the site visit, I consider that there are three main issues relating to the Basic Conditions for this Examination. These are:
- whether the policies and proposals for housing and employment, together with the vision and objectives of the Plan, have regard to national planning policy and guidance, the achievement of sustainable development and are in general conformity with the strategic policies in the AVDLP;

² PPG Reference ID 11-038-20150209.

- whether the policies for the built and natural environment will secure and maintain the important historic and landscape character of Waddesdon and its Parish, in general conformity with the strategic policies of the development plan, and having regard for national planning policy and guidance and the achievement of sustainable development; and
- whether the proposed designations of land as Local Green Spaces (within Policy WAD14) is justified in all cases and supported by appropriate evidence, having regard to national policy and guidance.

Issue 1 – Housing, Employment and the Promotion of Sustainable Development

- 4.6 The Waddesdon Neighbourhood Plan is addressing a Plan period from 2013 to 2033. Its policies seek to plan for the sustainable growth of the village, while protecting the historic character of the village and its surrounding landscape setting.
- 4.7 The NPPF states (at paragraph 184) that *“Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan”,* and also that *“Neighbourhood plans and orders should not promote less development than set out in the Local Plan or undermine its strategic policies”.*
- 4.8 The NPPF (at paragraph 14) also sets out the presumption in favour of sustainable development. It goes on to state (at paragraph 16) that Neighbourhood Plans should support the strategic development needs set out in Local Plans, including policies for housing and economic development; they should also plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan. Paragraph 47 onwards of the NPPF sets out the approach “To boost significantly the supply of housing” which local planning authorities should follow.
- 4.9 In my assessment, a central issue for this Examination is whether the Waddesdon NP is in general conformity with the strategic policies of the adopted AVDLP and aligns with the emerging VALP, in accordance with advice in the PPG, which will set the spatial and growth strategy for Aylesbury district over the period 2013-2033.
- 4.10 Section 4 of the Plan contains the Vision, Objectives and Land Use Policies for Waddesdon Parish up to 2033. The Planning Policy Context is set out in Section 3 and I am satisfied that the key issues arising from the NPPF, the saved policies of the AVDLP and the emerging strategic policies in the VALP, as they affect Waddesdon, are appropriately described and referenced in that section.

- 4.11 I now consider whether the Plan contains policies and proposals that are appropriate to meet the development requirements for Waddesdon for the period up to 2033. In that context, the primary matter to be addressed is whether the Plan contains sufficient allocations of land to meet housing need over that period. The housing need requirement for Waddesdon in the emerging VALP that was published for consultation in the Summer of 2016 was 197 new homes for the period 2013-2033, which represented a growth of 22% in the baseline housing stock. AVDC has since resolved (in December 2016) that the VALP will not contain a percentage based housing requirement approach and instead will be based upon a capacity/infrastructure based approach, with site allocations rather than a housing requirement for settlements.
- 4.12 The position to be adopted in the VALP with regard to future housing growth in Waddesdon is therefore not yet finalised and indeed may yet be liable to further change following Examination of that Plan. The housing requirements for Aylesbury Vale district as a whole, and specifically for Waddesdon, remain to be tested and confirmed in the VALP when it is adopted. This situation is acknowledged in the Neighbourhood Plan (at paragraphs 3.8-3.11).
- 4.13 The Plan notes that dwelling commitments and completions within the Parish since 2013 comprise 107 new units, which leaves a residual requirement of 90 new units from the housing need requirement of 197 units published in the emerging VALP in Summer 2016. In terms of potential housing capacity, the latest AVDC Housing and Economic Land Availability Assessment (HELAA) identifies net capacity for 29 new units in Waddesdon, when committed development is taken into account.
- 4.14 The approach taken in the Plan to meet housing requirements is to propose a Housing Site Allocation (Policy WAD2) for approximately 75 dwellings north of the A41 road, at the eastern edge of the village. I consider this site allocation in greater detail at paragraph 4.21 below. In terms of meeting the residual requirement for housing up to 2033, the 75 dwellings proposed at this site together with the identified net capacity of a further 29 units would provide for 104 new dwellings, or 14 dwellings above the residual figure arising from the Draft VALP requirement published in Summer 2016.
- 4.15 I have given careful consideration to the Site Assessment Report, which contains details of 13 sites that were the subject of site assessments as part of the preparation of the Plan, following their submission to the HELAA. I have also considered in detail the representations submitted on behalf of Arnold White Estates Ltd. (AWEL) promoting the development of a Garden Village of some 600 dwellings to the north of the existing village including land at Littleton Manor Farm. This site comprises Site I in the Site Assessment Report. The promotion of this major development is, in part, based upon a projected higher housing requirement for Aylesbury Vale district up to 2033 than the District Council is currently projecting. It is also based upon the construction of a northern A41 Relief Road for

