

Cheddington Parish Council

Cheddington Neighbourhood Development Plan

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

Independent Examiner Christopher Edward Collison

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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 Cheddington Neighbourhood Development Plan (the Neighbourhood Plan) has been prepared by Cheddington Parish Council (the Parish Council), a qualifying body able to prepare a neighbourhood plan, in respect of the Cheddington Neighbourhood Area which was formally designated by Aylesbury Vale District Council (the District Council) on 1 October 2013.
4. Work on the production of the plan has been undertaken by volunteer members of the local community through a Neighbourhood Planning Team (the Steering Group).
5. 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, which occurred in April 2015. Aylesbury Vale District Council has submitted the Neighbourhood Plan to me for independent examination.

Independent Examination

6. 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

¹ Paragraph 183 National Planning Policy Framework (2012)

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

District Council will decide what action to take in response to the recommendations in this report.

7. 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.
8. 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 more than thirty-five years professional planning experience and have held national positions and local authority Chief Planning Officer posts.
9. 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
10. 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

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

11. The general rule is that examination of the issues is undertaken by the examiner through consideration of written representations.⁵
12. One of the representations received during the Regulation 16 publicity period expressed a desire to “*take part in the hearing*” and another to take part in any hearing session “*to ensure that our comments are fully understood by the Examiner*”. 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

13. 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

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

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

14. 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'.
15. In addition to the basic conditions and Convention rights, I am also required to consider whether the Neighbourhood Plan complies with 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.
16. The Neighbourhood Plan relates to the area that was designated by the District Council as a neighbourhood area on 1 October 2013. The plan area is described in the Submission Version of the Neighbourhood Plan. A map of the plan area is included as Figure A 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.
17. 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.
18. 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.

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

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 See recommended modification regarding Policy 11

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

19. 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 submitted Neighbourhood Plan meets the basic conditions and Convention rights, and the other statutory requirements.
20. 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.
21. 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.
22. 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

23. 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:
- Cheddington Neighbourhood Plan 2015-2033 Submission Version March 2015
 - Cheddington Neighbourhood Plan Basic Conditions Statement March 2015
 - Cheddington Neighbourhood Plan Consultation Report April 2015

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

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

- Cheddington Neighbourhood Plan Report on Site Selection March 2015
- Cheddington Neighbourhood Plan Final Strategic Environmental Assessment Report March 2015
- Cheddington Neighbourhood Plan Evidence Base
- Representations received during the Regulation 16 publicity period
- Aylesbury Vale District Local Plan (AVDLP) Saved Policies
- Community Infrastructure Levy Viability Study prepared for the Vale of Aylesbury Plan 2012
- Aylesbury Vale District Council Position Statement for the Council's 5 Year Housing Land Supply (July 2015)
- National Planning Policy Framework (27 March 2012) [*In this report referred to as the Framework*]
- 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

24. Community engagement in plan preparation has been extensive as evidenced by the dateline of events presented as section 3 of the Consultation Report. I highlight here a number of key stages in order to illustrate the thorough and comprehensive approach adopted.

25. A questionnaire was sent to every resident in the village seeking opinions on a range of development issues. These were collected in February 2014 and a 'Have Your Say' day was held in March 2014. Information about these initiatives was published in the village newsletter which is distributed free of charge to all residents, and posters were used to advertise the 'Have Your Say' day which was attended by over 100 people. All residents were invited to attend the

Annual Parish Assembly where an open forum discussion took place.

26. Public consultation with approximately 20 people attending at St Giles Church in May 2014 was followed by production of the draft State of the Parish Report the same month. A planning workshop was held in July 2014 in the village hall involving representatives of all village organisations.
27. After the Steering Group had decided which options were to be considered for development in August 2014 landowners were asked if they wished their land to be included as possible development sites. This was followed up with a developers/landowners event held in the village hall in September 2014. The event was well advertised and attended by an estimated 190 residents. Three companies made presentations and given the opportunity to answer questions put by attendees. It was made clear the sites subject of the presentations were not the only sites available for development. 82 questionnaires designed to surface opinion of residents about the presentations were returned and analysed.
28. The questionnaire results were considered to indicate a preference for sites 16, 17 and 21 and that site 7 should be excluded, but did not give the Steering Group an entirely clear mandate to include any one particular site. Four site selection options were generated; however the District Council advised that three of these were undeliverable *“as they contained a site that had a disused orchard which has a high ecological value and overhead power cables running through it with a power sub-station on site.”*
29. A public event held in November 2014 resulted in 478 votes cast, which are stated in Section 3 of the Consultation Report to represent a 33% turnout. The Consultation Report also states *“It was considered that there was not enough evidence from the vote to try to ‘join up’ the village along Station Road as AVDC would resist the option”* and *“After taking advice from the consultant at rCOH Ltd and from AVDC one option remained as the only viable option.”*
30. Pre-submission consultation was held between 5 January and 16 February 2015. The plan document was available on a website and paper copies available for inspection at several locations in the plan area. Two public events were also held to enable residents to view the plan document. Comments from both statutory consultees and residents resulted in a number of changes to the plan that was accepted at the Parish Council meeting on 4 March 2015. All the

Cheddington residents were invited to a presentation of the final plan at the annual Parish Assembly on 18 March 2015 through the village newsletter and website, Parish Council notice board and insert in the Leighton Buzzard Observer. The final draft of the Neighbourhood Plan was submitted to the District Council in April 2015.

31. The Submission Version of the Neighbourhood Plan has been the subject of a Regulation 16 publicity period between 5 May and 16 June 2015. A total of 27 representations were submitted although one of these was received by the District Council after the consultation period had closed so I have not taken that representation into consideration. Another representation was subsequently withdrawn leaving 25 which I have taken into consideration in preparing this report, even though they may not be referred to in whole, or in part.
32. The majority of representations express support for the Neighbourhood Plan. A number include positive comments regarding the plan preparation process with reference to thoroughness and praise for the extent of opportunity for the whole village to be involved. Several of the representations focus on the Neighbourhood Plan policies and are referred to, where appropriate, later in my report. One representation states *“Having reviewed the Cheddington Neighbourhood Plan, it is clear that there have been major flaws throughout the plan preparation (contrary to basic conditions 8(2)(a), (d), (e) and (f)), and that there are many components, both policies and the supporting text, that are contrary to the basic conditions (especially basic conditions 8(2)(a), (d), (e)).”* Where the detailed representations relate to the Neighbourhood Plan as a whole I deal with them in the next section of my report and where they relate to specific policies I deal with them in the later section of my report when considering the policies concerned.
33. Buckinghamshire County Council (the County Council) has stated that paragraph 2.25 of the Neighbourhood Plan regarding education is misleading and put forward alternative wording. Whilst I would have no objection to this amendment I have not recommended a modification as the revision is not necessary to meet the basic conditions.
34. The County Council has also stated the encouragement of safe walking, cycling and horse riding objective could be developed further to detail the specific improvements that are aspired to for the area, and suggest visual interpretation of the aspirations. Again I have not recommended a modification as the revision is not necessary to meet the basic conditions.

