

# **HADDENHAM NEIGHBOURHOOD PLAN 2013-2033**

Haddenham Neighbourhood Plan Examination,  
A Report to Aylesbury Vale District Council

by Independent Examiner, Nigel McGurk BSc(Hons) MCD MBA MRTPI

Nigel McGurk

Erimax Land, Planning and Communities

[erimaxltd.com](http://erimaxltd.com)

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## 1. Introduction

### The Neighbourhood Plan

This Report provides the findings of the examination into the Haddenham Neighbourhood Plan (referred to as the Neighbourhood Plan).

Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

*“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.”*  
(Paragraph 183, National Planning Policy Framework)

Haddenham Parish Council is the *qualifying body*<sup>1</sup> responsible for the production of this Neighbourhood Plan. This is in line with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2012) and Planning Practice Guidance (2014).

This Examiner’s Report provides a recommendation as to whether or not the Neighbourhood Plan should go forward to a Referendum. Were it to go to Referendum and achieve more than 50% of votes in favour, then the Plan would be *made* by Aylesbury Vale District Council. The Neighbourhood Plan would then be used to determine planning applications and guide planning decisions in the Haddenham Neighbourhood Area.

### Role of the Independent Examiner

I was appointed by Aylesbury Vale District Council, with the consent of Haddenham Parish Council, to conduct an examination and provide this Report as an Independent Examiner. I am independent of the qualifying body and the local authority. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience. I am a chartered town planner and an experienced Independent Examiner of Neighbourhood Plans. I have extensive land, planning and development experience, gained across the public, private, partnership and community sectors.

As the Independent Examiner, I must make one of the following recommendations:

- a) that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
- b) that the Neighbourhood Plan, as modified, should proceed to Referendum;

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<sup>1</sup>The qualifying body is responsible for the production of the Plan.

- c) that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether or not the Referendum Area should extend beyond the Haddenham Neighbourhood Area to which the Plan relates.

In examining the Plan, I am also required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:

- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;
- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 PCPA (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area);
- the Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

Subject to the contents of this Report, I am satisfied that all of the above points have been met.

#### Neighbourhood Plan Period

A neighbourhood plan must specify the period during which it is to have effect. The title page of the Neighbourhood Plan states that it covers the period 2013-2033. The Neighbourhood Plan Period is also referred to in Chapter 5 of the Neighbourhood Plan and in paragraph 4 of the Basic Conditions Statement.

Taking the above into account, I confirm that the Neighbourhood Plan satisfies the relevant requirement in this regard.

## Public Hearing

According to the legislation, *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.

However, the legislation establishes that it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.

Further to consideration of the written representations submitted, I confirmed to Aylesbury Vale District Council that I was satisfied that the Haddenham Neighbourhood Plan could be examined without the need for a Public Hearing.

Some parties requested a Hearing and one party stated that “a Hearing session is considered necessary...” As set out above, but repeated for emphasis, it is for the Examiner to determine whether or not a Hearing is necessary.

## 2. Basic Conditions and Development Plan Status

### Basic Conditions

It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “basic conditions.” These were *set out in law*<sup>2</sup> following the Localism Act 2011. In order to meet the basic conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan for the area;
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

I have examined the Neighbourhood Plan against all of the basic conditions above.

I note that the Basic Conditions Statement, prepared by Haddenham Parish Council and submitted to Aylesbury Vale District Council states that legislation requires that neighbourhood plans must have “appropriate regard” to national policies and advice contained in the National Planning Policy Framework. This is not quite the case. For clarity, Paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 states

*“A draft order meets the basic conditions if – (a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order.”*

I also note that paragraph 3 of the Sustainability Appraisal/Strategic Environmental Assessment submitted alongside the Neighbourhood Plan refers to having regard to the Framework, rather than explicitly referring to national policies and guidance issued by the Secretary of State.

In attempting to paraphrase the relevant part of the Town and Country Planning Act 1990, the authors have introduced the term “appropriate regard” and have wrongly narrowed down, to the Framework alone, what it is that a neighbourhood plan must have regard to. However, I note that, in this regard, the Basic Conditions Statement does go on to refer to Planning Practice Guidance. Also - and importantly - the opening paragraph of Chapter 2 in the Neighbourhood Plan does provide a correct summary of the Basic Conditions.

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<sup>2</sup> Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990.

Given the above, I am satisfied that this is simply a mistake arising from paraphrasing, as opposed to some devious attempt on behalf of plan-makers to blatantly ignore legislation.