Waddesdon, which forms part of a Mitigation Blueprint (2013) prepared by the Buckinghamshire authorities to mitigate the effects of the HS2 high speed railway line which will be constructed through the county, including a section within the northern part of Waddesdon Parish.

- 4.16 In my assessment, the promotion of this major development to the north of the village, together with a projected A41 Relief Road, is a matter of strategic district-wide importance which falls properly to be considered as part of the preparation of the VALP. On the strategic matters upon which the representation by AWEL relies, I note that neither the District Council nor Buckinghamshire County Council, in their comments on the Plan, have made no mention of the need to provide for a strategic housing allocation of around 600 dwellings within Waddesdon Parish, nor do they refer to the proposed northern A41 Relief Road. I further note that this road, although put forward by the local authorities as part of a package of potential mitigation measures arising from the construction of HS2, does not represent part of the proposed mitigation measures to be put in place by HS2 Ltd. in the Waddesdon area. The status of this proposed road is therefore, at best, aspirational, and its delivery during the Plan period is extremely uncertain. In my assessment, the allocation of land for around 600 dwellings to the north of Waddesdon would require the provision of a full A41 Relief Road running north of the village, and involving land outside the present control of AWEL. The partial provision of a Relief Road would not, in my assessment, provide the necessary relief to the village as a whole.
- 4.17 I therefore concur with the conclusions of the Site Assessment Report that Site I is not consistent with the spatial strategy of the Plan and is not suitable for a housing allocation in the Plan. I also consider that the analysis undertaken of all the sites included in the Site Assessment Report is robust and consistent, and in line with the relevant guidance in PPG.
- 4.18 On the matter of meeting housing requirements in Waddesdon up to 2033, I conclude that the Plan is in general conformity with the strategic policies of the AVDLP and the emerging VALP, on the basis of the best available information at the present time. The Plan contains a site allocation for 75 new dwellings, in addition to completions and commitments since 2013 and further potential capacity within the village. I consider that this is an appropriate and proportionate scale of development for the settlement up to 2033.
- 4.19 I turn now to consider those policies in the Plan which will have an important bearing upon housing, employment and the promotion of sustainable development in the Plan area. Policy WAD1 (Waddesdon Settlement Boundary) defines a settlement boundary for the village of Waddesdon, which is shown on the Policies Map (and specifically on Inset Maps 1 and 2). I note from the Basic Conditions Statement that the proposed Settlement Boundary is intended to distinguish the consideration of planning applications within the village from those outside the boundary, and in doing so replaces saved AVDLP policies RA13 and RA14

relating to development within and adjoining rural settlements in so far as they are applied in the designated Waddesdon Neighbourhood Plan area.