35. Consultation has clearly exceeded the requirements of the Regulations achieving wide and intensive engagement with stakeholders who have influenced the content of the Neighbourhood Plan.

The Neighbourhood Plan taken as a whole

36. 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

37. 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.

38. A representation refers to paragraphs 027 and 046 of the Guidance¹⁸ and states “*The requirement to produce a Strategic Environmental Assessment (SEA) goes to the core compliance of basic condition (f) which requires strict adherence to whether the making of the*

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 National Planning Policy Guidance reference ID:11-027-20150209 and ID:11-046-20150209 respectively

neighbourhood plan is compatible with the European Union obligations detailed above. Gladman submit that the SEA has not been undertaken in accordance with paragraph 027 and the Environmental Assessment of Plans and Programmes Regulations 2004. The CNP is therefore contrary to paragraph 027 of the PPG. The SEA is far too simplistic, minimalist and appears more to be a tick box exercise, prepared late in the process, rather than an informative part of the plan preparation. When assessing policies within the CNP there are only three colour blocks provided within the tables. In line with comments made regarding the Draft SEA, a key concern for Gladman is the fact that the proposed housing allocations are therefore assessed collectively under Policy 2, rather than on an individual site basis. The different sites may have different characteristics which in turn would produce a different assessment outcome. This approach could be misrepresentative of the impacts of the individual sites. Gladman would recommend that the individual allocations should be assessed as well as the policy as a whole. Furthermore the SEA report does not assess any reasonable alternatives in terms of individual potential housing allocations. The SEA merely provides a cursory assessment of two alternative options for the overall spatial strategy for housing growth. There has also been no attempt to assess an alternative of a specified higher housing figure beyond the limited reference to “double the number” and no attempt to examine the Gladman site at Leeches Way. The CNP does not meet the basic condition 8(2) (f), and in respect of paragraph: 037 of the Guidance.”¹⁹ “Gladman believe the SEA is fundamentally flawed in relation to the assessment of reasonable alternatives, with very limited narrative and any evidential analysis or scoring that underpins the choices, and clarity of decisions that it makes.”

39. The objective of EU Directive 2001/42²⁰ 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 ‘plans and programmes’²¹ as the Local Planning Authority is obliged to ‘make’ the plan following a positive referendum result.²²

¹⁹ National Planning Policy Guidance reference ID:11-037-20150209

²⁰ Transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004

²¹ Defined in Article 2(a) of Directive 2001/42

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

40. The District Council issued a Screening Opinion in July 2014. The District Council concluded that the Neighbourhood Plan should be prepared in accordance with EU Directive 2001/42 on Strategic Environmental Assessment (SEA).
41. The Basic Conditions Statement states *“A SEA Scoping Report was published by the Parish Council for consultation with the statutory authorities to complete Stage A of the SEA process. The comments received were then taken into account in Stages B and C of drafting the SEA alongside the Pre-Submission Neighbourhood Plan, both of which were published for consultation with the statutory authorities as well as the general public. The final SEA is published alongside the Submission document.”*
42. The SEA report sets out the assessment framework used to assess the sustainability performance of the Neighbourhood Plan. It is confirmed this was the subject of consultation with the statutory bodies as part of the SEA Scoping Report. It is concluded there are no negative impacts of the strategic objectives of the Neighbourhood Plan and that there are no significant adverse effects resulting from the policies of the Neighbourhood Plan. It is confirmed *“The policies have been specifically chosen and formulated to adhere to the principles of sustainable development as defined by the NPPF”*. The SEA report includes consideration of options.
43. I have given consideration to the question of positive effects and impacts. The Guidance states *“The strategic environmental assessment should only focus on what is needed to assess the likely significant effects of the neighbourhood plan proposal. It should focus on the environmental impacts which are likely to be significant. It does not need to be done in any more detail, or using more resources, than is considered to be appropriate for the content and level of detail in the neighbourhood plan.”*²³ I consider likely significant effects have been assessed.
44. Natural England has confirmed during the publicity period a comment made earlier in the plan preparation process that it is satisfied with the contents of the SEA.
45. The Neighbourhood Plan proposes that the progress in its implementation will be assessed using the identified measures. It is confirmed that should any real or potential negative impacts be

²³ National Planning Policy Guidance Revision date 09 02 2015 Paragraph 30 Reference ID:11-030-20150209

identified then the Parish and District Councils will seek to review the relevant policies and their implementation. I am satisfied that the requirements in respect of Strategic Environmental Assessment have been met.

46. 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*”. Unsurprisingly I have not seen anything that suggests the Neighbourhood Plan will have a significant effect on a European offshore marine site. Natural England is satisfied with the conclusion that the Neighbourhood Plan will not require a Habitats Regulations Assessment.

47. 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.

48. 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

49. The Guidance²⁴ 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
- when it takes the decision on whether or not to make the neighbourhood plan (which brings it into legal force).

²⁴ National Planning Policy Guidance paragraph 031 reference ID:11-031-20150209

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

50. 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 Plans²⁵ which requires plans to be “*consistent with national policy*”.
51. Lord Goldsmith has provided guidance²⁶ 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.*”
52. The Basic Conditions Statement seeks to demonstrate the Neighbourhood Plan has been prepared with regard to national policies as set out in the Framework. A statement is made as to how the Neighbourhood Plan supports or otherwise positively relates to paragraphs 16, 183, 184 and 185 of the Framework. Specific paragraphs of the Framework are identified where there is a linkage to a policy of the Neighbourhood Plan.
53. The Neighbourhood Plan states a vision. The reference to 2031 could be modified to 2033 to correspond with the plan period. As this change is not required to meet the basic conditions I have not made a recommendation of modification but referred to this as a minor correction in the annex to my report. This vision relates to matters appropriate to a Neighbourhood Development Plan, is written clearly, and adopts a positive approach seeking a thriving local community. The vision does not constrain and indeed supports the objectives of the Framework. The vision refers to growth of the village continuing

²⁵ 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

²⁶ 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)

and in particular *“local businesses and facilities have had the freedom to grow and develop to changing needs”*. 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 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.

54. The objectives of the Neighbourhood Plan relating to housing, environment, community services, and transport are all consistent with components of the Framework and in particular those aspects relating to delivering a wide choice of high quality homes; conserving and enhancing the natural environment; promoting healthy communities; and promoting sustainable transport.

