

Buckland Parish Council

Buckland Neighbourhood Development Plan

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

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16 November 2015

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Neighbourhood Planning

1. The Localism Act 2011 empowers local communities to take responsibility for the preparation of elements of planning policy for their area through a neighbourhood development plan. The National Planning Policy Framework (the Framework) states that “*neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.*”¹
2. Following satisfactory completion of the necessary preparation process neighbourhood development plans have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the neighbourhood development plan, unless material considerations indicate otherwise.
3. The Buckland Neighbourhood Development Plan (the Neighbourhood Plan) has been prepared by Buckland Parish Council (the Parish Council), a qualifying body able to prepare a neighbourhood plan, in respect of the Buckland Neighbourhood Area which was formally designated by Aylesbury Vale District Council (the District Council) on 30 January 2014.
4. The submission draft of the Neighbourhood Plan, along with the Consultation Statement and the Basic Conditions Statement, has been approved by the Parish Council for submission of the plan and accompanying documents to the District Council. Aylesbury Vale District Council has submitted the Neighbourhood Plan to me for independent examination.

Independent Examination

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

¹ Paragraph 183 National Planning Policy Framework (2012)

² Paragraph 10 Schedule 4B Town and Country Planning Act 1990

6. The District Council will decide whether the Neighbourhood Plan should proceed to referendum, and if so whether the referendum area should be extended, and what modifications, if any, should be made to the submission version plan. Should the Neighbourhood Plan proceed to local referendum and achieve more than half of votes cast in favour, then the Neighbourhood Plan will be 'made' by the District Council. If 'made' the Neighbourhood Plan will come into force and subsequently be used in the determination of planning applications and decisions on planning appeals in the plan area.
7. I have been appointed by the District Council with the consent of the Parish Council, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the Parish Council and the District Council. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I hold appropriate qualifications and have appropriate experience. I am a Member of the Royal Town Planning Institute; a Member of the Institute of Economic Development; a Member of the Chartered Management Institute; and a Member of the Institute of Historic Building Conservation. I have forty years professional planning experience and have held national positions and local authority Chief Planning Officer posts.
8. As independent examiner I am required to produce this report and must recommend either:
 - that the Neighbourhood Plan is submitted to a referendum, or
 - that modifications are made and that the modified Neighbourhood Plan is submitted to a referendum, or
 - that the Neighbourhood Plan does not proceed to a referendum on the basis it does not meet the necessary legal requirements
9. I make my recommendation in this respect and in respect to any extension to the referendum area,³ in the concluding section of this report. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.⁴
10. The general rule is that examination of the issues is undertaken by the examiner through consideration of written representations.⁵

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

⁴ Paragraph 10(6) Schedule 4B Town and Country Planning Act 1990

⁵ Paragraph 9(1) Schedule 4B Town and Country Planning Act 1990

11. The examiner has the ability to call a hearing for the purposes of receiving oral representations about a particular issue in any case where the examiner considers that the consideration of oral representations is necessary to ensure adequate examination of the issue, or a person has a fair chance to put a case. All parties have had opportunity to state their case. As I did not consider a hearing necessary I proceeded on the basis of written representations.

Basic conditions and other statutory requirements

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

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

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

14. In addition to the basic conditions and Convention rights, I am also required to consider whether the Neighbourhood Plan complies with

⁶ Paragraph 8(2) Schedule 4B Town and Country Planning Act 1990

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

⁸ The Convention rights has the same meaning as in the Human Rights Act 1998

the provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004.⁹ I am satisfied the Neighbourhood Plan has been prepared in accordance with the requirements of those sections, in particular in respect to the Neighbourhood Planning (General) Regulations 2012 which are made pursuant to the powers given in those sections.

15. The Neighbourhood Plan relates to the area covering Buckland Parish that was designated by the District Council as a neighbourhood area on 30 January 2014. The Basic Conditions Statement confirms the Neighbourhood Plan proposal relates to the Buckland neighbourhood area. The Submission Version of the Neighbourhood Plan states “Some planning policies relate to all areas of the Parish, others will relate to specific areas. A map of the plan area is included as Appendix D of the Submission Version plan. The Neighbourhood Plan does not relate to more than one neighbourhood area,¹⁰ and no other neighbourhood development plan has been made for the neighbourhood area.¹¹ All requirements relating to the plan area have been met.
16. I am also required to check whether the Neighbourhood Plan sets out policies for the development and use of land in the whole or part of a designated neighbourhood area;¹² and the Neighbourhood Plan does not include provision about excluded development.¹³ I am able to confirm that I am satisfied that each of these requirements has been met.
17. A neighbourhood plan must also meet the requirement to specify the period to which it has effect.¹⁴ The front cover of the Submission Version clearly shows the plan period to be 2015 – 2033.
18. The role of an independent examiner of a neighbourhood plan is defined. I am not examining the test of soundness provided for in respect of examination of Local Plans.¹⁵ It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan. I have been appointed to examine whether the

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

¹⁰ Section 38B(1)(c) Planning and Compulsory Purchase Act 2004

¹¹ Section 38B(2) Planning and Compulsory Purchase Act 2004

¹² Section 38A(2) Planning and Compulsory Purchase Act 2004

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

¹⁴ Section 38B(1)(a) Planning and Compulsory Purchase Act 2004

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

submitted Neighbourhood Plan meets the basic conditions and Convention rights, and the other statutory requirements.

