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Report on the Aston Clinton Neighbourhood Plan 2013 - 2033

An Examination undertaken for Aylesbury Vale District Council with the support of Aston Clinton Parish Council on the January 2018 submission version of the Plan.

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Main Findings - Executive Summary

From my examination of the Aston Clinton Neighbourhood Plan (the 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 – Aston Clinton Parish Council (the Parish Council);
- The Plan has been prepared for an area properly designated – the Aston Clinton Neighbourhood Area designated by Aylesbury Vale District Council (AVDC) on 22 April 2015 (Figure 1 in the Plan);
- The Plan specifies the period for which it is to take effect – 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 concluded that it should not.

1. Introduction and Background

Aston Clinton Neighbourhood Plan 2013 - 2033

- 1.1 Aston Clinton is a large village lying at the foot of the chalk escarpment of the Chiltern Hills to the east of the town of Aylesbury, within the AVDC area, and to the west of Tring. It has a current population of around 4,000 people. The Parish Council, and particularly the local Steering Group undertaking the preparation with the help of consultants, has engaged the wider community as it has developed the Plan through various consultation events since the process commenced in 2015.
- 1.2 It represents nearly three years of work by those involved and sets out a vision for the future of the settlement and its surroundings. Having first described the history of the parish, the local landscape and the built character and design of the village, as well as providing relevant statistics on Aston Clinton as it is today, the Plan then sets out a brief overall vision statement, followed by topic related visions and then defines core objectives and policies under the seven themes of housing, business, transport, education, leisure, environment and health, each of which is supported by relevant evidence and justification. The Plan covers the whole of the civil parish (as shown on Figure 1), being the Designated Neighbourhood Area.

The Independent Examiner

- 1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Aston Clinton Neighbourhood Plan by AVDC with the agreement of the Parish Council.
- 1.4 I am a chartered town planner and former government Principal Planning Inspector, with twenty years experience in that role and over forty years in the planning profession in total, in both the public and private sectors. 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 2017) 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 adopted Aylesbury Vale District Local Plan (2004) (AVDLP), albeit this only covered the period up to 2011. Whilst the housing policies thereof are clearly out of date, a number of other policies have been saved to be used in the determination of planning applications until such time as a new plan is adopted. The new Vale of Aylesbury Local Plan (VALP) covering the period up to 2033 has recently been submitted for examination (29 February 2018) and is expected to be the subject of examination hearings later this year. While there is no requirement for the Plan to be in general conformity with the strategic policies of this emerging plan, it is important to minimise conflicts between the policies in these two plans, especially now that the VALP has been submitted for examination¹.

- 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.

Submitted Documents

- 2.3 I have considered all policy, guidance and other reference documents that I consider relevant to the examination, including those submitted, which comprise:

- the draft Aston Clinton Neighbourhood Plan 2013-2033, July 2017;
- Figure 1 of the Plan, which identifies the area to which the proposed neighbourhood development plan relates;
- the Consultation Statement, November 2017;
- the Basic Conditions Statement, October 2017;
- all the representations that have been made in accordance with the Regulation 16 consultation;
- the Strategic Environmental Assessment Screening Opinion by AVDC prepared in June 2017; and
- the responses dated 16 February and 20 February 2018 from the Parish Council to the questions set out in my letter of 6 February 2018².

Site Visit

- 2.4 I made an unaccompanied site visit to the neighbourhood plan area on 20 February 2018 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

¹ See PPG Reference ID: 41-009-20160211.

² View at: <https://www.aylesburyvaledc.gov.uk/aston-clinton-neighbourhood-plan>

2.5 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated all the representations on the Plan and no requests for a hearing were made until well after the end of the formal consultation process, when my report was nearing completion. I have written two separate letters (both 13 March 2018) to explain further why I did not consider that an oral hearing was necessary.³

Modifications

2.6 For ease of reference, where necessary, I have recommended modifications to the Plan (**PMs**) in Schedule 1 of the Appendix to this report in order that it meets the Basic Conditions and other legal requirements, including modifications to achieve clarity and accuracy. I have also recommended a number of further modifications in Schedule 2 of the Appendix to correct discrete errors⁴ (**PM 28 to PM 40**) I have identified in the course of reading the Plan.