55. A representation states the Neighbourhood Plan:

- does not conform with the Framework;
- has not met the requirements of the Guidance or the Basic Conditions;
- fails to plan positively for development and infrastructure;
- promotes a restrictive approach to development which lacks flexibility and is not grounded in any up to date evidence;
- limits opportunities for sustainable development to come forward;
- will predetermine the overall requirement proposed within the emerging Local Plan;
- is in conflict with the national policy objective to boost significantly the supply of housing; and
- has not been informed by an up to date objectively assessed need for the District.

56. The basic conditions include *“having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan”*. I have already considered the test “having regard to” which is different to “conform”. The Guidance does not establish “requirements”. The Neighbourhood Plan allocates land that will boost the supply of housing by approximately 100 dwellings in addition to any windfall schemes. Any future Local Plan will become the most recent addition to the Development Plan and will prevail over plans made earlier. The Framework distinguishes between obligations

falling to Local Planning Authorities, including those associated with Local Plan preparation, and policy relating to neighbourhood plan preparation.

57. 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.*"
58. 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.²⁷ 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 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.*"
59. 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.
60. The Framework states there are three dimensions to sustainable development: economic, social and environmental. The Basic

²⁷ Paragraph 14 National Planning Policy Framework 2012

Conditions Statement includes a table that seeks to demonstrate the economic, social and environmental attributes of each of the Neighbourhood Plan policies. 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:

- Allocate land for housing development and ensuring proposals contribute to meeting local housing needs including affordable homes;
- Encourage proposals that improve the viability of community buildings and facilities;
- Support a beneficial use of the vacant station building;
- Ensure new development is of good quality design;
- Ensure the heritage and landscape special value of Southend Hill and Westend Hill is not diminished;
- Conserve and enhance the natural environment;
- Designate three areas as Local Green Space; and
- Promote sustainable modes of transport.

61. I note the Neighbourhood Plan includes at paragraph 5.4 a list of local infrastructure projects identified as priorities for future investment of Community Infrastructure Levy (CIL) funding. As expressed the projects are merely headings without any level of detail. The project proposals do not form part of the Neighbourhood Development Plan and as such have not been considered as part of this independent examination. The proposals would not be the subject of any referendum and would not become part of the Development Plan for the area.

62. 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 can be prioritised in future CIL 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.*" The identification of priorities for funding is a financial resources decision and not one relating

directly to the development and use of land. I recommend the Guidance is followed.

Recommended modification 1:

Identification of priority projects for Community Infrastructure Levy funding (paragraphs 5.4 and 5.5 of the submission plan) should be transferred to a non-statutory annex to the Neighbourhood Plan

63. 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)

64. The Framework states that the ambition of the neighbourhood should “support the strategic development needs set out in Local Plans”.²⁸ “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”.²⁹

65. 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.”

66. 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 Cheddington

²⁸ Paragraph 16 National Planning Policy Framework 2012

²⁹ Paragraph 184 National Planning Policy Framework 2012

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.

67. 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.

68. A representation states the Neighbourhood Plan is premature as the emerging Local Plan is at such an early stage it is unclear what the preferred spatial strategy will be, or the scale of growth that plan will seek to accommodate. The representation maintains the Neighbourhood Plan must be in conformity with the strategic policies in the development plan and in particular local plan policies must be extant and up-to-date, following successful examination of an NPPF-era Local Plan. *“If the Cheddington Neighbourhood plan is prior to the adoption of the VALP it will be contrary to basic conditions 8(2) (a) and (e)”*. *“The CNP seeks to make judgements regarding the housing requirement for the village before this has been determined through the Local Plan process based on a full objectively assessed need, as required by the Framework.”* The representation also states *“this is not an appropriate time to prepare a Neighbourhood Plan which seeks to allocate housing not based on up to date evidence”*. *“It would be more appropriate to progress the Neighbourhood Plan once the VALP³⁰ has been adopted”*.

69. 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.³¹ 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

³⁰ Refers to the emerging Local Plan

³¹ 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

only statutory requirement imposed by basic condition (e) is that the Neighbourhood Plan as a whole should be in general conformity with the adopted development plan as a whole.

70. 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.”*³²

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.

71. 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.”*

72. 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.³³ The Neighbourhood Plan cannot therefore prejudice the emerging Local Plan in this respect.³⁴

73. 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

³² Persimmon Homes v. Stevenage BC the Court of Appeal [2006] 1 P &CR 31

³³ Section 38(5) Planning and Compulsory Purchase Act 2004

³⁴ See paragraph 103 of the Judgement in BDW Trading Limited, Wainholmes Developments Ltd v Cheshire West & Chester BC [2014] EWHC 1470 (Admin)

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

74. The Neighbourhood Plan includes 7 policies:

- 1: A Spatial Plan for the Parish
- 2: Housing Site Allocations
- 3: Community Facilities
- 4: Design
- 5: Southend Hill and Westend Hill Heritage Asset and Special Landscape
- 6: Green Infrastructure and Biodiversity
- 7: Local Green Spaces

75. 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.”*

76. *“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.”*

77. *“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”.*

78. *“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.”*³⁵

79. 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.

Policy 1: A Spatial Plan for the Parish

80. This policy seeks to designate a Cheddington settlement boundary. Proposals for development within the settlement boundary will be supported provided they do not result in the loss of any existing publically accessible open space. It is stated that to be supported proposals must also be consistent with other development plan policy. I consider this latter cross-reference is unnecessary but have not recommended a modification as this is not required to meet the basic conditions.

81. The policy states development proposals outside the settlement boundary will not be permitted in the countryside unless necessary for the purposes of agriculture or forestry, or for enterprise, diversification or recreation that benefits the rural economy without harming countryside character.

82. The settlement boundary has been drawn to include land allocated for housing development in policy 2, which makes provision for the development of up to 100 new dwellings in addition to any windfall schemes. I consider the phrase ‘up to’ later in my report.

83. The Neighbourhood Plan states that policy 1 *“replaces AVDLP policies RA13 and RA14”* in so far as they are applied in the Neighbourhood Plan area.

³⁵ See section 38(6) of the Planning and Compulsory Purchase Act 2004.

84. A representation states support for the plan on the basis “*it will supply all the housing that is needed in this village*”. Natural England is supportive of the policies which reinforce development in the centre of the village.

85. Another representation states the Neighbourhood Plan is:

- expressing the housing requirement as a ceiling figure
- not sufficiently growth orientated, based upon a restrictive approach not in general conformity with the strategic policies of an up to date Local Plan coming forward ahead of any such plan
- pre-emptive of any requirement or allocations that may be made through the Local Plan process
- without regard to objectively assessed need, and provides no flexibility to provide for any additional housing that could be identified once an objectively assessed need for the District has been published
- not able to respond rapidly to changes in the marketplace and relying on a potential early review to the plan to ensure that it aligns with strategic policies which it should not
- preventing sustainable development outside of the village boundary in direct conflict with paragraph 47 of the Framework and the government objective to boost significantly the supply of housing
- failing to refer to paragraph 47 or 49 of the Framework in the Basic Conditions statement and in conflict with paragraphs 16, 47, 49 of the Framework.