19. A neighbourhood plan can be narrow or broad in scope. There is no requirement for a neighbourhood plan to be holistic, or to include policies dealing with particular land uses or development types, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan. The nature of neighbourhood plans varies according to local requirements.
20. Neighbourhood plans are developed by local people in the localities they understand and as a result each plan will have its own character. It is not within my role to re-interpret, restructure, or re-write a plan to conform to a standard approach or terminology. Indeed it is important that neighbourhood plans are a reflection of thinking and aspiration within the local community. They should be a local product and have particular meaning and significance to people living and working in the area.
21. Apart from minor corrections and consequential adjustment of text (referred to in the Annex to this report) I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the basic conditions and the other requirements I have identified.¹⁶

Documents

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

- Buckland Neighbourhood Plan 2015-2033 Submission Version
- Buckland Neighbourhood Plan Basic Conditions Statement (including Strategic Environmental Assessment Screening Report August 2014)
- Buckland Neighbourhood Plan Consultation Statement
- Buckland Neighbourhood Plan Evidence Base Report
- Buckland Conservation Area report December 2014
- Representations received during the Regulation 16 publicity period
- Aylesbury Vale District Local Plan (AVDLP) Saved Policies (27 September 2007)
- National Planning Policy Framework (27 March 2012) [*In this report referred to as the Framework*]

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

- Technical Guidance to the National Planning Policy Framework (27 March 2012) [*In this report referred to as the Technical Guidance*]
- Department for Communities and Local Government Permitted development for householders technical guidance (April 2014) [*In this report referred to as the Permitted Development Guidance*]
- Department for Communities and Local Government Planning Practice Guidance web-based resource (first fully launched 6 March 2014) [*In this report referred to as the Guidance*]
- The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014
- The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004 (as amended)
- Localism Act 2011
- Neighbourhood Planning (General) Regulations 2012 [*In this report referred to as the Regulations*]

Consultation

23. I highlight here a number of key stages of consultation undertaken in order to illustrate the approach adopted. Consultation commenced with a 'Have your say' meeting held in January 2014. The meeting was advertised through an invitation sent to every household in the Parish; by placing notices on noticeboards and through a parish email list; and by inserting an item on the Parish Council website. Input by respondents was used to help in the formulation of a plan vision, and in the identification of topics for policies.
24. In response to a request made by the Parish Council the District Council undertook consultation regarding a Conservation Area review in September and October 2014 leading to the formal adoption of the Buckland Conservation Area document in December 2014.
25. A Parish housing stock and needs survey was undertaken in November/December 2014. A questionnaire was sent to every household in the Parish as well as being placed on the Parish Council website and being sent out to those people on the village email list. Responses and results were fed into the policy formulation process.
26. Pre-submission consultation commenced in February 2015 when full information was made available on the Parish Council website. Additional publicity was achieved through the village email list and noticeboards. The draft plan was mailed to every house in the Parish

and to interested parties and statutory consultees. Copies of the draft plan were also made available in the Village Hall, Church Foyer and the Parish Office. Responses were utilised in formulating amendments and additions to the Plan document where these were considered appropriate.

27. Pre-submission consultation in accordance with Regulation 14 was undertaken in the six week period 15 May to 26 June 2015. Consideration of representations resulted in further modification of the Plan document. Non land use policy matters were taken up with the appropriate authority by the Parish Council.
28. The final draft of the Neighbourhood Plan has been submitted to the District Council. The Submission Version of the Neighbourhood Plan has been the subject of a Regulation 16 publicity period between 14 September and 26 October 2015. A total of 8 representations were submitted to the District Council which I have taken into consideration in preparing this report, even though they may not be referred to in whole, or in part. An additional representation was received two days after the period for representations had closed. I have not taken this representation into consideration.
29. The representations of Anglian Water, the Environment Agency and Highways England do not lead me to recommend any modification of the Neighbourhood Plan. Drayton Beauchamp Parish Meeting expresses support for the plan. Rectory Homes express general support for the plan but request modification of two policies. Persimmon Homes raise matters of general concern which I consider later in my report. Persimmon Homes, Historic England and the Parish Council have submitted representations that relate to specific policies and I consider these when examining the relevant policy later in my report.
30. Consultation has satisfied the requirements of the Regulations involving engagement with stakeholders who have had opportunities to influence the content of the Neighbourhood Plan.

The Neighbourhood Plan taken as a whole

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

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

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

33. The objective of EU Directive 2001/42¹⁸ is “*to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.*” The Neighbourhood Plan falls within the definition of

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

¹⁸ Transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004

'plans and programmes'¹⁹ as the Local Planning Authority is obliged to 'make' the plan following a positive referendum result.²⁰

34. The District Council issued a Strategic Environmental Assessment Screening Report in August 2014. The District Council concluded that the Neighbourhood Plan "*is not likely to have significant environmental effects beyond those expected by 'strategic' district-wide policies of the Local Plan, and therefore does not trigger a need for a Strategic Environmental Assessment (SEA)*". This opinion follows consultation with the statutory consultation bodies. I am satisfied that the requirements in respect of Strategic Environmental Assessment have been met.

35. The Basic Condition Statement states "*The Neighbourhood Area is not in close proximity to any European designated nature site so does not require an Appropriate Assessment under the EU Habitats Regulations*". I have not seen anything that suggests the Neighbourhood Plan will have a significant effect on a European offshore marine site.

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

37. I conclude that the Neighbourhood Plan:

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

38. The Guidance²¹ states it is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a draft neighbourhood plan submitted to it have been met in order for the draft neighbourhood plan to progress. The local planning authority must decide whether the draft neighbourhood plan is compatible with EU obligations (including obligations under the Strategic Environmental Assessment Directive):

- when it takes the decision on whether the neighbourhood plan should proceed to referendum; and

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

²⁰ Judgement of the Court of Justice of the European Union (Fourth Chamber) 22 March 2012

²¹ National Planning Policy Guidance paragraph 031 reference ID:11-031-20150209

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

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

39. I refer initially to the basic condition “*having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan*”. The requirement to determine whether it is appropriate that the plan is made includes the words “*having regard to*”. This is not the same as compliance, nor is it the same as part of the test of soundness provided for in respect of examinations of Local Plans²² which requires plans to be “*consistent with national policy*”.

40. Lord Goldsmith has provided guidance²³ that ‘*have regard to*’ means “*such matters should be considered.*” The Guidance assists in understanding “*appropriate*”. In answer to the question “*What does having regard to national policy mean?*” the Guidance states a neighbourhood plan “*must not constrain the delivery of important national policy objectives.*”

41. The Basic Conditions Statement seeks to demonstrate the Neighbourhood Plan has been prepared with regard to national policies as set out in the Framework. Statements are made as to how the Neighbourhood Plan supports or otherwise positively relates to the Framework. Specific reference is made to the 12 core principles of plan-making and the main policy themes set out in the Framework.