- 4.20 I consider that the designation of a Settlement Boundary for Waddesdon is an appropriate policy mechanism in order to establish a presumption for supporting appropriate and acceptable development within the village. However, I have given careful consideration to the text of Policy WAD1, and consider that it does need amendment in order to better reflect the intentions of national policy, for proposed developments within the settlement boundary and also for proposed developments beyond the settlement boundary. I therefore recommend Proposed Modification 1 (**PM1**) to delete the text of Policy WAD1 as drafted and to replace that text with revised wording which I consider to have proper regard to national policy, and in particular paragraph 55 of the NPPF. I do not propose any amendments to the proposed Settlement Boundary, which I consider to have been defined appropriately at all points around the village, including the land covered by Policy WAD2 within the proposed boundary.
- 4.21 Policy WAD2 (Housing Site Allocation) comprises the allocation of land north east of the village for approximately 75 new dwellings, to comprise a mix of 2,3 and 4 bedroom properties with provision for 31% affordable housing. The site presently includes some non-statutory allotments, and the District Council seeks to secure the relocation of the allotments as part of the development. Buckinghamshire County Council raise comments regarding accessibility by pedestrians and cyclists to the site, and also the need for an archaeological assessment. I concur with these points, and in particular the need to secure the satisfactory relocation of the allotments, in the interests of securing sustainable development. Clearly, replacement allotments should be located on suitable land, and easily accessible for allotment holders, and in this respect the allocation of part of Local Green Space viii (Land to the north and east of New Street, Little Britain and Anstey Close), and which adjoins the site of Policy WAD2, for allotment use would represent the most sustainable option in my opinion. I recommend a number of detailed amendments to the text of Policy WAD2 as Proposed Modification 2 (**PM2**) in order to address the points raised in this paragraph, and to secure sustainable development.
- 4.22 Policy WAD3 (Affordable Housing) establishes the requirement for the provision of affordable housing on development schemes in the Plan area, and sets out that proposals for residential development of 11 or more dwellings, or of greater than 1,000 sq.m. gross floorspace, are required to deliver at least 31% affordable housing. The thresholds for this policy do not conform with Policy GP2 of the AVDLP, but are based on the more recent evidence contained in the Housing & Economic Needs Assessment (HEDNA) (December 2016) prepared for the emerging VALP. I consider that the thresholds set out in Policy WAD3 are justifiable on the basis of this recent evidence, and will assist in securing the delivery of a higher proportion of affordable housing in the Plan area in advance of the adoption of any new policy contained in the VALP. I note the statement in

paragraph 4.20 of the Plan that Policy WAD3 will only operate until the adoption of a new Local Plan policy, and I agree with that position. However, I am concerned that neither Policy WAD3 nor any other policy in the Plan supports the development of rural exception sites for affordable housing in the Parish. This does not have regard to national policy, and I therefore recommend the addition of further text to Policy WAD3, as Proposed Modification 3 (**PM3**), in order to address this shortcoming. In this regard, Proposed Modification 3 should also be considered in the context of my recommended Proposed Modification (**PM1**) to Policy WAD1.

- 4.23 Policy WAD5 (Commercial Buildings) seeks to protect local shops and services, which clearly provide important facilities for the local community and indeed to the many visitors to Waddesdon. However, the policy states that the redevelopment or change of use of premises used for retail or other local services “will not be permitted unless it can be demonstrated that their location and premises are no longer economically viable and that the premises have been marketed at a reasonable price for a reasonable timeframe for that and any other suitable commercial uses”. I consider that these criteria for the assessment of future planning applications are too restrictive, potentially beyond the scope of the planning system to control and will contribute to the achievement of sustainable development. The same issue arises with Policy WAD6 (Employment Land), and I consider that Proposed Modifications (**PM4 and PM5 respectively**) are necessary to each of these policies in order to ensure that these policies do not contain restrictive criteria that could represent a significant restraint to the normal operation of the commercial property market, and that future planning applications can be considered on their planning merits.
- 4.24 Policy WAD7 (Community Facilities) seeks to protect and enhance local community facilities. However, neither the policy nor its supporting text (at paragraphs 4.31 and 4.32) specify at any point which community facilities are intended to be covered by the policy. This is a serious shortcoming with this policy. Nevertheless, I endorse the intentions of the policy which clearly has the strong support of residents in the Plan area, but to be effective the policy should make clear which local community facilities are included within its scope. Accordingly, and based upon my assessment of the Consultation Statement and other evidence base documents, I recommend Proposed Modification 6 (**PM6**) to add further clarity to the scope of the policy in order that it can be a more effective policy in the determination of future planning applications.
- 4.25 I have given very careful consideration to the overarching requirement for the Plan to contribute to the achievement of sustainable development. In this regard, I note that the SA/SEA Final Report states (at paragraph 10.1) that, “...the sustainability effects of the Neighbourhood Plan are generally assessed as neutral but are occasionally positive. The proposed mitigation measures of most policies will effectively avoid any negative impacts. Only in respect of the reasonable alternatives are there any

potential negative impacts". I agree with this assessment, and am satisfied that the SA/SEA has been undertaken utilising a robust and objective methodology. Nevertheless, I do consider that certain policies in the Plan should be more positively framed in order to contribute to the promotion and achievement of sustainable development, and that is a further underlying reason for a number of the Proposed Modifications set out above, and elsewhere in this report. With the Proposed Modifications to the Plan that I recommend herewith, I conclude that the Plan does contribute to the achievement of sustainable development. I am also satisfied with the proposed modifications the policies and proposals for housing and employment are in general conformity with the AVDLP and have regard to national policy and guidance.