86. With respect to the references to paragraphs of the Framework I have earlier in my report, taking the plan as a whole, considered 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. I have also considered 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). I have also concluded that the Neighbourhood Plan can proceed in advance of the emerging Local Plan.

87. Paragraph 49 of the Framework applies to relevant neighbourhood development plan policies for housing supply.³⁶ Policy 1 should be considered as a policy for the supply of housing in so much as it supports development proposals within the defined settlement boundary and because of its approach to development proposals in the countryside.³⁷ The latest calculation by the District Council shows the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.³⁸ The Neighbourhood Plan is not seeking to impose a cap on the supply of housing development. The elements of policy 1 together seek to shape and direct development which is a role for neighbourhoods envisaged in the Framework. Paragraph 49 of the Framework states how relevant policies should be considered in the context of the then current supply situation; it does not relate to the formulation or establishment of policy. In any case the supply calculation published by the District Council this month is unlikely to remain unchanged throughout the Neighbourhood Plan period. In the context of paragraph 49 of the Framework whenever a five-year supply can be demonstrated during the plan period, policy 1 once part of a made Neighbourhood Plan, should be regarded as up to date.

88. Paragraph 16 of the Framework includes “*neighbourhoods should plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan*”. Policy 1 of the Neighbourhood Plan provides opportunity for approximately 100 dwellings plus windfall schemes to be developed, making a positive contribution to the supply of new homes. The supporting paragraphs to policy 1 describe the balancing of housing need with the lack of social, employment and commercial infrastructure to support a larger population. There is also reference to the addressing of the desire of the local community to see the village grow where indicated on the Policies Map. The significance of the expressed preference of the local community is referred to in the plan document and reference is also made to the final SEA report in the context of informing the decision on the intended spatial provision for growth.

³⁶ Crane v Secretary of State for CLG 2015 in relation to the Broughton Astley Neighbourhood Development Plan

³⁷ South Northamptonshire Council v Secretary of State for CLG and others 2014 distinguishes between a general policy restricting development in open countryside from one to protect a specific feature or area such as a gap between settlements. Also see Cheshire East Borough Council v Secretary of State for CLG & Richborough Estates Partnership LLP 2015, although the latter is to be considered by the Court of Appeal

³⁸ Aylesbury Vale District Council Position Statement for the Council's 5 Year Housing Land Supply (July 2015)

89. The Neighbourhood Plan states “*Aside from addressing the need for open market and affordable housing, this level of housing supply is consistent with the proposed status of Cheddington as a ‘large village’ (as defined in the 2012 AVDC Settlement Hierarchy Assessment). The withdrawn Vale of Aylesbury Plan (VAP) of early 2014 proposed villages of this status should plan for approximately 50 new homes over the plan period. With the likelihood that the new Vale of Aylesbury Local Plan will propose higher levels of housing growth, the total housing supply derived from the allocations of this policy is more likely to be consistent with that plan.*” I consider use of reasoning and evidence arising from the emerging Local Plan preparation process has regard to the Guidance. It is not necessary to delay the Neighbourhood Plan preparation process until the emerging Local Plan is in place. I am mindful of the fact that should there ultimately be a conflict between the Neighbourhood Plan, and the Local Plan when adopted; the matter will be resolved in favour of the plan most recently becoming part of the Development Plan. It is stated in the Neighbourhood Plan that should its provisions be insufficient to the extent this policy becomes out of date, then an early review may be undertaken to identify additional sites within or adjoining the settlement boundary. I consider the Neighbourhood Plan adopts an appropriate positive approach to growth of the settlement seeking to shape and direct development. The indication of flexibility represents good practice.
90. Adjustment to the settlement boundary is based on consolidation of the main village avoiding “*important green spaces that help define its character.*” This criterion has regard to the component of the Framework relating to conserving and enhancing the natural environment, and in particular protecting and enhancing valued landscapes. Adjustment to the settlement boundary is also stated to be determined by the community’s expressed preference for a spatial strategy that consolidates the main part of the village formed by development on either side of Mentmore Road/High Street. The role of a Neighbourhood Plan in shaping and directing development is recognised in the Framework.
91. The Neighbourhood Plan includes site allocations that will deliver approximately 100 new homes. The supporting text to policy 1 includes at paragraph 4.8 the phrase “*up to 100 new dwellings*”. This is not an accurate reflection of the wording of policy 2 where allocations are described in terms of approximate numbers of dwellings that can be accommodated. I recommend modification such that all references to numbers of dwellings to be accommodated on allocated sites

individually, and in total, should use the word “approximately” rather than the phrase “up to”, both as a matter of consistency, but also to more clearly demonstrate regard for the presumption in favour of sustainable development within the Framework.

92. Paragraph 47 of the Framework relates to actions to be undertaken by local planning authorities to boost significantly the supply of housing. Whilst there is specific reference to ‘Local Plan’ the paragraph is silent with respect to neighbourhood plans. The allocation of 4.8 hectares of land for residential development to accommodate approximately 100 dwellings in the plan period represents a significant boost to housing supply locally. I note it is also stated in the Neighbourhood Plan that two of the three site allocations may be large enough to accommodate later phases of development beyond the plan period. In a parish with less than 750 dwellings the allocations represent a significant level of provision for new housing development. The Neighbourhood Plan clearly seeks to boost significantly the supply of housing in the plan area.
93. Whilst the site allocations will boost significantly housing supply, they do not represent all the housing development that will occur in the plan area over the plan period. The Neighbourhood Plan anticipates other development proposals will be made inside the settlement boundary, which policy 1 supports, provided they do not result in the loss of any existing publically accessible open space and are consistent with other development plan policy. The Neighbourhood Plan states the allocations are “*in addition to any windfall schemes*”. The site allocations clearly do not represent a cap on housing development. I also note policy 1 does not place any cap on the number of dwellings or the amount of development that can take place within the settlement boundary. I consider the use of the phrase “but containing” is ambiguous in this respect and recommend the use of “directing” which more clearly has regard to the presumption in favour of sustainable development within the Framework.
94. Whilst a representation has put forward additional or alternative land as being suitable for allocation in the Neighbourhood Plan I find that the settlement boundary defined in policy 1 meets the Basic Conditions and the existence of any sites outside that boundary, whether they are suitable for development or not, as additional or alternative sites, is not a matter against which the Neighbourhood Plan is to be examined.