42. The Neighbourhood Plan includes “*Our vision for Buckland in 2033*” and also sets out “*aims and objectives to be achieved over the plan period*”. The Vision and Objectives relate to matters appropriate to a Neighbourhood Development Plan, are written clearly, and adopt a positive approach seeking a thriving community. The vision does not

²² Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 182 of the Framework

²³ The Attorney General, (Her Majesty’s Principal Secretary of State for Justice) Lord Goldsmith, at a meeting of the Lord’s Grand Committee on 6 February 2006 to consider the Company Law Reform Bill (Column GC272 of Lords Hansard, 6 February 2006) and included in guidance in England’s Statutory Landscape Designations: a practical guide to your duty of regard, Natural England 2010 (an Agency of another Secretary of State)

constrain and indeed supports the objectives of the Framework. The vision refers to growth of the parish and in particular “*local businesses and facilities will have the freedom to grow and develop in accordance with local sustainability and resources*”. This statement is consistent with the components of the Framework concerned with building a strong competitive economy and promoting healthy communities. The reference in the vision to “*carefully managing change*” is consistent with the components of the Framework relating to requiring good design, and conserving and enhancing both the historic environment and the natural environment. The Neighbourhood Plan taken as a whole seeks to shape and direct development. This is precisely the role national policy envisages for a neighbourhood plan.

43. The aims and objectives of the Neighbourhood Plan relating to housing, environment, open spaces and agriculture are all consistent with components of the Framework and in particular those aspects relating to delivering a wide choice of high quality homes; supporting a prosperous rural economy; conserving and enhancing the natural environment; and promoting healthy communities.
44. Apart from those elements of policy of the Neighbourhood Plan in respect of which I have recommended a modification to the plan I am satisfied that need to ‘have regard to’ national policies and advice contained in guidance issued by the Secretary of State has, in plan preparation, been exercised in substance in such a way that it has influenced the final decision on the form and nature of the plan. This consideration supports the conclusion that with the exception of those matters in respect of which I have recommended a modification of the plan, the Neighbourhood Plan meets the basic condition “*having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan.*”
45. At the heart of the Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan making and decision-taking.²⁴ The Guidance states, “*This basic condition is consistent with the planning principle that all plan-making and decision-taking should help to achieve sustainable development. A qualifying body must demonstrate how its plan or order will contribute to improvements in environmental, economic and social conditions or that consideration has been given to how any potential adverse effects arising from the proposals may be prevented, reduced or offset (referred to as mitigation measures). In*

²⁴ Paragraph 14 National Planning Policy Framework 2012

order to demonstrate that a draft neighbourhood plan or order contributes to sustainable development, sufficient and proportionate evidence should be presented on how the draft neighbourhood plan or order guides development to sustainable solutions”.

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

47. The Framework states there are three dimensions to sustainable development: economic, social and environmental. The Basic Conditions Statement includes a section that seeks to demonstrate the economic, social and environmental attributes of the Neighbourhood Plan. I conclude that the Neighbourhood Plan, by guiding development to sustainable solutions, contributes to the achievement of sustainable development. In particular I consider the Neighbourhood Plan seeks to:

- Preserve and enhance the Conservation Area and heritage assets generally;
- Ensure proposals contribute to meeting local housing needs including affordable homes;
- Support the growth of small scale businesses;
- Support the reuse of redundant traditional farm buildings;
- Ensure adequate car parking facilities;
- Support existing and additional community facilities;
- Ensure new development preserves local distinctiveness through good quality design; and
- Preserve and enhance the natural environment.

48. I note the Neighbourhood Plan includes on page 10 a list of “*transportation and landscape problems where improvements can be made*” These are presented under the heading “*projects*”. As expressed the projects are merely headings without any level of detail. The projects do not form part of the Neighbourhood Development Plan

and as such have not been considered as part of this independent examination. The proposed projects would not be the subject of any referendum and would not become part of the Development Plan for the area.

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

Recommended modification 1:

The projects listed on page 10 of the submission plan should be transferred to a non-statutory annex to the Neighbourhood Plan

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

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

51. The Framework states that the ambition of the neighbourhood should “*support the strategic development needs set out in Local Plans*”.²⁵ “*Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans should not promote less development than set out in the Local Plan or undermine its strategic policies*”.²⁶

²⁵ Paragraph 16 National Planning Policy Framework 2012

²⁶ Paragraph 184 National Planning Policy Framework 2012

52. The Guidance states, *“A local planning authority should set out clearly its strategic policies in accordance with paragraph 184 of the National Planning Policy Framework and provide details of these to a qualifying body and to the independent examiner.”*
53. In this independent examination I am required to consider whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area). The District Council has informed me that the Development Plan applying in the Buckland neighbourhood area and relevant to the Neighbourhood Plan comprises the Adopted Aylesbury Vale District Local Plan Saved Policies, and that all of the saved policies are considered to be strategic.
54. As the Local Plan Saved Policies predate the Framework, the Framework takes precedence where there is a conflict. There is no requirement for a neighbourhood plan to include particular types of development and land use policies, nor is there any requirement for a neighbourhood plan to deal with any particular development and land use issues.
55. A representation states *“preparation of a Neighbourhood Plan in the absence of an up to date Local Plan in Aylesbury Vale District Council (AVDC) is premature. Should the emerging Vale of Aylesbury Local Plan (VALP) identify growth in the area around Aston Clinton or Buckland, any Neighbourhood Plan would be out of date and would need to be reconsidered based on the VALP. The Parish Council will be aware that AVDC have taken their Issues and Options Vale of Aylesbury Local Plan to Cabinet for approval for consultation. This document is supported by a range of evidence including the draft Housing and Economic Land Availability Assessment (HEELA). The VALP identifies growth in AVDC of 31,000 homes over the plan period; and the HEELA has identified sites which are capable of delivering 22,500 homes, which is a shortfall of at least 8,500 homes. Both documents also identify Aston Clinton as a Larger Village (a second tier settlement after the strategic settlements in the Vale). Sites for the shortfall of 8,500 homes are yet to be identified and as a larger village all land around Aston Clinton needs to be fully assessed to identify potential sites, parish boundaries around settlements should not frustrate this assessment. The Neighbourhood Plan document sets out on page 10 the intention to monitor the plan annually, with a review every five years. Whilst the need to keep the plan up to date is supported, the issue of conformity with the VALP (as set out at the*