Issue 2 – The Historic and Landscape Character of Waddesdon

- 4.26 I am clear from my reading of the Plan and its supporting evidence, and from my site visit, that the important heritage of Waddesdon and its surrounding landscape plays a special role in defining the setting and character of the settlement. Waddesdon Manor and Waddesdon Estate are heritage assets of national significance, whilst other parts of the Plan area to the south of Waddesdon are within the Brill-Winchendon Hills Area of Attractive Landscape designated in the AVDLP. Elsewhere in the Plan area, notably to the north of Waddesdon, there are important views of the village and of the generally undulating countryside within the vicinity.
- 4.27 I have therefore given careful consideration to the policies of the Plan that address matters of historic and landscape character. In the main, these matters are addressed by Policies WAD4 (Waddesdon Manor, Waddesdon Estate and The National Trust), WAD8 (Design in the Conservation Area), WAD9 (Design in the Setting of the Conservation Area), WAD10 (Views Into and Out of the Conservation Area) and WAD11 (Buildings of Local Note). I have paid particular regard to the representations submitted by Historic England on various matters concerning a number of these policies, and also to other representations that focus on these policies.
- 4.28 The representations submitted by Historic England concern "areas where we feel that policy wording requires clarification to provide certainty, conform with national planning policy or to otherwise provide a robust policy approach". I generally concur with the specific points made by Historic England to the extent that due regard must be had to national policy and guidance, and this is reflected in a number of the Proposed Modifications that are set out below.
- 4.29 Policy WAD4 seeks to encourage further investment in Waddesdon Manor and Waddesdon Estate and their supporting infrastructure, to maintain the status of Waddesdon Manor as a major visitor attraction, and to support and safeguard rural employment. However, I am not satisfied that clause ii) of the policy, which addresses the delivery of traffic mitigation measures within Waddesdon, is appropriately drafted, in that it places sole responsibility for this matter upon the Waddesdon Estate, the Rothschild Foundation and/or The National Trust. Ultimately, such traffic mitigation

measures are the responsibility of Buckinghamshire County Council, as Highway Authority, and I recommend Proposed Modification 7 (**PM7**) to clarify this point.

- 4.30 Policy WAD8 contains design guidance for proposed developments within the Waddesdon Conservation Area. However, as drafted, the policy contains a number of minor points which do not reflect national policy contained in the NPPF for the conservation of heritage assets. Accordingly, I recommend Proposed Modification 8 (**PM8**) which sets out some amendments to the drafting of the policy.
- 4.31 Policy WAD9 concerns the design of proposed developments within the setting of the Conservation Area. Reference is made at paragraph 4.35 to the Conservation Area Review document (2014) for a description of those areas outside the Conservation Area that "... play a part in its appreciation and enjoyment". This is translated on the Policies Map as an area shaded blue. Historic England raise concerns over the Policies Map notation, and comment that the NPPF notes that the setting of a heritage asset is not fixed and may change as the asset and its surroundings evolve. Historic England also make a number of points regarding the drafting of the policy. I agree with the comments made by Historic England, and accordingly I recommend Proposed Modification 9 (**PM9**) to address amendments concerning Policy WAD9 and the Policies Map.
- 4.32 Policy WAD10 concerns views into and out of the Conservation Area, and which are interpreted on the Policies Map by a number of arrows extending across parts of the countryside beyond the Settlement Boundary. I have some concerns regarding both the drafting of this policy and its interpretation on the Policies Map. In particular, I am not satisfied that the Policies Map notation is supported by sufficiently robust evidence which demonstrates that the views being highlighted should be encompassed by the policy. I note that these views do extend beyond those identified in the Conservation Area Review document (2014). Historic England suggest some amendments to the text of the policy to improve its clarity, and I concur with those suggestions. I also conclude that the Policies Map notation should be deleted, and that satisfactory reliance can be placed upon the text of the Plan at paragraphs 4.39/4.40 for the interpretation of the views to be covered by the policy. Accordingly, I recommend Proposed Modification 10 (**PM10**) to address amendments to Policy WAD10 and the Policies Map.
- 4.33 Policy WAD11 concerns the Buildings of Local Note within the Plan area, which are listed at Appendix B of the Plan. The purpose of the policy is to inform decision makers of the presence of a Building of Local Note, which can be considered to form a list of non-designated heritage assets, when judging the effects of a development proposal. This accords with national policy as set out in the NPPF, and I do not recommend any modifications to the policy or text of the Plan.