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

3.1 The Aston Clinton Neighbourhood Plan has been prepared and submitted for examination by the Parish Council, which is a qualifying body for an area that was designated by AVDC on 22 April 2015. It is the only neighbourhood plan for Aston Clinton and it does not relate to land outside the designated neighbourhood area.

Plan Period

3.2 The Plan clearly specifies on the front cover and refers elsewhere to the period for which it is to take effect, which is from 2013 to 2033, which is consistent with the dates of the VALP.

Neighbourhood Plan Preparation and Consultation

3.3 As documented in the November 2017 Consultation Statement, through the use of public meetings, drop in events, local publications and electronic media, including a regularly updated website, residents of the village and all other interested parties have been kept fully informed of the Plan's progress since inception in 2015. Regular events, including two

³ View at: <https://www.aylesburyvaldc.gov.uk/aston-clinton-neighbourhood-plan>

⁴ Paragraph 10(3)(e) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) provides for the recommending of modifications for the purpose of correcting errors.

special meetings, one with local young people and the other with those over 65, have facilitated public involvement and consultation, as well as encouraging residents and others to identify issues of concern in the parish. These have been properly documented and acknowledged, albeit as a land use document, a neighbourhood plan is not able to address all of the full range of matters raised.

- 3.4 The well attended initial event at the Village Hall on 4/5 September 2015 and a questionnaire completed by 25% of local households have provided two further good examples of the level of consultation and engagement that has been evident throughout the plan preparation process, with appropriate detailed consideration given to all representations made, including in respect of the detailed wording of policies, as set out in the body of the November 2017 Consultation Statement. In the light of all of the above, I am satisfied that all the statutory requirements in the 2012 Regulations have been met and that public consultation, local participation, relevant research and necessary evidence collection have all been suitably and satisfactorily completed, having regard to the advice on plan preparation and engagement in the PPG.

Development and Use of Land

- 3.5 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

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

Human Rights

- 3.7 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 have no reason to disagree.

4. Compliance with the Basic Conditions

EU Obligations

- 4.1 The neighbourhood plan was screened for Strategic Environmental Assessment (SEA) by AVDC, which found that it was unnecessary to undertake SEA. Natural England, Historic England and the Environment Agency all agreed. Having read the SEA Screening Opinion (June 2017), I see no reason to disagree. The Plan was further screened for Habitats Regulations Assessment (HRA), which also was not triggered as the neighbourhood plan area is not in close proximity to any European

designated site. From my independent assessment of this matter, I have no reason to disagree.

Main Issues

- 4.2 Having considered whether the Plan complies with the various procedural and legal requirements, it is now necessary to deal with whether it complies with the Basic Conditions, particularly the regard it pays to national policy and guidance, the contribution to achieving sustainable development and general conformity with the saved policies of the AVDLP, as well as the relationship with the emerging VALP (having regard to the advice in the PPG). I test the Plan against the Basic Conditions by considering:
- general issues of compliance of the Plan as a whole; and
 - specific issues of compliance of the Plan's policies.

General Issues of Compliance

- 4.3 I consider that, in general terms, the overall scope, tone and content of the Plan and its policies strike an appropriate balance between meeting the realistic local needs of a village of this size for new development and the protection of its local character and appearance, as well as its heritage and other significant assets. The Plan has been positively prepared, in that it takes into account social, economic and environmental considerations in providing a generally constructive set of policies for decision making in accord with paragraph 14 of the NPPF. The Plan as a whole also contributes to the economy, including by recognising the local importance of the Woodlands Enterprise Zone and to the social dimension of sustainable development by planning positively for new housing, with a range of size and type of homes within the newly defined settlement boundary.
- 4.4 Subject to the modifications I propose below, I conclude that in terms of the development plan for the area, the Plan is in general conformity with the strategic policies of the adopted Local Plan and, in accordance with the advice in the PPG, has sought to align with the emerging policies of the VALP⁵. I also conclude that I am satisfied overall that the Plan has regard to national policies and advice contained in the NPPF and PPG and seeks to contribute to the achievement of sustainable development, again, provided my recommended modifications below are made.

Specific Issues of Compliance

- 4.5 In this section of my report, I consider the specific policies of the Plan against the Basic Conditions. In having regard to national policy and guidance, I have to consider whether the policies are sufficiently clear and

⁵ See footnote 1.

unambiguous, as they need to be drafted so that a decision maker can apply them consistently and with confidence when considering planning proposals. Each policy has to be precise, concise and supported by suitable evidence⁶.