start of this letter) is not addressed through the Neighbourhood Plan. New evidence coming forward in support of the VALP, including the HELAA, could potentially be unreferenced by the Neighbourhood Plan until a community review in five years time. This is unacceptable in the context of a Local Plan seeking to identify at least a further 8,500 homes across the district. The VALP Issues and Options Consultation is intended to start on 23rd October and the implications of that plan are potentially so significant in their impact on the Neighbourhood Plan for Buckland that the future progress on the Neighbourhood Plan should be suspended until the full impact of the VALP can be assessed and understood. Paragraph 184 of the NPPF states that “184. 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. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans and orders should not promote less development than set out in the Local Plan or undermine its strategic policies.” Unfortunately Buckland Parish’s Neighbourhood Plan will be overtaken by the adoption of the VALP within months of completion. We therefore urge the Parish Council to suspend further progress on the Neighbourhood Plan until these recent important documents have been released and can be fully assessed.”

56. In order to satisfy the basic conditions the Neighbourhood Plan must be in general conformity with the strategic policies of the Development Plan. The emerging Local Plan is not part of the Development Plan and this requirement does not apply in respect of that. Emerging planning policy is subject to change as plan preparation work proceeds.²⁷ The Guidance states “*Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood areas. They can be developed before or at the same time as the local planning authority is producing its Local Plan*”. In *BDW Trading Limited, Wainholmes Developments Ltd v Cheshire West & Chester BC* [2014] EWHC1470 (Admin) it was held that the only statutory requirement imposed by basic condition (e) is that the

²⁷ The District Council has work underway to prepare The Vale of Aylesbury Local Plan. The Local Development Scheme dated December 2014 indicates adoption is intended in July/August 2017

Neighbourhood Plan as a whole should be in general conformity with the adopted development plan as a whole.

57. In considering a now repealed provision that “a local plan shall be in general conformity with the structure plan” the Court of Appeal stated “the adjective ‘general’ is there, “to introduce a degree of flexibility.”²⁸ The use of ‘general’ allows for the possibility of conflict. Obviously there must at least be broad consistency, but this gives considerable room for manoeuvre. Flexibility is however not unlimited. The test for neighbourhood plans refers to the strategic policies of the development plan rather than the development plan as a whole.

58. I note the Neighbourhood Plan does not attempt to impose any cap on the amount of development that can occur during the plan period. I am of the opinion that the commitment contained in the Neighbourhood Plan to plan monitoring will offer appropriate opportunity to achieve any necessary flexibility and adaptability.

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

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

60. My approach to the examination of the Neighbourhood Plan policies has been in accordance with this guidance. If there were to be a conflict between a policy in a neighbourhood plan and a policy in a local plan the conflict must be resolved in favour of the policy contained in the last of those plans to become part of the Development Plan.²⁹ The Neighbourhood Plan cannot therefore prejudice the emerging Local Plan in this respect.³⁰

²⁸ Persimmon Homes v. Stevenage BC the Court of Appeal [2006] 1 P & CR 31

²⁹ Section 38(5) Planning and Compulsory Purchase Act 2004

³⁰ See paragraph 103 of the Judgement in BDW Trading Limited, Wainholmes Developments Ltd v Cheshire West & Chester BC [2014] EWHC 1470 (Admin)

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

The Neighbourhood Plan policies

62. The Neighbourhood Plan includes 16 policies:

BP1: Development within and adjacent to the Conservation Area

BP2: AONB/Green Belt

BP3: Local Distinctiveness

BP4: No Coalescence

BP5: Open Countryside

BP6: New Development

BP7: Meeting Local Housing Needs

BP8: Affordable Homes

BP9: Small Business Sites

BP10: Redevelopment of Existing Businesses

BP11: Reuse and Relocation of Farm Buildings

BP12: Provision of on-site Parking Spaces

BP13: Business Traffic

BP14: Community Facilities

BP15: Heritage

BP16: Natural Environment

63. The Guidance states *“Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of*

development for their community. The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan.” “Outside these strategic elements, neighbourhood plans will be able to shape and direct sustainable development in their area.”

64. *“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”*
65. *“While there are prescribed documents that must be submitted with a neighbourhood plan ... there is no ‘tick box’ list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan”.*
66. *“A neighbourhood plan must address the development and use of land. This is because if successful at examination and referendum the neighbourhood plan will become part of the statutory development plan once it has been made (brought into legal force) by the planning authority. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.”³¹*
67. If to any extent a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Given that policies have this status, and if the Neighbourhood Plan is made they will be utilised in the determination of planning applications and appeals, I have examined each policy individually in turn. Prior to that I raise an issue that affects a number of policies.
68. Several policies include the phrase *“will be permitted”* or *“will not be permitted”*. With regard to the issue of decision making the Framework states *“the planning system is plan-led. Planning law requires that applications for planning permission must be determined in*

³¹ See section 38(6) of the Planning and Compulsory Purchase Act 2004.

accordance with the development plan, unless material considerations indicate otherwise". This basis for decision making should be made clear through use of the term "will be supported" or "not be supported" in recognition that the basis of decision making is the development plan unless material considerations indicate otherwise. The material considerations at the time of determination of a future planning application are unknown and therefore cannot be dismissed through a policy that states development will be permitted or not permitted. I have recommended a modification so that the basis of decision making on planning applications should be clarified.

Recommended modification 2:

Policies should use the term "be supported" or "not be supported" instead of "be permitted" or "not be permitted"

BP1: Development within and adjacent to the Conservation Area

69. This policy seeks to establish support for development proposals that preserve or enhance the Conservation Area and maintain the integrity of the street scene. Development principles relating to settlement form, building heights and materials, and protection of views are established.