4.34 With the Proposed Modifications that I recommend to the above-mentioned policies, I am satisfied that the Plan's policies on matters concerning the historic and landscape character of the Plan area are appropriate, have appropriate regard to national policy and guidance, striking an appropriate balance in terms of the achievement of sustainable development, and that they are in general conformity with the saved policies of the AVDLP and thus meet the Basic Conditions.

Issue 3 – The Designation of Local Green Spaces

4.35 The third main issue that I identify is whether the proposed designations of land in the Plan area is, in all cases, justified and supported by appropriate evidence. Policy WAD14 (Local Green Spaces) addresses this matter, and proposes the designation of land at eight locations, all within or adjoining the village of Waddesdon, as Local Green Spaces. These are identified and notated on the Policies Map as sites i)-viii).

4.36 I have considered the Local Green Spaces Report, and in particular the criteria for the assessment and potential identification of land as Local Green Spaces, and I have also considered those representations which have been made regarding the policy and/or the designation of specific areas of land.

4.37 I am satisfied that Sites LG1-LG3/LG5/LG6 (as referenced in the Local Green Spaces Report) and corresponding to sites i)-iii)/v)/vi) in the policy fully justify their designation as Local Green Spaces. However, it should be made clear in the definition of site iii) that it is the green space forming the setting for the War Memorial that is the land subject to designation, and I recommend Proposed Modification 11 (**PM11**) to that effect.

4.38 With regard to Site LG4, corresponding to site iv) in the policy, representations from the landowner point out that the land is in private ownership, it is not accessible to the public and that it has not been sanctioned. However, these are not reasons, per se, to preclude designation. The land neither has to be in public ownership nor does it have to be 'sanctioned', albeit the landowner should be consulted and given the opportunity to make representations, as has been the case here (PPG ID 37-019-20140306). Further, the land does not have to be open to public access (PPG ID 37-017-20140306). Having regard to the criteria in paragraph 77 of the NPPF, the Local Green Spaces Report (May 2017) states that "*this green space remains the only surviving oasis of green in this part of the village with an unspoilt natural habitat, home to 10 large mature horse chestnut trees and varied wildlife. This undeveloped site not only benefits the community by offering open space and light, but also enhances the feeling of rural experience within the built area*". On my site visit I noted that this is not an extensive tract of land and I agree with the assessment made in the Local Green Spaces Report. Whilst I fully appreciate the landowner opposes the designation, I can find no reason to find Site LG4 is not otherwise appropriate and in line with national policy

and guidance. As such, in my view, its inclusion is justified based on a criteria-based assessment.

- 4.39 I have given careful consideration to the proposed designation of Site LG7, corresponding to site vii) in the policy. This area comprises 13 ha. of largely agricultural land, although planning permission has been granted for 2 ha. of that land to be used as an extension to the cemetery of St. Michael and All Angels Church. The site is larger than many Local Green Space designations, and whilst there is no definitive guidance on the maximum size of a Local Green Space, from my desk based assessment I initially took the view that this was likely to constitute an extensive tract of land. However, on my site visit I observed that the land is clearly used for informal recreational purposes and is traversed by the Outer Aylesbury Ring long distance footpath, giving it a distinctive local character and topographical context. On balance, taking into account the local setting which I consider gives due proportionality to its extent, I support the designation.
- 4.40 I have also given careful consideration to the proposed designation of Site LG8, corresponding to site viii) in the policy. This area comprises 9 ha. of land largely used as pasture. I have taken note of the representation by the Thame & District Housing Association that the proposed designation of Site LG8 includes land within their ownership. However, I am satisfied from my analysis that the boundary of Site LG8 does not include that land, upon which there is a current planning application for 16 dwellings, and where planning permission has previously been granted for 11 dwellings. Therefore, and for the avoidance of doubt, I am satisfied that the proposed boundary of Site LG8 is justified on the basis that it excludes the land owned by the Housing Association, and particularly as PPG ID 37-008-20140306 advises that Local Green Space will rarely be appropriate where the land has planning permission for development, unless compatible with the reasons for designation. I also consider that the proposed designation of the site is justified on the basis that it is traversed by the Bernwood Jubilee footpath and that the land is clearly used for informal recreational purposes. However, I also consider that the land is of potentially enhanced biodiversity value. and also as a possible site for the relocation of allotments displaced by the proposed residential development on the housing allocation site (Policy WAD2) (see also paragraph 4.21 above). I consider that these matters should be included within the text of Policy WAD14, and I recommend Proposed Modification 12 (**PM12**) to that effect. I also recommend that the geographical description of the site be slightly amended for improved accuracy, and this is also set out within Proposed Modification 12.
- 4.41 With the recommended Proposed Modifications that I set out in paragraphs 4.37 and 4.40 above, I conclude that the proposed designation of the eight Local Green Spaces in the Plan as modified, is justified and supported by appropriate evidence. The sites all fulfil the criteria set out in national guidance and policy and meet the Basic Conditions in all other regards.