95. The Framework aims to support a prosperous rural economy. The Framework states 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; and support sustainable rural tourism and leisure developments. I consider the wording of policy 1 to be ambiguous, in particular with respect to diversification, and not clearly having regard to the relevant provisions of the Framework. I recommend that the policy should be modified in these respects.

96. I am of the opinion that the commitment contained in the Neighbourhood Plan to plan monitoring will offer appropriate opportunity to respond to any site delivery constraints arising and achieve any necessary flexibility and adaptability.

97. 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 policy 1. The policy shapes and directs sustainable development. These considerations support my conclusion that subject to the modification recommended this policy meets the basic conditions.

Recommended modification: 2

In policy 1

- **delete “but containing” and insert “directing”**
- **after “unless it” delete the remainder of the third paragraph and insert “supports the sustainable growth and expansion of a business or enterprise in the countryside area, both through conversion of existing buildings and well designed new buildings; promotes the development and diversification of agricultural and other land-based rural businesses; or supports sustainable rural tourism and leisure developments that benefit businesses in the countryside area, communities and visitors, and which respect the character of the countryside”**

And all references in the Neighbourhood Plan to numbers of dwellings to be accommodated on allocated sites individually, and in total, should use the word “approximately” rather than the phrase “up to”

Policy 2: Housing Site Allocations

98. This policy seeks to allocate land for housing development at three locations, namely, land off Mentmore Road; land rear of Partridge Close; and land at Barkham Close. The policy seeks to establish development principles in respect of each site individually.
99. The policy also includes two provisions that apply to all three sites. Firstly there should be 35% on-site provision of affordable homes, unless it can be demonstrated that a lower provision is necessary to make a viable scheme. Secondly applicants are to be encouraged to bring forward proposals in a phased programme over the duration of the plan period.
100. The Neighbourhood Plan states that the sites at Mentmore Road and Barkham Close may be large enough to accommodate later phases of development beyond the plan period.
101. Consideration has been given to the setting of the Grade II listed Cheddington Manor House with respect to the allocated sites at Mentmore Road and Barkham Close.
102. A representation states:
- The housing requirement has not been established through an up to date objectively assessed need, and is restrictive, and is worded as a ceiling figure
 - The 35% affordable housing provision is based on a superseded document
 - The proposed phasing approach does not aim to boost significantly the supply of housing
 - There appears to be no criteria against which sites have been assessed in terms of sustainability or appropriateness, but instead they appear to be assessed in regards to availability, current use, and views of local residents
 - Sites have been selected within the setting of a Grade II listed building.
103. Another representation states *“I particularly identify site 16, site 17 and site 18 as recorded in the Site Selection Report as being the most ideal sites to provide the extra housing that is most definitely required for this village. They are the areas which are the most natural to be developed, and logically extend from the housing already in situ.”* Another representation states *“I fully agree with the Neighbourhood Plan, as voted on by the residents. Development on parts of sites 16*

and 17 would infill the village centre. Site 18 would go some way to joining up the two areas of the village. As site 18 is closer to the station, commuters would not add to the traffic through the village at peak times (already a problem). Current village infrastructure could just about cope with the proposed number of dwellings. Larger housing developments would cause real problems.”

104. A further representation states *“The CNP provides for the kind of homes needed in the village, with about 35% affordable and plenty of housing suitable for the elderly. It proposes phased development across three sites which have safe access and proximity to the railway station and school. This will put new residents at the heart of the community and will minimise the impact on the roads and village infrastructure. The sites are all on level ground and are within the Settlement Boundary. This will avoid adversely affecting the local environment. It will protect the village setting and surroundings and also help the village to retain its sense of community.”*
105. Another representation states support for the housing allocations *“as this has been chosen by the residents and is not a speculative development outside the existing village boundary. It is also not on a green hill close to a scheduled ancient monument. This also provides a staged development over a number of years which would allow for required infrastructure growth of the school, roads and other facilities rather than it being dumped upon us all in one go. Hopefully the wishes of the local residents will be listened to.”* Another representation commends the phased development approach *“accounting for the required infrastructure needed to accommodate an increase in housing and resultant rise in population whilst also preserving the character of the village and green spaces”.*
106. Natural England is supportive of the policies which reinforce development in the centre of the village. A further representation states the allocated sites *“are preferable to the speculative proposal made by Gladman’s for the green hill at the southern end of the village.”* A further representation sets out in some detail why in the opinion of the writer the lower slopes of Southend Hill should not be developed. Another representation states *“A phased development across several relatively small sites with proximity to the railway station. This grows the core of the village, maintaining a sense of community, whilst also making allowance for commuting without exacerbating the station parking problem.”*

107. A further representation supports:
- the housing allocations of sites 2i, 2ii and 2iii;
 - the deletion of restrictions on the timing of development;
 - on-site provision of 35% of dwellings to be affordable homes unless demonstrated viability requires lower provision;
- and expresses concern the Neighbourhood Plan fails to meet the basic conditions as:
- changes made to site boundaries will constrain delivery and number of dwellings that could be accommodated on each site;
 - “custom build” provision is not supported by evidence to demonstrate local need and no assessment of the impact on the deliverability and viability of allocated sites;
 - need for the provision of dwellings designed for elderly persons (or other social groups) is not demonstrated.

108. I have earlier in my report given consideration to the question of whether the Neighbourhood Plan places a restriction on development and found the plan will boost significantly housing supply in the plan area. The site allocations do not represent all the housing development that will occur in the plan area over the plan period. The Neighbourhood Plan anticipates other development proposals will be made inside the settlement boundary, which policy 1 supports, provided they do not result in the loss of any existing publically accessible open space and are consistent with other development plan policy. I have recommended modification such that all references to numbers of dwellings to be accommodated on allocated sites should use the word “approximately” rather than the phrase “up to”. The Report on Site Selection shows the three housing allocation sites have been found to be deliverable. The final SEA report shows the site allocations policy to have positive environmental impacts.

109. The Report on Site Selection document states that 34 sites were taken into consideration. The map included at Appendix 1 of the Report on Site Selection illustrates the fact that the sites considered represent a wide range of options in terms of direction of growth of the settlement. Landowners and developers have been given opportunity to input to the site selection process. Sites were assessed with respect to availability, current use, and views of local residents. Site selection has included response to views of local residents regarding appropriateness not least through consideration of the 82 questionnaire responses following the public meeting event that featured presentations by parties proposing specific sites for housing development. It is not my role to consider whether the sites ultimately

selected represent the most sustainable option possible. It is not a requirement that sites selected for allocation should be beyond the setting of a Grade II listed building. With respect to the representation that changes made to site boundaries will constrain delivery and number of dwellings that could be accommodated on each site it is beyond my role to allocate additional land to extend site boundaries. Also whilst another site to those allocated is proposed in a representation it is similarly beyond my role to make additional site allocations. The benefits or disbenefits of any alternative site, relative or not to the allocated sites are not a matter for my consideration either.