Heritage Assets, page 2

- 4.6 The Plan explains that Aston Clinton Parish Council will work with third parties to formally establish the non-designated heritage assets, listed in Section 3, as important local buildings. It is not clear what is meant by the latter part of the third sentence, and this needs to be clarified. Non designated heritage assets are listed in Section 3 and an amendment is needed for the sake of clarity to show that Aston Clinton Parish Council will work with third parties (such as AVDC and English Heritage) to formally establish these buildings as important local buildings (**PM 1**).

Recent Developments, page 2

- 4.7 This paragraph will benefit from updating and is confusing as written. The number of new dwellings to be provided in the village to 2033 is essentially a matter for the VALP and so the third sentence should be omitted, with Table 1 retained as it is effectively self explanatory and current parish employment commitments added for clarity (**PM 2**).

Current Health, page 7

- 4.8 The last two paragraphs referring to new housing numbers no longer reflect the latest version of the VALP, as submitted, and are unclear. They should be omitted to improve the clarity and accuracy of the Plan as this would not detract from the analysis of the present health situation set out in the preceding part of the section (**PM 3**).

Current Environment, page 9

- 4.9 In the seventh paragraph, the Plan provides the context for the 'outstanding views' from Aston Clinton and advises that these views 'should remain in perpetuity'. This descriptive section is not an appropriate place to seek to impose policies, so the last sentence should be omitted. (**PM 4**).

Why Does AC Need a Neighbourhood Plan? page 10

- 4.10 It is noted here that the recent approvals of large scale housing developments are considered by many to be unsustainable and the production of the Plan is a response to manage, and plan, development and change in the village. This is essentially a matter of opinion as to whether or not recently approved schemes are sustainable since AVDC, and/or the Secretary of State, must have considered (and satisfied

⁶ PPG Reference ID: 41-041-20140306.

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themselves) in respect of the requirements of national and local policies in making these determinations. In any event they are now committed and the Plan cannot change that. As such, the second sentence should be omitted. (**PM 5**).

Planning Policy Context, page 12

- 4.11 There is an unfortunate typographical error where it is stated that 'Although the housing policies are **not** (*my emphasis*) out of date, a number of other policies have been saved by the Secretary of State to be used in determining planning applications across the district'. The AVDLP policies clearly are essentially out of date, as noted in the Basic Conditions statement, having been adopted in 2004 and covering the period to 2011, i.e. before the NPPF, notwithstanding that some were saved by the Secretary of State for development management purposes. I therefore recommend a modification to omit "not" accordingly (**PM 6**).

VALP, page 13

- 4.12 This list, as set out in the lower half of the page, does not appear to include all "the most relevant strategic policies of the emerging VALP". Those referring to new housing, employment, retail and other matters such as transport and infrastructure are likely also to be strategic in nature. As such, this list should be rewritten in the light of the contents of the now submitted VALP (**PM 7**).

Policy HQD1, page 20

- 4.13 This policy properly applies to all new development, whereas policy HQD2 applies only to housing, therefore the cross reference to the latter at the end of the first sentence is potentially misleading and should be omitted. Moreover, this is a housing design policy and therefore the references to housing mix and affordable housing are not relevant in this context and thus parts v) and vi) of the policy should also be omitted and the text of policy H5 reworded (See **PM 8 and PM 13**).

Policy HQD2, page 21

- 4.14 It is not possible to clearly define in part iii) when or how a new building would "draw attention to itself", as distinct and separate from appearing incongruous in its context. Such words are likely to confuse rather than assist the task of development management for the Local Planning Authority (LPA) in implementing the policies of the Plan and should be omitted (**PM 9**). In all other respects, the policy provides useful local guidance for new development and together policies HQD1 and 2 are consistent with paragraphs 56 – 58 of the NPPF and in general conformity with the adopted Development Plan Policy GP32 and Policy GP8, thus meeting the Basic Conditions.