70. Historic England supports the policy. Another representation states *"The reference to back land development being inappropriate in the policy is considered overly prescriptive and provides for a less flexible policy framework in relation to applications in the Conservation Area. Such a position is not supported by any national policy guidance nor appropriate evidence whilst in certain circumstances it should be recognised that this form of development has the potential to facilitate enhancements to designated heritage assets. It is therefore requested that the reference to 'back land development will not be encouraged' should be deleted."*

71. A further representation states the policy *"appears to duplicate the designation of the Conservation Area and the need for development to take account of Heritage Assets. The Conservation Area has been expanded from the areas designation in 1976, with 9 areas added in the 2014 review (and 1 area removed). Of most relevance to the land at the junction of Lower Icknield Way and Buckland Road was the inclusion of area 1, Fields surrounding Neild's Farm. These fields were included to help protect views of the grade II* listed Church and to reinforce the rural character of Buckland acting as an important buffer between Buckland and Aston Clinton. This could be described as a*

buffer to the original Conservation Area to ensure the setting is preserved. Any land beyond the Conservation Area, should have regard to the Conservation Area but should not be held to the same set of tests to development taking place within the Conservation Area. As such policy BP1 as drafted cannot be supported and we raise an objection on behalf of the landowners. Furthermore the policy references protection of views into and out of the Conservation Area. The Buckland Conservation Area December 2014 report identifies all the views of relevance to the Conservation Area. These views should be maintained, but general views into and out of the Conservation Area were not deemed significant in 2014 and therefore should not be subject to additional protection. This is further reason why the current policy cannot be supported.”

72. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. It is not unusual for a Conservation Area to have been extended from its original designated boundaries. Land owners have the opportunity to make representations at the time of consideration of a proposed extension of a Conservation Area. The policy clearly relates to the Conservation Area as currently defined. Appendix A of the submitted plan document displays a map showing the boundary of the Conservation Area at a scale that allows individual parcels of land to be identified. Whilst views of importance have been identified in the past it is appropriate for a Neighbourhood Plan to identify views considered to be important at the time of preparation of the Neighbourhood Plan. The map included in the submission plan document at Appendix A identifies views of different types and is referred to in the supporting text to the policy. The policy establishes the importance of views into and out of the Conservation Area. Whilst there is an evident intention those views will be assigned considerable weight in decision making on development proposals that does not prohibit balancing with other considerations.

73. The policy states the Conservation Area is characterised by ribbon development and backland development will not be encouraged. The policy does not seek to prohibit backland development, it is not encouraged. The policy would allow support for a backland scheme that enhances the Conservation Area and maintains the integrity of the street scene. The policy does not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. However the policy does properly seek to promote or reinforce local distinctiveness.

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

75. The policy has regard to the components of the Framework concerned with requiring good design; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. This policy meets the basic conditions.

BP2: AONB/Green Belt

76. This policy seeks to establish that any incursion into the AONB or Green Belt will be resisted.

77. The Framework states “*When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations*” and “*Great weight should be given to conserving landscape and scenic beauty inAreas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas....*”. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community but does not adequately reflect national policy. I recommend a modification to emphasise the great weight that will be placed on conserving landscape and scenic beauty. I recommend a modification to recognise that appropriate small scale development, for example a small house extension, can occur or that other development can occur in very special circumstances. I also recommend modification as the phrase “any *incursion into*” does not provide clarity for decision makers with regard to types of proposals concerned.

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

79. The policy has regard to the components of the Framework concerned with protecting Green Belt land, and conserving and enhancing the natural environment. Subject to the recommended modification this policy meets the basic conditions.

**Recommended modification 3:
In policy BP2**

- delete “Any incursion into” and insert “Any significant development in”
- after “resisted” insert “except in very exceptional circumstances”
- after Hills continue “where great weight will be attached to conserving landscape and scenic beauty”

BP3: Local Distinctiveness

80. This policy seeks to establish a requirement that development proposals meet specified design criteria. Historic England supports the policy.

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

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

83. The policy has regard to the components of the Framework concerned with requiring good design. This policy meets the basic conditions.

BP4: No Coalescence

84. This policy seeks to establish that development will not be permitted which would lead to coalescence with neighbouring settlements, particularly Aston Clinton.

85. Historic England supports the policy. Another representation states *“The introductory text to Policy BP4 sets out that ‘coalescence has already occurred’, with Policy BP4 seeking to prevent development that would lead to coalescence. Coalescence either occurs, or does not occur; therefore a policy to prevent coalescence when it already*

exists is not appropriate and cannot be enforced. The Conservation Area includes a significant area of open space around the main area of Buckland which will assist in preserving the character of the village. Whilst we understand Buckland's desire to remain a separate settlement, on the basis of the above, we cannot support the principles of Policy BP4. Therefore an objection is raised to the way in which Policy BP4 is drafted."

86. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy does not however offer a practical framework within which decisions on planning applications can be made as set out in paragraph 17 of the Framework. The meaning of the term "lead to coalescence" is unclear particularly, as the above representation states, where coalescence has already occurred. Settlements that have already joined together in one or more locations could additionally be joined together at other places. A development proposal could contribute to further coalescence. I recommend a modification of the policy to clarify this point.
87. The policy includes the term "neighbouring settlements". This term is insufficiently precise to guide decision makers. The supporting text only refers to Aston Clinton and no justification is included in relation to any other settlement. I recommend a modification such that the policy is restricted to coalescence with Aston Clinton only.
88. The policy is in general conformity with the strategic policies contained in the Development Plan, the Adopted Aylesbury Vale District Local Plan Saved Policies.
89. The policy has regard to the components of the Framework concerned with conserving and enhancing the natural environment. Subject to the recommended modification this policy meets the basic conditions.

Recommended modification 4:

In policy BP4

- **after "lead to" insert "further"**
- **delete "neighbouring settlements, particularly"**
- **amend the policy title to "No Further Coalescence"**

BP5: Open Countryside

90. This policy seeks to limit development that would result in loss of open countryside. The Parish Council has in a representation stated "*The*

reproduction of Policy BP5 has dropped the last line of the policy. It should read 'In order to retain the intrinsic characters of all parts of the Parish, development will not normally be permitted which would lead to the loss of open countryside'." I note the submission plan used the term "not appropriate to the loss of open countryside".