110. Whilst the requirement of at least 35% provision as affordable homes on-site, exceeds the 30% maximum rate specified in Policy GP2 of the saved policies of the Aylesbury Vale District Local Plan (AVDLP) 2001 - 2011 (2004) the Neighbourhood Plan policy recognises that divergence from the stated requirements may occur on the basis of demonstration that a lower provision is necessary to make a scheme viable. Policy GP2 relates to sites of 25 or more dwellings and so, given the approximate estimated provision, would not in any case apply to the site allocation to the rear of Partridge Close. The requirement that planning applications should make on-site provision for 35% of dwellings to be affordable homes has regard for the Framework in that it takes into consideration the necessity for viability of a scheme. I also note the viability assessment of affordable housing policy undertaken in 2012 and evidence of the significance assigned to the provision of affordable homes by the community. The Framework states that neighbourhood planning provides a powerful set of tools for local people to ensure they get the right type of development for their community.

111. I have given consideration to the question whether the proposed phasing approach has regard to the aim of the Framework to boost significantly the supply of housing. As proposed the policy wording in respect of sites i and iii could result in a later phase of development being as little as one dwelling. Development within the plan period phase could take almost the entire site. The phasing requirement applying specifically to sites i and iii may achieve very little but, in the context of my role, that is not a reason to recommend a modification of the policy.

112. The general phasing requirement to apply to all three sites that applicants are encouraged to bring forward proposals in a phased programme over the duration of the plan period is ambiguous. It is not

clear from the policy wording whether this is a reference to phasing within each individual site or reference to phasing across all sites. Text supporting the policy refers to “*A preferred spatial strategy would see the Mentmore Road scheme delivered first and then the other two sites later.*” This is not reflected in the policy wording and even if it were it includes no mechanism to achieve certainty of delivery. Land ownership circumstances may assist co-ordinated delivery but of course land ownership can change during the plan period. On the basis the policy wording merely encourages applicants to propose some form of phasing of development and that this may stimulate appropriate discussion I am minded to refrain from making a recommendation of modification.

113. The requirement with respect to sites i and iii that a suitable proportion of open market plots are made available for “custom build” is not sufficiently precise to guide decision makers when faced with proposals. Provision is not supported by evidence to demonstrate local need and there is no apparent assessment of the impact on the deliverability and viability of allocated sites. Whilst silent in respect of Neighbourhood Plans specifically, the Framework does encourage local planning authorities to plan for a mix of housing including for people wishing to build their own homes. I consider it is appropriate for the Neighbourhood Plan to include a suitable requirement to respond to any future demonstrated demand and subject to viability considerations which are also referred to in the Framework. I recommend modification of this element of the policy.

114. The policy includes a requirement relating to provision of dwellings suited to occupancy by older person households and to first time buyer households in respect of sites i and iii. Whilst first time buyer households is an unambiguous term it would assist decision makers if the social group ‘older person households’ was defined in the Neighbourhood Plan. The requirement for a ‘suitable proportion’ is not sufficiently precise to guide decision makers either. The need for the provision of dwellings designed for elderly persons (or other social groups) is not demonstrated. In respect of iii (g) it is unclear how the figure of ‘at least 33%’ of the open market and affordable dwellings that are to be designed to be suitable for elderly persons has been determined. This figure is not justified by reference to any evidence base document that supports the level of provision. Use of the phrase elderly persons is unhelpful. Whilst silent in respect of Neighbourhood Plans, the Framework states that local planning authorities ‘*should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the*

community'. Given the current paucity of information to confirm the appropriate mix and needs of different groups in the community I recommend modification of the policy to establish a need for development proposals to reflect the most up to date assessment of housing need in Cheddington.

115. Subject to the recommended modifications this policy meets the basic conditions.

Recommended modification: 3

In policy 2

- **delete i g and iii f and replace both with “Proposals must demonstrate an assessment of local demand for plots for custom build housing and include provision accordingly, subject to overall site viability testing”**
- **in ii after 15 insert “dwellings”**
- **delete i f and ii e and insert “All proposals for the development of dwellings must demonstrate they reflect the most up to date assessment of housing need in Cheddington for dwellings that are suited to occupancy by older person households and to first time buyer households”**
- **the term ‘older person households’ should be utilised consistently throughout the policy and should be defined**

Policy 3: Community Facilities

116. This policy seeks to establish conditional support for proposals to extend or partially redevelop the Village Hall, the Sports Pavilion, and the Scout Hut. The policy also seeks to establish support for a change of use and development of the vacant station building for a A3 cafe/restaurant or a D2 children’s nursery use. This policy is consistent with the ‘promoting healthy communities element of the Framework and meets the basic conditions.

Policy 4: Design

117. This policy seeks to establish support for development proposals that meet specified design criteria. Proposals should reflect

and enhance the character and scale of surrounding buildings and distinctive local landscape features; landscaping schemes should include planting of orchard trees; specified car parking provision should be made; and proposals should contribute to communications infrastructure.

118. 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. The policy has regard to the components of the Framework concerned with requiring good design; meeting the challenge of climate change; conserving and enhancing the natural environment; conserving and enhancing the historic environment; and supporting high quality communications infrastructure. This policy meets the basic conditions.

Policy 5: Southend Hill and Westend Hill Heritage Asset & Special Landscape

119. This policy seeks to define land at Southend Hill and Westend Hill as a non-designated heritage asset and as a landscape of special value and seeks to resist development proposals within the defined area.
120. In a representation Natural England is supportive of the policies which reinforce development in the centre of the village.
121. Another representation states *“This policy seeks to replicate the area designated by saved AVDLP policy RA8 which has been found to be out of date, due to the evidence the designation is predicated upon being out of date. This policy aims at implementing a blanket restriction against development without being based on any extensive up to date evidence, as to why this area should be allocated as a non-designated heritage asset.”* *“The Parish Council are aware that Gladman have land interests at Land off Leeches Way, Cheddington. Gladman consider the site to be suitable, available and deliverable. Gladman acknowledge the Scheduled Ancient Monument (SAM); the hill fort which lies south of the site. However, as part of the planning application, Gladman have commissioned an Archaeological*

Assessment which concluded that any material change within the site is unlikely to detract from the hill fort; no significant harm would result to the designated monument or its setting if the site was developed. Therefore Gladman strongly object to the proposed Policy 5 in the Cheddington Neighbourhood Plan, which if applied would actively resist development in this location unnecessarily.”