Housing, page 22

- 4.15 This section needs updating in respect of the submitted VALP and is somewhat unclear. Moreover, as the Plan does not seek to allocate any sites for new housing it is not essential that it addresses the issue of new housing numbers to 2033 in any detail, beyond stating that this is essentially a matter for the emerging VALP, which considers that Aston Clinton has met its share of the new housing to meet the District's currently estimated Objectively Assessed Needs through existing commitments. This section should be deleted accordingly, with the exception of paragraphs 1 and 5, and the title of policy H2 changed from "Recent Developments" to "Housing Developments" to give greater clarity (**PM 10**).

Policy H1, page 23

- 4.16 In their letter of 16 February 2018, responding to one of my questions, the Parish Council provided a helpful "audit trail" of the decision making process regarding the settlement boundary, as set out in Figure 2 and policy H1. This confirms that the final extent of the boundary was the subject of detailed consideration on a number of occasions, including individually in response to the specific representations received during consultation. More importantly, the Parish Council also confirmed that a number of relevant factors were taken into account in determining where the settlement boundary should be drawn, including the existing extent of the built up area, current planning permissions, landscape features (such as woods, hedges and other well established boundaries) and parish boundaries.
- 4.17 On this basis the boundary has been settled on in a logical and generally consistent way, with no obvious omissions or anomalies apparent. The fact that all extant permissions have been included and that the submitted VALP contains no expectation that the village will need to accept further significant development to help meet the district's objectively assessed needs to 2033 provides further justification for the settlement boundary as proposed in the Plan. However, in part ii) "They involve" needs to replace "It is through" for clarity and accuracy (**PM 11**).
- 4.18 The suggestion by AVDC that a further clause, referring to a wider area than just the designated Woodlands Enterprise Zone, should be added to policy H1 is not clear in that there is no definition of the area referred to, or even to which plan it would relate. There is already a reference in the third sentence of policy H1 to proposals "forming part of, or facilitating the delivery of," that scheme as being treated differently and, as AVDC points out, it is formally allocated for development in the submitted VALP and the Council has already resolved to grant permission, subject to a legal agreement. Therefore, the necessary clarity can be achieved by adding a specific reference to the land allocations in the VALP, once adopted, as also not being considered as inappropriate outside the defined settlement boundary (PM 11), thus ensuring consistency with the VALP.

Policy H2, page 24

- 4.19 It is relevant to note that the criterion level of 5 dwellings or less has been applied based on recent local experience of new infill housing schemes in the village that have been judged to “fit in” reasonably well with the character and appearance of the locality. This includes in respect of general density considerations. Moreover, it is a figure that has been endorsed by AVDC and accepted by examiners in a number of “made” neighbourhood plans in the District. Accordingly, I am able to conclude that policy H2 as submitted meets the basic conditions.

Affordable Housing and Policy H3, pages 22/24

- 4.20 This section explains that the affordable housing percentage of 31% is slightly higher than that proposed in the latest draft VALP for Aylesbury Vale as a whole. The reasons given for this are firstly, the higher land values and house prices in Aston Clinton, compared to the district as a whole and secondly, the higher demand for affordable housing in a village where local people are struggling to afford these higher prices. However, there is no actual evidence provided to justify the Plan’s stance that 31% affordable housing should be required in the parish to 2033, when the submitted version of VALP refers instead to 25%. The latter is based on properly documented evidence, including an up-to-date viability study relating to on-going delivery in the district, in accordance with national policies and guidance. In the absence of any evidence indicating otherwise, the Plan should also adopt the 25% figure, as otherwise it fails to reasonably align with the relevant strategic policies of the emerging VALP.
- 4.21 Without such a change the Plan will be vulnerable to legal challenge and/or require to be formally amended once the VALP is adopted, probably sometime in late 2018 or early 2019. Therefore, Policy H3 needs to be amended to be consistent with the VALP at 25% and to have a reference to viability added at the end for consistency with the NPPF/PPG and the AVDLP and VALP (**PM 12**).

Policy H5, page 24

- 4.22 A reference needs to be added to prefix the policy to reflect the modifications to policy HQD1 to state: “Proposals should set out how they considered housing mix and those that...”. Also, the reference to “strongly” should be omitted as it is not necessary (**PM 13**). Taken together and subject to the modifications mentioned above, policies H1 and H2 essentially support new housing development within the settlement in alignment with the approach set out in paragraph 4.142 of the VALP and policies H3 to H5 refer to the provision of a range of size and type of dwellings, both of which are in accord with paragraphs 47 to 55 of the NPPF. Therefore, the Basic Conditions are met.