91. A representation states *"Policy BP5 appears to set out the need to retain all open countryside within the parish. Whilst the policy appears to reference the importance of open countryside with the AONB and Conservation Area, it does not further explain the importance of other areas of Countryside. Views from the AONB are already shielded from Buckland with development along London Road and long distance views do not appear to exist. Further evidence of the very important views into and out of the Parish is required before any policy to protect these views can be supported"*.
92. The policy is in general conformity with the strategic policies contained in the Development Plan, the Adopted Aylesbury Vale District Local Plan Saved Policies.
93. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is however not sufficiently aligned with national policy in terms of the presumption in favour of sustainable development. Whilst the Framework states great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty and seeks to protect Green Belt land these designations do not extend to cover the entire Neighbourhood Plan area. In any case Policy BP2 establishes a policy approach to those areas of special designation. The Framework establishes a presumption in favour of sustainable development and specifically recognises the importance of economic growth in rural areas and that there are special circumstances where isolated homes in the countryside will be acceptable.
94. The Framework states *"Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:* • *support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;* • *promote the development and diversification of agricultural and other land-based rural businesses;* • *support sustainable rural tourism and leisure*

developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and • promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship”

95. *“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as: • the essential need for a rural worker to live permanently at or near their place of work in the countryside; or • where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or • where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or • the exceptional quality or innovative nature of the design of the dwelling. Such a design should: – be truly outstanding or innovative, helping to raise standards of design more generally in rural areas; – reflect the highest standards in architecture; – significantly enhance its immediate setting; and – be sensitive to the defining characteristics of the local area.”*

96. The national policy approach to development in open countryside is clear. By contrast policy BP5 in the submission plan uses the term *“development not appropriate to the loss of open countryside”*. The Parish Council later propose *“development will not normally be permitted which would lead to the loss of open countryside”*. Neither of these terms provides sufficient clarity to allow the policy to function as a practical framework for decision taking as required by paragraph 17 of the Framework. It would serve no purpose to merely repeat national policy in the Neighbourhood Plan. The policy does not have sufficient regard to national policy set out in the Framework and therefore does not meet the basic conditions. I recommend this policy should be deleted.

**Recommended modification 5:
Delete policy BP5**

BP6: New Development

97. This policy seeks to establish conditional support for new ribbon development on infill sites. The policy also limits infill development within or adjacent to the Conservation Area to no more than three units.
98. Historic England supports the policy. Another representation states *“Policy BP6 appears to seek to limit development in the parish to 3 dwellings on any one site. In the context of the shortfall of 8,500 across AVDC, the desire to create more affordable homes in the parish and the proximity of Buckland Parish to Aston Clinton, it is not appropriate to restrict development to 3 dwellings. Therefore we cannot support policy BP6. Our landowners therefore object to this policy”*.
99. A further representation states *“This policy seeks to encourage new development in the form of infilling of existing built up frontages. Within the Conservation Area and adjacent areas, infill development is sought to be restricted to no more than three units. No background evidence exists to support such a prescriptive policy approach and undermines the ability to assess each planning application on its merits, whilst the national policy test is whether the proposal leads to “substantial harm” of a heritage asset. It is therefore requested that this reference to “three units” is removed with a new reference included based upon NPPF policy guidance as to whether the proposal leads to substantial harm of a heritage asset. The document contains no reference to the emerging level of housing need in the District. Aylesbury Vale District Council (AVDC) has just published for consultation the Vale of Aylesbury Plan (VALP) Issues and Options which sets out the need for 31,000 additional houses in the plan period 2013 – 2033. As part of this, Buckland has been identified as a “smaller village” and under the majority of growth options within this publication, smaller villages will be expected to accommodate at least 20 additional dwellings (although this will be higher if a distribution strategy is adopted). Within the plan, the status of Buckland as a smaller village should be referenced where small scale development will be considered acceptable where it does not give rise to environmental harm. This will ensure the plan accords with AVDC’s recently published Settlement Hierarchy Assessment (October 2015) and the emerging VALP”*.

100. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy does not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. However the policy does properly seek to promote or reinforce local distinctiveness.
101. The policy is in general conformity with the strategic policies contained in the Development Plan, the Adopted Aylesbury Vale District Local Plan Saved Policies. I have earlier in my report stated that there is no requirement for the Neighbourhood Plan to be in general conformity with the emerging Local Plan.
102. The Guidance states “*Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan*”. The requirement that within and adjacent to the Conservation Area infill development should comprise no more than three units is not supported by any explanation or evidence. On this basis I recommend that aspect of the policy should be deleted although the practical effect of this modification may not be great given the limited opportunities for ribbon development on infill sites in those locations. The policy has regard to the components of the Framework concerned with requiring good design; and conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the basic conditions.

**Recommended modification 6:
In policy BP6 delete the final sentence**

BP7: Meeting Local Housing Needs

103. This policy seeks to establish that development proposals should include a mix of dwelling sizes, reflecting the existing and future needs of the Parish. The policy identifies specific requirements.
104. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The second sentence of the policy does not however offer a clear basis for decision making as required by paragraph 17 of the Framework. It is sufficient to refer to low cost market housing. Land use policy does not offer an opportunity to specify particular types of accommodation should be occupied by persons with a low income. The reference to alterations and/or extensions is unclear and appears

to be in conflict with the following sentence relating to the removal of permitted development rights. Permitted development rights can be modified by condition at the time of grant of any planning permission. I have recommended modification of this sentence in order to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.

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

106. The policy has regard to the components of the Framework concerned with delivering a wide choice of high quality homes. Subject to the recommended modification this policy meets the basic conditions.

Recommended modification 7:

In policy BP7 delete “for those on low incomes and should also include for alterations and/or extensions”

BP8: Affordable Homes

107. This policy seeks to establish support for development proposals that provide affordable homes for local needs through the rural exception scheme.

108. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community.

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

110. The policy has regard to the components of the Framework concerned with delivering a wide choice of high quality homes and will be subject to subsequent Ministerial statements as appropriate. This policy meets the basic conditions.