Whilst this mistake highlights that care should be exercised whenever paraphrasing legislation, I am mindful that neighbourhood planners, by their very nature, tend not to be professional planners. There are examples – especially in neighbourhood planning - of where the “experts,” whether planners, lawyers or other practising professionals, have failed to properly grasp legislation. Given this, it would seem unreasonable to expect neighbourhood planners to get everything right all of the time. Most of us are human and we make mistakes.

However, such mistakes need not prove fatal to the progress of a neighbourhood plan. Crucially, with regards to all of the above, it is the Independent Examiner’s role to consider whether or not the Neighbourhood Plan meets the Basic Conditions.

#### European Convention on Human Rights (ECHR) Obligations

I am satisfied that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998 and there is no substantive evidence to the contrary.

#### European Union (EU) Obligations

The Basic Conditions Statement confirms that no part of the Neighbourhood Area lies within a zone of influence of a European designated site. Consequently, no European sites would be affected by the Policies of the Neighbourhood Plan and there was no requirement for a Habitats Regulations Assessment in accordance with EU Habitats Regulations.

There is no legal requirement for a neighbourhood plan to have a sustainability appraisal<sup>3</sup>. However, the Neighbourhood Plan seeks to allocate land for development. The allocation of development land is recognised as one of the limited circumstances where a neighbourhood plan *could* have significant effects. According to Planning Practice Guidance (11-027) the Neighbourhood Plan “*may* fall within the scope of the Environmental Assessment of Plans and Programmes Regulations 2004 and so require a strategic environmental assessment.”

Further to the above, and in line with Planning Practice Guidance, Aylesbury Vale District Council issued a screening opinion requiring a Strategic Environmental

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<sup>3</sup> Paragraph 026, Planning Practice Guidance 2014.

Assessment. This led the Parish Council to prepare a Sustainability Appraisal (SA) incorporating a Strategic Environmental Assessment (SEA).

An SA Scoping Report was produced and commented upon by English Heritage, Natural England and the Environment Agency in October 2014. A draft Environmental (SA) Report was subsequently published for formal consultation alongside a draft plan, during December 2014 and January 2015.

Consultees to the formal consultation included Aylesbury Vale District Council, Natural England, the Environment Agency and English Heritage. Comments received were considered by the Parish Council prior to the production of the final version of the SA/SEA, submitted together with the Neighbourhood Plan.

I note that a number of representations raised concerns regarding the SA/SEA. These included objections to the assessment of site allocations and to the SA/SEA's consideration of alternative site allocations.

Under guidance issued by the Secretary of State, a Strategic Environmental Assessment is required to

*“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.”* (Planning Practice Guidance 11-030)

Consequently, whilst a neighbourhood plan must be compatible with EU obligations, the content of an SEA supporting it need only be proportionate to the plan itself. In addition, national guidance establishes that the ultimate responsibility of determining whether a draft neighbourhood plan meets EU obligations is placed on the local authority,

*“the local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations.”* (Planning Practice Guidance 11-031)

With regards this latter point, Aylesbury Vale District Council has stated that it considers the Neighbourhood Plan to be compatible with EU obligations. Given paragraph 11-031 of Planning Practice Guidance, **this fact is of fundamental importance.**

In addition to undergoing the consultation stages highlighted above, I note that the production of the SA/SEA, whilst led by a sub group of the Neighbourhood Plan team, was also subject to consideration by all members of the Neighbourhood Plan Steering Group. This demonstrates that the SEA/SA process was, in line with national guidance, integral to the plan-making process.

I note that SA/SEA scoping work took place alongside the identification of criteria used to assess potential development sites. Plan-makers developed assessment



criteria based on a pro forma created for the purpose of site assessments by an engineering and planning consultancy. This was adapted, further to a community workshop held in September 2014, to make it relevant to the local, neighbourhood context. Sites were assessed in some considerable detail. A planning consultancy was then appointed to assess the work undertaken and to help complete the SA/SEA process.

Taking the above into account and further to considering the information before me. I am satisfied that the SA/SEA is the result of a robust process.

The SA/SEA was professionally supported. A site assessment report was carried out and the site assessment criteria closely matched the SA framework. Crucially, the whole process was undertaken in an open and transparent manner. Progress was minuted and was underpinned by significant consultation. The SA/SEA concludes that there will be no significant environmental effects resulting from the policies of the Neighbourhood Plan.