Policy H6, page 25

- 4.23 There will clearly be major housing development in the parish between now and 2033 with sites already committed, including at the Woodlands Enterprise Zone. Clearly, major development is fundamentally a strategic matter for the VALP to address and is not within the remit of a neighbourhood plan to determine or amend, as confirmed by AVDC in their representations on the Plan. Moreover, as worded, policy H6 is not in accord with paragraph 154 of the NPPF as it does not provide clear guidance for a decision maker. Therefore, as submitted, the policy does not meet the Basic Conditions and should be deleted (**PM 14**). The deletion of the policy will not mean that matters relating to infrastructure and facilities are not properly addressed in the context of significant planning applications, but rather that they are more appropriately assessed in the context of the relevant strategic policies of the VALP, amongst other considerations.

Policy H7, page 25

- 4.24 This policy seeks to help retain the distinctive character of the village by restricting development that would cause coalescence with Weston Turville, Halton or Aylesbury, or further coalescence with Buckland. However, beyond expressing a general concern over the recent levels of new housing in the village, there is no justification or evidential basis for this proposed restriction and no explanation, in map form or otherwise, of the areas of land to which it is intended to apply.
- 4.25 Accordingly, it is uncertain as to its applicability and in my assessment, it would be very difficult, if not impossible, to administer such a policy for the purposes of development management. This is irrespective of whether it is actually justified or necessary, over and above all the other relevant planning policies that would apply to any such proposals, including the NPPF, the PPG, the saved policies of the AVDLP and the submitted policies of the VALP.
- 4.26 As set out above, policy H1, defining a settlement boundary for Aston Clinton, essentially meets the Basic Conditions, including providing for sustainable development locally. Policy H1 thereby provides some further policy protection against inappropriate and unsuitable development around the village. Accordingly, given the uncertainty around how policy H7 is to be applied and the absence of justification, it should be deleted from the Plan (**PM 15**).

Housing Numbers, page 26

- 4.27 This page is unclear throughout, particularly in the first paragraph, and the first three paragraphs ought to be deleted, as the new housing numbers are essentially the responsibility of the VALP. The central paragraphs relating to the public consultation responses and the community's wishes can be retained, provided the remaining text is

preceded by what are currently the last two paragraphs, so that an appropriate reference is also made to the now committed Woodlands Enterprise Zone (**PM 16**).

Policies B1 – B4, pages 27-28

4.28 A number of drafting revisions are required as follows:

- Policy B1: The word “therefore” in line 4 is not necessary and also “, as well as all other relevant plan policies” is needed at the end of paragraph 2, so that “heritage” is not inappropriately singled out or seen to be more important than other policies/objectives (**PM 17**);

- Policy B2: Similarly, the word “strongly”, is not necessary or appropriate and the same addition as for B1 above is required, for the same reason (**PM 18**);

- Policy B3: For clarity and consistency “within the settlement boundary” should be added into the policy wording after “supported” in the first sentence and “without” should be replaced with “There is no significant” in iv);

- Policy B3: For the same reasons and to properly acknowledge the existence of the Enterprise Zone, it is also necessary to add a new clause v) “economic development which forms part of the Woodlands Enterprise Zone (WEZ) will be permitted within the WEZ boundary” (**PM 19**); and

- Policy B4: In part iv) “when” should be replaced by “immediately” to facilitate implementation by AVDC (**PM 20**).

4.29 Overall, policy B1 seeks to retain important community facilities; employment policies B2 and B3 effectively support sustainable economic growth; and policy B4 encourages high quality communications, all of which are consistent with the NPPF and thus meet the Basic Conditions.

Policies L1-L3, page 28

4.30 In terms of promoting healthy communities, policies L1 to L3 support the retention and provision of suitable facilities, which also contributes to the achievement of sustainable development and is consistent with national and local policy. Accordingly, these policies meet the Basic Conditions.

Business, page 29

4.31 Amongst other things, this section explains that superfast broadband is expected to be available to 94% of premises in Aston Clinton by 2016. Accordingly, the provision of updated information is needed in paragraph 2 to reflect the latest position, whereas in the fourth paragraph - “areas” should be changed to “premises” for accuracy in line 1. Also, for accuracy,

“possible” should be deleted from the last paragraph as “Woodlands” is now a commitment (**PM 21**).