BP9: Small Business Sites

111. This policy seeks to establish conditional support for development proposals for small scale businesses.
112. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The term “employing local people” is imprecise and does not offer an adequate basis for decision making. Additionally land use policy does not distinguish between businesses employing local people and those that employ people residing in other areas. I have recommended a modification to refer to employment opportunities in this respect.
113. The policy is in general conformity with the strategic policies contained in the Development Plan, the Adopted Aylesbury Vale District Local Plan Saved Policies.
114. The policy has regard to the components of the Framework concerned with building a strong competitive economy, and supporting a prosperous rural economy. Subject to the recommended modification this policy meets the basic conditions.

Recommended modification 8:

In policy BP9 delete “employing” and insert “offering employment opportunities available to”

BP10: Redevelopment of Existing Businesses

115. This policy seeks to establish conditional support for development proposals that expand specified types of business premises.
116. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Support for proposals for expansion of businesses will be based on assessment of damage to the residential environment and whether they create significant additional traffic movement. Support for proposals to redevelop inappropriately located employment uses however is based on them causing traffic congestion and visual intrusion. Traffic congestion is a problematic concept in the context of a small village. Traffic related problems associated with an existing business often manifest themselves in terms of a loss of residential amenity. Visual intrusion is an imprecise term not offering sufficient

guidance to decision makers. Use of the term 'residential amenity' in respect of redevelopment proposals would achieve greater consistency of approach across the components of the policy and provide a basis for evaluation of proposals that is well established.

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

118. The policy has regard to the components of the Framework concerned with building a strong competitive economy; supporting a prosperous rural economy; and requiring good design. Subject to the recommended modification this policy meets the basic conditions.

Recommended modification 9:

In policy BP10

- **Delete “does” and insert “do”**
- **Delete the final sentence and insert “Proposals to redevelop a business site that will significantly reduce harm to residential or visual amenity will be supported”**

BP11: Reuse and Relocation of Farm Buildings

119. This policy seeks to establish conditional support for the reuse of traditional farm buildings. Historic England supports the policy.

120. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy does properly seek to promote or reinforce local distinctiveness.

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

122. The policy has regard to the components of the Framework concerned with requiring good design and conserving and enhancing the historic environment. Paragraph 55 of the Framework refers to “*enhancement to the immediate setting*” and I have recommended this is reflected in the policy. I have also recommended a modification of

the policy title to reflect the policy content. Subject to the recommended modification this policy meets the basic conditions.

Recommended modification 10:

In policy BP11

- **continue “and lead to an enhancement to the immediate setting”**
- **delete “and relocation” from the policy title**

BP12: Provision of on-site Parking Spaces

123. This policy seeks to establish car parking standards.

124. A representation states *“Policy BP12 sets out a basic parking requirement for all new development and suggest all garages within new development cannot count as parking spaces. Whilst we understand the Parish Council’s concerns over providing adequate parking, the County Council have prepared parking standards, which are going through consultation and as the transport authority for the area, will be consulted on all planning applications including in relation to parking provision. The removal of garages as parking spaces from parking provision and higher parking requirements will only result in an over dominance of the car within the street scene. An alternative would be to include a policy or requirement for all planning consents to remove permitted development rights from garages to prevent conversion. It is not possible to support policy BP12 as currently proposed and an objection to it is raised.”*

125. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. It is appropriate for a neighbourhood plan to establish local car parking standards where, as is the case, reasons are stated. Consideration has been given to local car ownership and use; the type of roads developed; accessibility; and availability of public transport.

126. The policy is worded so as to state a requirement without any effect on ultimate provision. I recommend a modification to ensure provision. I also recommend a modification in order to achieve clarity regarding the basis of calculation of provision in accordance with paragraph 17 of the Framework. Whilst the representation makes an important point regarding vehicles in the street scene my role is limited to determine whether the submitted plan meets the basic conditions and other stated requirements. My role does not extend to deciding between possible policy alternatives.

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

128. The policy has regard to the components of the Framework concerned with requiring good design and promoting sustainable transport. Subject to the recommended modification this policy meets the basic conditions.

Recommended modification 11:

In policy BP12

- on both occasions delete “will require” and insert “must provide”
- delete “provisions” and insert “provision calculation”

BP13: Business Traffic

129. This policy seeks to ensure business development includes adequate on-site parking provision.

130. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community.

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

132. The policy has regard to the components of the Framework concerned with requiring good design and promoting sustainable transport. This policy meets the basic conditions.

BP14: Community Facilities

133. This policy seeks to protect community facilities and support new provision.

134. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community.

135. The policy is in general conformity with the strategic policies contained in the Development Plan, the Adopted Aylesbury Vale District Local Plan Saved Policies.
136. The Framework states that planning policies and decisions should “*plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.*” The Framework also refers to “*guarding against unnecessary loss*” and “*retention for the benefit of the community.*” The policy has regard to the components of the Framework concerned with promoting healthy communities however the use of the word “*protected*” does not provide sufficient guidance to decision makers. In accordance with paragraph 17 of the Framework I have recommended a modification so that the policy provides a practical framework for decision taking. Subject to the recommended modification this policy meets the basic conditions.

Recommended modification 12:

In policy BP14 delete the first sentence and insert “Development proposals that would result in the loss of existing community facilities will only be supported if accompanied by clear evidence the facilities are no longer viable or the proposals would result in improved provision within the Parish.”

BP15: Heritage

137. This policy seeks to resist proposals that would have a negative impact on heritage assets.
138. A representation states “*Policy BP15 provides a blanket restriction to development that would have a negative impact upon any heritage asset within the Parish. This is at odds with best practice, which requires the significance of a heritage asset to be understood and considered and any proposals for development to demonstrate how they impact upon the significance (whether this is a positive or negative impact and if this is acceptable). Whilst the need to preserve heritage assets is understood, the wording of the policy runs contrary to best practice and the national planning policy guidance and therefore cannot be supported. An objection is therefore raised to policy BP15 on this basis.*”

139. Historic England states “*Unfortunately we feel that policy BP15: Heritage may be too restrictive and does not provide the exercise of weighing the public benefit of schemes against unavoidable harm to the significance of heritage assets into account as set out in the National Planning Policy Framework. We would recommend this is amended with wording such as: “With diverse heritage assets throughout the whole parish, development proposals will be required to demonstrate that the impact of proposals on heritage assets has been carefully considered and that negative impacts to their significance, including impacts to their settings, have been either avoided or minimised. Where the harm of any residual impacts of a proposed scheme are not justified by the public benefits that would be provided, they will not be permitted.”* As this wording includes the weighing of considerations it is in order to use the word permitted. I recommend this modification is adopted.
140. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community.
141. The policy is in general conformity with the strategic policies contained in the Development Plan, the Adopted Aylesbury Vale District Local Plan Saved Policies.
142. The policy has regard to the components of the Framework concerned with conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the basic conditions.