Other Matters

- 4.42 From my consideration of the Regulation 16 responses, there are three other matters that require modifications to the Plan in order that the Basic Conditions are met. Firstly, Thames Water consider that the Plan should contain a section addressing the need for developers to make provision for adequate water supply and sewerage infrastructure, in order to achieve sustainable development. I agree with this point, and recommend Proposed Modification 13 (**PM13**) to include suitable text within Section 5 of the Plan to address this matter.
- 4.43 Secondly, a number of representations raise detailed points regarding Policy WAD12 (Traffic and Car Parking). As drafted, this policy is primarily concerned with the impact of traffic arising from development proposals and the provision of new car parking spaces. I consider that a number of amendments are necessary to this policy, including policy measures to promote increased walking, cycling and public transport use in the Plan area in order to assist in securing sustainable development, and also to conform with national policy as set out in the NPPF, and in particular paragraph 32 of the NPPF. I further consider that the policy should be re-titled 'Transport and Car Parking' to reflect the wider purpose of the policy. I therefore recommend Proposed Modification 14 (**PM14**) to address these points.
- 4.44 Thirdly, Policy WAD13 (Green Infrastructure and Biodiversity) sets out measures to protect and enhance green infrastructure assets and biodiversity in the Plan area. The policy refers to the district-wide green infrastructure strategy, and I consider that there should be a fuller reference to this strategy in the supporting text to the policy. I also consider that the policy should contain a clause to secure the protection of rare and threatened species in the assessment of development proposals, which has proper regard to national policy on this matter. Accordingly, I recommend Proposed Modification 15 (**PM15**) to address these points.

5. Conclusions

Summary

- 5.1 The Waddesdon 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 Waddesdon Neighbourhood Plan, as modified, has no policies 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 It is clear that the Waddesdon Neighbourhood Plan is the product of much hard work during the past two years by the Parish Council, the Neighbourhood Plan Steering Group and the many individuals and stakeholders who have contributed to the development of the Plan. There is no doubt in my view that the Plan reflects the aspirations and objectives of the Waddesdon community for the future development of their community up to 2033. The output is a plan which should help guide the Parish's development over that period in a positive way, and it should also assist good decision-making on planning applications by AVDC.
- 5.5 In the interests of completeness, I should mention that the Neighbourhood Planning Act 2017 received Royal Assent on 27 April 2017. Only Sections 1 to 7 are concerned with neighbourhood planning and these provisions are coming into statutory force progressively. Sections 1 and 3 of the Act came into force on 19th July 2017, which respectively impose a duty to have regard to a post-examination neighbourhood plan and clarify the status of an approved neighbourhood plan.