Policy E1, page 30

4.32 The 3 small land allocations (X, Y and Z on Figure 3) in this policy are each justified by local evidence of need in the Plan and the supporting evidence and are endorsed accordingly. The allocations meet the social dimension of sustainable development in paragraph 7 of the NPPF and thus meet the Basic Conditions.

Policy E2, page 31

4.33 In paragraph 4, the wording after “unacceptable” should be omitted and “locally” should be added instead to achieve clarity. Also, the last sentence cannot be considered to be relevant and there is nothing in the Plan that relates directly to the issues raised in the last two paragraphs, so they should all be omitted (**PM 22**), albeit further references may be added to the list at the start of Section 3.

4.34 The Education and Health Policies (E1 and E2) in their support for the expansion of local facilities again accord with paragraph 7 of the NPPF, will contribute to the achievement of sustainable development and therefore, meet the Basic Conditions.

Policy T1, page 32

4.35 Based on the reports of reputable consultants and the acknowledged and understandable local concerns about the likely increases in traffic movements in and around the village, as a result of new developments committed and planned, this policy provides an appropriate response to help mitigate those impacts locally. The evidential justification for the measures proposed is thorough and extensive. Whilst there would always be more that could be done with greater resources, the Plan provides a satisfactory response to the current situation as far as it is able. The traffic mitigation measures proposed are preliminary designs only at this stage and the final scheme(s) will have to be subject to further consultation and consideration before implementation, including in respect of any possible air quality impacts.

4.36 However, this is a land use planning policy and the LPA cannot devolve their decisions to either the Highways Agency or the Parish Council. Both are statutory consultees and so the reference to “agreement” is unnecessary in any event. Therefore, it is necessary to omit all from “through agreement” to “Council” from the policy wording. Also, the last sentence of the policy is not necessary in the context of the determination of planning applications as it adds nothing of substance to the first sentence. It should therefore be deleted too (**PM 23**).

Policy T2, page 32

- 4.37 The policy conforms with one of the Core Planning Principles (paragraph 17 of the NPPF) in that it promotes sustainable modes of transport and it is also consistent with local policy.
- 4.38 Policies T1 and T2 seek to provide safe and suitable access and sustainable patterns of movement respectively, as such they accord with national guidance and thus meet the Basic Conditions.

Policy EN2, page 34

- 4.39 The policy needs to be reworded, in line with advice from Natural England and to have regard to the NPPF/PPG in order to operate effectively in development management terms. Also, the word "Loss" should be omitted from the policy title for clarity. For the same reason, the reference to "Vaches Park" should be to "Vatches Farm", with a reference added at the end to indicate where these areas can be identified in map form (**PM 24**).

Policy EN3, page 35

- 4.40 Having visited the proposed Local Green Space (LGS) sites, it is clear that Aston Clinton Park, the Allotments on London Road, the Cricket Club and Ground, the Primary School playing field, and St Michaels and All Angels churchyard, as well as that part of Green Park comprising largely open land adjoining Aston Clinton Park to the north, all meet the three criteria essential for designation as set out in paragraph 77 of the NPPF. However, the south eastern part of Green Park, whilst well treed and with open spaces between buildings, is partly built up and in use for commercial and educational activities on a significant scale.
- 4.41 Given that the total area proposed as a LGS amounts to approximately 32ha, it is an extensive tract of land, the south eastern part of which at least is not in close proximity to the main part of the village community in a physical sense, but somewhat detached from it, in contrast to the northern part that adjoins Aston Clinton Park. Accordingly, I recommend that the designation should apply only to the northern and western, largely open, parts of this site and not the partly built up south eastern part, so that the area occupied by buildings is essentially excluded from the LGS. Figure 4 will also need to be amended accordingly to precisely delineate those parts of the site that will be subject to the LGS. This will be achieved by the division between firstly the largely open and, secondly, the partially built up parts of the site i.e. the land covered by the area Tree Preservation Order referred to in Appendix 3 of the "Landscape Assets, Green Spaces and Green Infrastructure Report of April 2017 (**PM 25**).
- 4.42 Both the Chiltern Forest Golf Club and the Dancers End Nature Reserve are sited at some considerable distance from the main built up area of the

settlement (the latter is 2.2 miles from the village centre) and in my opinion, are not therefore in close proximity to the local community. More importantly, both clearly comprise extensive tracts of land, at just over 40 and 52 ha respectively, that are much larger than the other LGS designations in the Plan.