Recommended modification 13:

In policy BP15 replace the wording with “With diverse heritage assets throughout the whole parish, development proposals will be required to demonstrate that the impact of proposals on heritage assets has been carefully considered and that negative impacts to their significance, including impacts to their settings, have been either avoided or minimised. Where the harm of any residual impacts of a proposed scheme are not justified by the public benefits that would be provided, they will not be permitted.”

BP16: Natural Environment

143. This policy seeks to establish support for development proposals that preserve or enhance the natural environment.
144. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community.
145. The policy is in general conformity with the strategic policies contained in the Development Plan, the Adopted Aylesbury Vale District Local Plan Saved Policies.
146. The Framework states “*To minimise impacts on biodiversity and geodiversity, planning policies should:*
- *plan for biodiversity at a landscape-scale across local authority boundaries;*
 - *identify and map components of the local ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them and areas identified by local partnerships for habitat restoration or creation;*
 - *promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan;*
 - *aim to prevent harm to geological conservation interests; and*
 - *where Nature Improvement Areas are identified in Local Plans, consider specifying the types of development that may be appropriate in these Areas*”. The supporting text to the policy identifies the local environment assets such that the policy provides a practical framework for decision taking in respect of development proposals in accordance with paragraph 17 of the Framework.

147. The policy has regard to the components of the Framework concerned with conserving and enhancing the natural environment. This policy meets the basic conditions.

Summary and Referendum

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

Recommended modification 1:

The projects listed on page 10 of the submission plan should be transferred to a non-statutory annex to the Neighbourhood Plan

Recommended modification 2:

Policies should use the term “be supported” or “not be supported” instead of “be permitted” or “not be permitted”

Recommended modification 3:

In policy BP2

- delete “Any incursion into” and insert “Any significant development in”
- after “resisted” insert “except in very exceptional circumstances”
- after Hills continue “where great weight will be attached to conserving landscape and scenic beauty”

Recommended modification 4:

In policy BP4

- after “lead to” insert “further”
- delete “neighbouring settlements, particularly”
- amend the policy title to “No Further Coalescence”

Recommended modification 5:

Delete policy BP5

Recommended modification 6:

In policy BP6 delete the final sentence

Recommended modification 7:

In policy BP7 delete “for those on low incomes and should also include for alterations and/or extensions”

Recommended modification 8:

In policy BP9 delete “employing” and insert “offering employment opportunities available to”

Recommended modification 9:

In policy BP10

- Delete “does” and insert “do”
- Delete the final sentence and insert “Proposals to redevelop a business site that will significantly reduce harm to residential or visual amenity will be supported”

Recommended modification 10:

In policy BP11

- continue “and lead to an enhancement to the immediate setting”
- delete “and relocation” from the policy title

Recommended modification 11:

In policy BP12

- on both occasions delete “will require” and insert “must provide”
- delete “provisions” and insert “provision calculation”

Recommended modification 12:

In policy BP14 delete the first sentence and insert “Development proposals that would result in the loss of existing community facilities will only be supported if accompanied by clear evidence the facilities are no longer viable or the proposals would result in improved provision within the Parish.”

Recommended modification 13:

In policy BP15 replace the wording with “With diverse heritage assets throughout the whole parish, development proposals will be required to demonstrate that the impact of proposals on heritage assets has been carefully considered and that negative impacts to their significance, including impacts to their settings, have been either avoided or minimised. Where the harm of any residual impacts of a proposed scheme are not justified by the public benefits that would be provided, they will not be permitted.”

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

Recommended modification 14:

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

150. I am satisfied that the Neighbourhood Plan³²:

- is compatible with the Convention rights, and would remain compatible if modified in accordance with my recommendations; and
- subject to the modifications I have recommended, meets all the statutory requirements set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990 and meets the basic conditions:
 - having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;
 - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 - does not breach, and is otherwise compatible with, EU obligations; and would continue to not breach and be otherwise compatible with EU obligations if modified in accordance with my recommendations; and
 - the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.³³

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

151. I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if to be extended, the nature of that extension.³⁴ I have seen nothing to suggest the

³² The definition of plans and programmes in Article 2(a) of EU Directive 2001/42 includes any modifications to them

³³ Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

³⁴ Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

referendum area should be extended beyond the designated Neighbourhood Area.

I recommend that the Neighbourhood Plan should proceed to a referendum based on the area that was designated by the District Council as a Neighbourhood Area on 30 January 2014.

Annex: Minor Corrections to the Neighbourhood Plan

I am able to recommend modification of the Neighbourhood Plan in order to correct errors.³⁵ The Neighbourhood Plan includes a number of errors that are typographical in nature or arising from updates. I recommend these are corrected as follows:

Page 3 6th paragraph AVDC confirm 30 January 2014

Page 5 1st paragraph delete 'enhance' and insert 'enhancement of'

Page 9 3rd paragraph insert 'a' before 'scheduled'

Page 9 3rd paragraph inconsistent upper case use in 'scheduled ancient monuments'

Page 10 1st paragraph delete '2' insert 'C'

The purpose of Appendices F and H is unclear as they are not referred to in text

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

**Recommended modification 14:
Identified errors that are typographical in nature or arising from updates should be corrected. Modification of general text will be necessary to achieve consistency with the modified policies**

Chris Collison
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16 November 2015
REPORT ENDS

³⁵ Paragraph 10 (3)(e) of Schedule 4B to the Town and Country Planning Act 1990