122. The representation also states *“Gladman strongly object to the Neighbourhood Plan proposing a ‘blanket’ landscape policy such as this. The landscape component is completely unsupported by evidence. It is too restrictive and will prevent sustainable development from coming forward. The Neighbourhood Plan appears to be applying a similar level of protection as would be afforded to Green Belt. This approach is not appropriate in relation to local landscape designations. The scale of protection should be commensurate to the degree of importance. Gladman refer to paragraph 113 of the Framework which states ‘Local planning authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites so that protection is commensurate with their status and gives appropriate weight to their importance and contribution that they make to wider ecological networks’.”*

123. Another representation states *“I have seen recently the plans proposed by Gladman to build a large development on Leeches Way, and I, along with many other residents have lodged an objection to this development. This objection was lodged for many reasons, not least that the residents of Cheddington have invested considerable time in putting together the Neighbourhood plan, which meets the needs of the village in terms of new housing, whilst at the same time protects the interests of the existing residents.”* A further representation states *“It is therefore a huge disappointment to the residents of the village that Gladman developers are trying to push through a planning application ahead of the Neighbourhood Plan being signed off.”*

124. A further representation states the allocated sites *“are preferable to the speculative proposal made by Gladman’s for the green hill at the southern end of the village.”* Another representation although addressing a particular development proposal sets out in some detail a reasoned viewpoint that the lower slopes of Southend Hill should not be developed. A representation by Cheddington Neighbourhood Watch states *“A large majority of the community have also objected to*

the respective Gladman proposal in favour of the Cheddington Neighbourhood Plan, which has been designed with the full support of the whole village. The villager's and Parish Council have worked diligently to make all considerations to the bigger picture and the shaping of Cheddington's future. The CNP also falls in line with the Localism Act, which gives communities the right to say (by way of a Neighbourhood Plan) in which areas they most want to see new homes."

125. Representations have included observations on a planning application proposal relating to land forming part of the land to which Policy 5 is intended to apply. Consideration of aspects of any planning application is not part of my role in undertaking the independent examination of the Neighbourhood Plan. I have only considered those observations in so far as they are relevant to consideration whether the Neighbourhood Plan meets the basic conditions.
126. The policy refers to definition of a non-designated heritage asset. The supporting text to Policy 5 in the Neighbourhood Plan refers to "*identifying the land as a non-designated heritage asset, which forms an essential open landscape setting to the designated heritage asset of the Southend Hill Scheduled Ancient Monument at the crown of the hill*". The Framework refers to non-designated heritage assets and does not preclude identification of the setting of a designated heritage asset being identified as a non-designated heritage asset, nor does the Framework preclude identification of non-designated heritage assets by local communities as part of a neighbourhood plan preparation process. It is not within my role to determine what should and what should not be defined as a non-designated heritage asset in a neighbourhood plan however I can appreciate the heritage reason for definition in this instance.
127. The Framework provides that the effect of a development proposal in a planning application on the significance of a non-designated heritage asset should be taken into account in determining the application. The Framework states "*In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*" It is unnecessary to repeat national policy in a Neighbourhood Plan policy. In so far as the policy establishes identification of a non-designated heritage asset it is fulfilling a role contributing to the shaping of development that is a central function of a neighbourhood plan.

128. Development Plan saved policy RA8 identifies areas which have particular landscape features and qualities that are considered appropriate for particular protection. The policy provides that *“development proposals in these areas should respect their landscape character. Development that adversely affects this character will not be permitted unless appropriate mitigation measures can be secured. Where permission is granted the Council will impose conditions or seek planning obligations to ensure the mitigation of any harm caused to the landscape interest.”* The Westend Hill-Southend Hill Cheddington Local Landscape Area is described in the Development Plan as follows *“South-west of Cheddington within the generally flat landscape rise two isolated hills. These hills form an interesting and pleasant feature prominent from the higher ground of the Chilterns and Quainton-Wing Hills and constitute a significant local landscape feature.”*
129. Reference is made in one representation to another Neighbourhood Plan where the examiner recommended two options one of which was to continue a landscape designation from a saved policy. Circumstances may well be different and I have attached no weight to the report of examination in respect of the other neighbourhood plan referred to.
130. The Framework states *“The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes”* but is silent with regard to the approach to be adopted in neighbourhood plans with respect to landscape areas judged to be of particular local importance. I consider it is acceptable for a community to direct development away from a locally valued landscape area. I have considered the long standing recognition of the significance of the area in question in the Development Plan and the Landscape Character Assessment (2008) included within the Neighbourhood Plan evidence base. I consider this latter document to be sufficiently up to date and I have not had my attention drawn to any recent change to the landscape characteristics of the area in question.
131. A component of the policy states *“proposals for the development of any land for any purpose within the designated area will be resisted”*. This component is inappropriate and does not sufficiently have regard to the approach of the Framework. In order to rectify this situation and in the interests of clarity I recommend the adoption of policy wording based on that utilised in saved policy RA8 with regard to the protection of the Special Landscape Area which states *“Development proposals in this area should respect the landscape*

character. Development that adversely affects this character will not be permitted, unless appropriate mitigation measures can be secured.”

132. Subject to the recommended modification this policy meets the basic conditions.

Recommended modification: 4

In policy 5

Delete the final sentence and insert “Development proposals in this area should respect the landscape character. Development that adversely affects this character will not be permitted, unless appropriate mitigation measures can be secured.”

Policy 6: Green Infrastructure and Biodiversity

133. This policy seeks to ensure that development proposals contribute to and enhance the natural environment by ensuring the protection of local assets and the provision of additional habitat resources for wildlife and green space for the community. The policy also seeks to establish conditional support for development proposals that enable the protection, enhancement or provision of new footpaths, bridleways and cycleways.

134. The County Council notes the Neighbourhood Plan makes no reference to the Buckinghamshire Green Infrastructure Strategy (2009) or the Green Infrastructure Delivery Plan (2013). It is suggested that Biodiversity should have its own policy. Other County Council comments can be summarised as:

- The Biodiversity Impact Assessment approach is welcomed
- Two Biological Notification Sites should be taken into account. Biodiversity Action Plan habitats have been omitted
- It should be highlighted that the provision of green infrastructure within development applications is expected
- Permanent features for biodiversity within developments will be expected
- It should be emphasised that if significant harm resulting from a development cannot be avoided (by locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission will be refused

- The role that biodiversity and nature plays in promoting human health and well-being as well as ecosystem services should be promoted
- Trees which are protected should be shown on the Neighbourhood Plan Map, together with any proposals for tree protection.

135. I have not recommended any modifications of the policy in respect to these representations of the County Council as modification is not necessary in order to meet the basic conditions. Natural England is supportive of the policy to protect biodiversity.

136. The policy is in general conformity with the strategic policies contained in the Development Plan and has regard to the components of the Framework concerned with promoting sustainable transport and conserving and enhancing the natural environment. This policy meets the basic conditions.