- 4.43 Consequently, I conclude that two of the paragraph 77 NPPF criteria for designation are not met in either case and that therefore neither the Golf Club nor the Nature Reserve should be designated as LGS. This judgement is reinforced by the fact that various other planning policy designations apply to these areas, not least location within the Chiltern Hills Area of Outstanding Natural Beauty, so that there will be very little, if any, practical implications arising regarding their protection from inappropriate or unsuitable development proposals (**PM 25**).
- 4.44 Relating to the natural environment and paragraphs 109 to 125 of the NPPF, policies EN1 and EN2 protect, and encourage net gains in, biodiversity, whereas policy EN4 follows paragraph 93 to 108 of the NPPF regarding flooding and climate change and thus they meet the Basic Conditions.

Environment, page 36

- 4.45 The Plan must be clear and the future of Halton Airfield is not yet known so the fifth paragraph should be omitted due to this uncertainty, albeit a reference to the site could be added to Section 3. (**PM 26**).
- 4.46 The revised plans/figures prepared by the Parish Council in February 2018 in response to my request should replace those versions in the submitted Plan for clarity and accuracy and to ensure that all the relevant and necessary information is included on each (**PM 27**).

5. Conclusions

Summary

- 5.1 The Aston Clinton 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 considered all the responses made following consultation on the 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

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- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The Plan as modified, has no policy or proposals which I consider significant enough to have an impact beyond the designated neighbourhood plan boundary, thus 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.

Overview

- 5.4 This is a relatively straightforward plan that addresses many of the local land use planning issues that currently affect the parish. Whilst some modifications are necessary to meet the Basic Conditions and for clarity to facilitate implementation in practice, it is essentially well written, providing a set of local policies that should prove useful in considering new planning proposals over the plan period. The Plan has clearly been the subject of considerable and commendable effort by the Parish Council in general and the local Steering Group in particular, in bringing it forward to this stage and it deserves to progress to the referendum.

Nigel Payne

Examiner

Appendix: Modifications

SCHEDULE 1: Modifications to meet the Basic Conditions and other legal requirements

Proposed modification number (PM)	Page no./ other reference	Modification
PM 1	Heritage Assets, page 2	In second sentence clarify text to confirm that "Aston Clinton Parish Council will work with third parties (such as AVDC and English Heritage) to establish these building as important local buildings".
PM 2	Recent Developments, page 2	Omit third sentence and add up to date list of parish employment commitments to Table 1.
PM 3	Current Health, page 7	Omit last two paragraphs.
PM 4	Current Environment, page 9	Omit last sentence of seventh paragraph.
PM 5	Why Does Aston Clinton Need a NP? page 10	Omit second sentence.
PM 6	Planning Policy Context, page 12	Omit "not" from third sentence of third paragraphs.
PM 7	VALP, page 13	Rewrite list of policies to include all strategic policies of the submitted VALP.
PM 8	Policy HQD1, page 21	Omit cross reference to policy HQD2 at end of first sentence and parts v) and vi) as not relevant to design.
PM 9	Policy HQD2, page 21	Omit "or draw attention to itself" from end of part iii).
PM 10	Housing, page 22	Delete all, with the exception of paragraphs 1 and 5, and change "Recent" to "Housing" in title of policy H2 as a result.
PM 11	Policy H1, page	Add "or allocated in the VALP" after ",

	23	the Woodlands Enterprise Zone,” and replace “It is through” with “They involve” in part ii).
PM 12	Policy H3, page 24	Replace “31%” with “25%” in last sentence and add “unless it can be demonstrated that the abnormal costs associated with the scheme will render it unviable and a lower proportion is agreed”.
PM 13	Policy H5, page 24	Replace “for development” with “should set out how they have considered housing mix and those”.
PM 14	Policy H6, page 25	Delete policy.
PM 15	Policy H7, page 25	Delete policy.
PM 16	Housing numbers, page 26	Omit first three paragraphs and move last two paragraphs to start of text. Add (See Appendix B for table of commitments and completions) after first sentence of original fifth paragraph.
PM 17	Policy B1, page 27	Omit “therefore” in line 4 and add “as well as all other relevant plan policies” at end of paragraph 2.
PM 18	Policy B2, page 27	Omit “strongly” in line 3 and add “as well as all other relevant plan policies” at end.
PM 19	Policy B3, page 27	Add “within the settlement boundary” at end of first sentence and replace “without” with “There is no significant” in part iv). Add new part v) “economic development which forms part of the Woodlands Enterprise Zone (WEZ) will be permitted within the WEZ boundary”.
PM 20	Policy B4, page 28	Replace “when” with “immediately”.