Derek Stebbing

Examiner

Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Page 26	<p>Policy WAD1 (Waddesdon Settlement Boundary)</p> <p>Delete the existing policy wording, and replace with the following text:</p> <p>“The Neighbourhood Plan designates a Waddesdon Settlement Boundary, as shown on the Policies Map, within which proposals for development will be supported. However, development within the Settlement Boundary will not be supported where the proposed development would not be in keeping with the historic character and development pattern of the village.</p> <p>Development proposals on land outside the defined Settlement Boundary will not be supported unless it is a rural exception housing site, necessary for the purposes of agriculture or forestry, or for enterprise, diversification, recreation or tourism that benefits the rural economy without harming countryside interests. Such proposals will be assessed in terms of their potential impact upon the visual setting and landscape features of the site and its surroundings, the potential impact upon the biodiversity of the area, the potential impacts of traffic, noise and illumination, and other relevant planning considerations including the policies in this Plan. Proposals which fail to demonstrate that these impacts can be satisfactorily addressed and mitigated will not be supported. New isolated homes in the countryside will not be supported unless there are special circumstances such as the need for a rural worker’s dwelling.”</p>

PM2	Page 28	<p>Policy WAD2 (Housing Site Allocation)</p> <p>Delete clause iii of the policy, and replace with:</p> <p>“iii. The scheme provides for safe and convenient access routes for pedestrians and cyclists to schools, shops and other amenities, public transport enhancements in the vicinity of the site and an appropriate vehicular access onto the A41;”</p> <p>Delete clause vi of the policy, and replace with:</p> <p>“vi. The scheme provides for any necessary traffic management measures and environmental improvements in the Waddesdon area that are required by the Highways Authority in connection with the development of this site;”</p> <p>Delete clause vii of the Policy, and replace with:</p> <p>“vii. The scheme includes provision for the relocation of the existing allotments on the development site to a suitable alternative site within Waddesdon Parish, and that the relocation of the allotments shall be implemented prior to the development of the site;”</p> <p>Add new clause viii to the Policy, as follows:</p> <p>“viii. An archaeological assessment of the site is undertaken and submitted to Buckinghamshire County Council for evaluation, prior to any development of the site.”</p>
PM3	Page 30	<p>Policy WAD3 (Affordable Housing)</p> <p>Add new 2nd paragraph to the text of the Policy, as follows:</p> <p>“Proposals for the development of</p>

		<p>appropriate rural exception sites outside the defined Waddesdon Settlement Boundary for affordable housing will be supported, provided that the scheme is supported by the necessary evidence demonstrating that there is a local need for the housing and that it will be retained in perpetuity for that purpose.”</p>
PM4	Page 32	<p>Policy WAD5 (Commercial Buildings)</p> <p>Delete the 2nd sentence of the Policy, and replace with:</p> <p>“Proposals for the redevelopment or change of use of existing premises used for retail or other local services will not be supported, unless there is clear evidence submitted that the existing premises and/or the use of those premises is no longer economically viable”.</p>
PM5	Page 33	<p>Policy WAD6 (Employment Land)</p> <p>Delete the 1st paragraph of the Policy, and replace with:</p> <p>“Proposals for the redevelopment or change of use of redundant land or buildings in employment or commercial use to non-employment uses will not be supported, unless there is clear evidence submitted that the existing site and/or premises are no longer economically viable for continued employment or commercial uses”.</p>
PM6	Page 34	<p>Policy WAD7 (Community Facilities)</p> <p>Add new sentence at the end of the 1st paragraph of the Policy wording as follows:</p> <p>“The community facilities and amenities that are subject to this policy are the health, educational and other public service facilities, including the fire station and the police station, and amenities presently within the village</p>

		<p>of Waddesdon”.</p> <p>Delete the words “to be constructed to an equal or higher value and quality.” at the end of the 2nd paragraph of the Policy, and replace with “where feasible.”</p>
PM7	Page 31	<p>Policy WAD4 (Waddesdon Manor, Waddesdon Estate and The National Trust)</p> <p>Amend clause ii. of the Policy to read:</p> <p>“ii. any necessary traffic management measures within the village of Waddesdon are agreed and implemented in accordance with the requirements of the Highways Authority.”</p>
	Page 35	<p>Policy WAD8 (Design in the Conservation Area)</p> <p>Replace the words “..preserve and enhance” in the 1st line of the Policy, and “..preserve or enhance” in the 5th and 19th lines of the Policy with: “..conserve and enhance” in each case.</p> <p>Delete the 4th paragraph of the Policy wording, and replace with:</p> <p>“Any proposals for alterations or modernisation of retail or other commercial buildings, in particular in the High Street, should be designed to sustain or, where practicable, enhance their contribution to the historic or architectural interest of the area. Where possible, they should retain any traditional shopfront or other architectural detailing or street furniture that contributes to the historic or architectural interest of the area, and ensure that the design and installation of new or replacement shopfronts, signage or other infrastructure is as unobtrusive as possible. Loss of historic architectural detailing and street furniture to support commercial use should be</p>