Policy 7: Local Green Spaces

137. This policy seeks to designate three defined areas as Local Green Spaces. An inset map at sufficient scale to identify boundaries is included in the Submission Plan although the eastern extreme of site 7iii should be checked. I refer to this issue in the Annex to my report. The implication of Local Green Space designation is that new development is ruled out other than in very special circumstances.

138. Natural England is supportive of the policies which protect green spaces. A number of representations state the land at Croft Meadow should be designated as a Local Green Space. Reference is made to the unique contribution this land makes to the character of the village which should not be built on, referring to views of animals grazing and this being the only point on the High Street affording views of the Chiltern Hills especially the Beacon. Reference is made to Croft Meadow as *“an area of outstanding natural beauty”* and this *“historic ridge and furrowed area”*. One representation is a comprehensive submission presenting a detailed case for designation of Croft Meadow as a Local Green Space.

139. I have noted the pre-submission version of the Neighbourhood Plan included designation of Croft Meadow as Local Green Space but this has not been included in the Submission Version. Any

modifications I recommend must be on the basis that they are necessary for the Neighbourhood Plan to meet the Basic Conditions or Convention rights. I have no mandate or role to produce an alternative plan to that submitted by the Qualifying Body. My role is to assess whether the Neighbourhood Plan meets the Basic Conditions and Convention rights and other requirements, and does not extend to proposing additional policies, allocations or designations.

140. The Framework states *“Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances. Identifying land as Local Green Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or reviewed, and be capable of enduring beyond the end of the plan period.”*

141. In respect to all of the three areas intended for designation as Local Green Space I find the Local Green Space designation is being made when a neighbourhood plan is being prepared, and I have seen nothing to suggest the designation is not capable of enduring beyond the end of the plan period. The intended designations have regard to the local planning of sustainable development contributing to the promotion of healthy communities, and conserving and enhancing the natural environment, as set out in the Framework.

142. The Framework states that: *“Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:*

- *where the green space is in reasonably close proximity to the community it serves;*
- *where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
- *where the green area concerned is local in character and is not an extensive tract of land.*

I find that in respect of each of the three intended Local Green Spaces the designation relates to green space that is in reasonably close proximity to the community it serves; and the green area is local in character and is not an extensive tract of land.

143. The Neighbourhood Plan sets out the justification for the designations which primarily relates to their importance in establishing the character of the area. The Local Green Spaces document contained within the Neighbourhood Plan evidence base sets out information that confirms why those identified areas are of particular significance to and valued by the local community. It is stated:

- *“The Village Green lies at the heart of the village; it contains an equipped children’s and toddlers’ playground and is a general meeting place. The Green is a venue for the village fete, book/produce sales and similar events. The village war memorial adjoins The Green, where an annual festival of remembrance is held.*
- *There is a large area of well-tended allotments to the north and east of the Village Hall; land to the west provides the attractive setting to the Village Hall and is used as an overflow from events at the Village Hall in good weather.*
- *The Recreation Ground is located at the southern end of the village and is Cheddington’s principal recreational resource. The ‘Rec’ is home to the long established Football Club, the Tennis Club, the Bowls Club (with its own club house) and the Petanque Club. The Rec is also the site of the annual November 5th bonfire and fireworks. The Recreation Ground and pavilion are owned and maintained by Cheddington Parish Council. The Bowls Club maintain their own club house.”*

I conclude the areas are all demonstrably special to a local community and hold a particular local significance.

144. This policy has regard to the components of the Framework concerned with promoting healthy communities; and conserving and enhancing the natural environment. This policy meets the basic conditions.

Summary and Referendum

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

Recommended modification 1:

Identification of priority projects for Community Infrastructure Levy funding (paragraphs 5.4 and 5.5 of the submission plan)

should be transferred to a non-statutory annex to the Neighbourhood Plan

Recommended modification: 2

In policy 1

- delete “but containing” and insert “directing”
- after “unless it” delete the remainder of the third paragraph and insert “supports the sustainable growth and expansion of a business or enterprise in the countryside area, both through conversion of existing buildings and well designed new buildings; promotes the development and diversification of agricultural and other land-based rural businesses; or supports sustainable rural tourism and leisure developments that benefit businesses in the countryside area, communities and visitors, and which respect the character of the countryside”

And all references in the Neighbourhood Plan to numbers of dwellings to be accommodated on allocated sites individually, and in total, should use the word “approximately” rather than the phrase “up to”

Recommended modification: 3

In policy 2

- delete i g and iii f and replace both with “Proposals must demonstrate an assessment of local demand for plots for custom build housing and include provision accordingly, subject to overall site viability testing”
- in ii after 15 insert “dwellings”
- delete i f and ii e and insert “All proposals for the development of dwellings must demonstrate they reflect the most up to date assessment of housing need in Cheddington for dwellings that are suited to occupancy by older person households and to first time buyer households”
- the term ‘older person households’ should be utilised consistently throughout the policy and should be defined

Recommended modification: 4

In policy 5

Delete the final sentence and insert “Development proposals in this area should respect the landscape character. Development that adversely affects this character will not be permitted, unless appropriate mitigation measures can be secured.”

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

**Recommended modification 5:
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**

147. I am satisfied that the Neighbourhood Plan³⁹:

- 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.⁴⁰

I recommend to Aylesbury Vale District Council that the Cheddington Neighbourhood Development Plan for the plan

³⁹ The definition of plans and programmes in Article 2(a) of EU Directive 2001/42 includes any modifications to them

⁴⁰ 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

period up to 2033 should, subject to the modifications I have put forward, be submitted to referendum.

148. 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.⁴¹ I have seen nothing to suggest the 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 1 October 2013

Annex: Minor Corrections to the Neighbourhood Plan

I am able to recommend modification of the Neighbourhood Plan in order to correct errors.⁴² The Neighbourhood Plan includes a number of errors that are typographical in nature or arising from updates. I recommend these are corrected as follows:

The reference to 2031 in the Vision could be changed to 2033 to correspond with the plan period and line 5 should read continue 'to' grow

Figure C should be presented at a scale so that features can be identified

On the policies inset map the eastern extreme of Local Green Space site 7iii should be checked.

Paragraph 2.22 delete operation and insert operating

Paragraph 4.8 insert at before least

Paragraph 4.11 delete withmain and insert with the main

Paragraph 4.21 delete has insert as

Paragraph 4.27 after trees insert to

Paragraph 4.30 delete has insert as

Policy 6 after beetles delete 1

Paragraph 4.38 delete has insert as

Paragraph 5.5 delete policy and insert project

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.

⁴¹ Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

⁴² Paragraph 10 (3)(e) of Schedule 4B to the Town and Country Planning Act 1990

**Recommended modification 5:
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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22 July 2015
REPORT ENDS