PM 21	Business, page 29	Update information in second paragraph to 2018 and omit "possible" from last paragraph.
PM 22	Policy E2, page 31	Omit all wording after "unacceptable" in paragraph 4 and replace with "locally" and omit the last two paragraphs.
PM 23	Policy T1, page 32	Omit "through agreement with the Highways Agency and Parish Council" and last sentence.
PM 24	Policy EN2, page 34	<p>Omit "Loss" from policy title and reword first and second paragraphs as follows; "To avoid impacts on and to provide net gains in biodiversity, development should: i) safeguard designated sites, protected species, and habitats, ancient or species rich hedgerows, grasslands and woodlands; ii) provide measures to mitigate any adverse effects of development on biodiversity by providing a biodiversity net gain and iii) where possible and appropriate, provide sustainable drainage facilities and a restrictive use of storage lagoons or similar retentive systems discharging to surface water receptors".</p> <p>Amend "Vaches Park" to "Vatches Farm" and add a reference to clarify where these sites can be identified in map form.</p>
PM 25	Policy EN3, page 35	Delete Chiltern Forest Golf Club and Dancers End Nature Reserve from LGS designation list and reduce area of Green Park designation to the northern, largely open, part of the overall site. Amend Figure 4 accordingly.
PM 26	Environment, page 36	Omit fifth paragraph.
PM 27	General	Replace submitted Figures with revised versions prepared in February 2018

	(see also PM 25).
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SCHEDULE 2: Modifications to correct discrete errors (and update)

Proposed modification number (PM)	Page no./ other reference	Modification
PM 28	Whole Plan	The sections of the Plan and the individual paragraphs should be numbered throughout, for ease of reference.
PM 29	Section 1, page 1	The first two sentences are not at all clear as written and should be reworded to say: "Understanding the needs and requirements of the village of Aston Clinton is the starting point for producing a good Neighbourhood Plan".
PM 30	Village History, page 1	Omit "and status" from the title as the latter is not a land use planning term as such, is not otherwise defined in the Plan and is not strictly relevant.
PM 31	Aston Clinton Today, page 2	The reference to Aston Clinton only being "perceived as a village entity" recently is inconsistent with later statements about the identity and integrity of the settlement being "long established", e.g. Vision Statement page 14. Amend for consistency and accuracy or omit.
PM 32	Current Business, page 5	Omit third sentence of third paragraph as it is out of place here and not relevant to a factual description of the existing position.
PM 33	Current Transport, page 6	Under Public Transport Links the fifth paragraph is comment/opinion that it is not appropriate or relevant in a section describing the present position. It should be reworded as follows - "There are no public transport links to either Tring or Wendover stations and the car park at Tring is often full for commuters, as is Berkhamsted".

PM 34	Road Networks, page 6	Omit "the width of" from the first sentence of the third paragraph as not relevant to the point being made.
PM 35	Current Education, page 8	Replace "conceived" with "considered" in the first line for accuracy and clarity.
PM 36	Vision Statement, page 14	"Long established" integrity and identity – cross reference to earlier PM on page 2 – reword or omit.
PM 37	Future Vision, page 15	Under Leisure add "to the public" at end of point 3 for clarity.
PM 38	Business, page 29	Omit second sentence of paragraph 3 as it is opinion only and reposition the present third paragraph to precede second paragraph so that section reads logically.
PM 39	Transport, page 33	Add "in recent years" at end of first line, penultimate paragraph second line replace "unused" by "used" and add "dated 2016" after reference to evidence Paper 1 – all for accuracy.
PM 40	Section 3 of Plan	<p>9 – Omit "and should remain so" at the end as this can only be a list of local aspirations.</p> <p>10 – For the same reason, omit "views will need to be protected" and</p> <p>15 – Replace everything after "appropriate" with "development area" for accuracy and to reflect realism as to effects of new planting and landscaping.</p>