		clearly justified.”
PM9	Page 36	<p>Policy WAD9 (Design in the Setting of the Conservation Area)</p> <p>Delete existing Policy wording, and replace with:</p> <p>“Development proposals that would affect the setting of the Conservation Area will only be supported where they are accompanied by information assessing the contribution of the land to the setting of the Conservation Area, including its enjoyment, and can demonstrate that proposals have been designed to protect and enhance the character or appearance of the Conservation Area.”</p> <p>Policies Map – Delete the Policy notation regarding Policy WAD9 from the Map.</p>
PM10	Page 37	<p>Policy WAD10 (Views Into and Out of the Conservation Area)</p> <p>Delete existing Policy wording, and replace with:</p> <p>“Proposals for the development of land that contributes to the appreciation and enjoyment of the Conservation Area including land in its setting, will only be supported if they do not obstruct views to the Conservation Area from beyond the village, and views of the surrounding countryside from within the village of Waddesdon that contribute to the special interest of the area the character or appearance of which it is desirable to preserve or enhance.”</p> <p>Policies Map – Delete the Policy notation regarding Policy WAD10 from the Map.</p>
PM11	Page 43	<p>Policy WAD14 (Local Green Spaces)</p> <p>Site iii. – Amend description to read “War Memorial and the green space forming</p>

		its setting”
PM12	Page 43	<p>Policy WAD14 (Local Green Spaces)</p> <p>For improved geographical accuracy, amend description of site viii) to read: “Land to the north and east of New Street and Little Britain”</p> <p>Add new 3rd paragraph to the text of the Policy to read:</p> <p>“The Local Green Space located to the north and east of New Street and Little Britain (site viii) should be considered as a potential site for the relocation of allotments displaced by the proposed residential development on the housing allocation site (Policy WAD2), and also for biodiversity enhancements. A Management Plan should be prepared to address these matters as part of any proposal affecting the future use of the site.”</p>
PM13	Page 45	<p>Section 5 (Implementation)</p> <p>Add new sub-section (to follow paragraph 5.10) to read:</p> <p>“Water Supply and Sewerage Infrastructure</p> <p>5.11 It is essential that developers demonstrate that adequate water supply and sewerage capacity exists both on and off the site to serve new developments in the Plan area, and that it would not lead to problems for existing users. In some circumstances, this may make it necessary for developers to carry out appropriate studies to establish whether the proposed development will lead to overloading of existing water and sewerage infrastructure. Where there is a capacity problem and no improvements are programmed by Thames Water, then the developer will need to contact Thames Water to agree what</p>

		improvements to water and sewerage infrastructure are required and how they will be funded prior to the occupation of any part of the development.”
PM14	Page 39	<p>Policy WAD12 (Traffic and Car Parking)</p> <p>Re-title the Policy to read “Transport and Car Parking”</p> <p>Add new 1st paragraph to the Policy wording, to read:</p> <p>“Proposals for new development in the Plan area should, where possible, promote sustainable forms of transport, including measures to promote walking, cycling and the use of public transport in the Plan area.</p> <p>Amend the existing 1st paragraph of the Policy wording, to read:</p> <p>“Development proposals will not be supported on transport grounds where the residual cumulative impacts of development on the highway network are assessed as being severe. Mitigation measures may be required in order to address the negative impacts of traffic generation arising from development proposals. Such mitigation measures could include the requirement for improved facilities for pedestrians, cyclists and public transport in the area, and will be secured by legal agreements linked to planning permissions granted.”</p> <p>Add new final paragraph to the Policy wording, to read:</p> <p>“The proposed cycleway from Aylesbury Vale Parkway station to Waddesdon Manor and village is supported, and any proposals for development which affect the proposed alignment of this cycleway will not be supported.”</p>

PM15	Page 39	<p>Policy WAD13 (Green Infrastructure and Biodiversity)</p> <p>Add new 4th paragraph to the Policy wording, to read:</p> <p>“All proposals for development in the Plan area must ensure that any potential impacts upon rare and threatened species are fully assessed, and that, where necessary, mitigation measures are incorporated to safeguard and protect those species.”</p>