It is possible for SEAs, not least for those concerning neighbourhood plans, to be undertaken in different ways. Where “scoring” is involved, there is clearly scope for different approaches to result in different scores. Some parts of the process can involve an element of subjectivity and differences of opinion can result.

In this case, the process was clearly set out. In line with national guidance, it involved an appraisal of options and took into account a detailed assessment of individual sites against clearly identified criteria. The process was transparent and widely consulted upon. I consider the wider Neighbourhood Plan consultation process in more detail below.

I am satisfied that the SA/SEA has been undertaken in an even handed way and in a manner appropriate for the content and level of detail in the Neighbourhood Plan; and I am especially mindful of Aylesbury Vale District Council’s stated position, as identified above.

Taking all of the above into account, I am satisfied that the Neighbourhood Plan is compatible with EU obligations.

#### Airfield Allocation

I note that, in the Sustainability Appraisal document, the scoring of the Airfield allocation (Policy HD2) suggests a neutral/positive impact on Objective 5 (Housing, Development and Best Use of Land).

The development of this site would result in the loss of some good quality farmland and would thus have some negative impact. However, the Sustainability Appraisal establishes that a number of positive benefits will arise, including “the opportunity to improve the biodiversity value of land that has been degraded in the past.” Taking this and the wider process outlined above into account, I am satisfied that plan-

makers have not sought to skew the assessment process and that their scoring system was not flawed to the extent that it rendered the process invalid. Again, I note that Aylesbury Vale District Council considers that the Neighbourhood Plan meets the basic conditions.

I consider Policy HD2 in Chapter 6 of this Report.

Aylesbury Vale District Council

Aylesbury Vale District Council has confirmed that it is satisfied that the Neighbourhood Plan is in general conformity with the policies of the Aylesbury Vale Local Plan, which was adopted in 2004; and that, in its view, the Neighbourhood Plan meets the Basic Conditions.

### **3. Background Documents and Haddenham Neighbourhood Area**

#### Background Documents

In undertaking this examination, I have considered various information in addition to the Haddenham Neighbourhood Plan. This has included:

- National Planning Policy Framework (The Framework) (2012)
- Planning Practice Guidance (2014)
- Town and Country Planning Act 1990 (as amended)
- The Localism Act (2011)
- The Neighbourhood Planning Regulations (2012)
- Aylesbury Vale Local Plan (2004)
- Basic Conditions Statement
- Consultation Statement
- Sustainability Appraisal/Strategic Environmental Assessment
- Site Assessment Report

Also:

- Representations received during the publicity period

In addition, I spent an unaccompanied day visiting the Haddenham Neighbourhood Area.

#### Haddenham Neighbourhood Area

A plan showing the boundary of the Haddenham Neighbourhood Area is set out in Figure 1 on page 3 of the Neighbourhood Plan.

Further to an application made by the Parish Council, Aylesbury Vale District Council approved the designation of Haddenham as a Neighbourhood Area on 30 July 2013.

This satisfied a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

## 4. Public Consultation

### Introduction

As land use plans, the policies of neighbourhood plans form part of the basis for planning and development control decisions. Legislation requires the production of neighbourhood plans to be supported by public consultation.

Successful public consultation enables a neighbourhood plan to reflect the needs, views and priorities of the local community. It can create a sense of public ownership, help achieve consensus and provide the foundations for a successful 'Yes' vote at Referendum.

### Haddenham Neighbourhood Plan Consultation

Haddenham Parish Council submitted a Consultation Statement to Aylesbury Vale District Council. This sets out who was consulted and how, together with the outcome of the consultation. In this regard, the Consultation Statement meets the requirements of the neighbourhood planning *regulations*<sup>4</sup>.

Taking into account the evidence provided, I am satisfied that the production of the Neighbourhood Plan was supported by robust public consultation. It is clear that the views of the wider community were actively sought and taken into account. It is also clear that Haddenham Parish Council undertook public consultation above and beyond that required by legislation.

However, in considering public consultation, I note that representations were submitted objecting to consultation as a "flawed" process. I thus consider consultation in more detail below.

Following the decision to produce a Neighbourhood Plan in January 2013, a Neighbourhood Plan Team was created. This comprised a sub-committee of Haddenham Parish Council Planning Committee and was formed out of 14 members of the local community. The Team met monthly and all of its meetings were open to the public and minuted. The minutes were published on the Parish Council noticeboard and the Parish Council website.

Further to meetings and to an Annual Parish Meeting and Village Fete, the Team set out the scope, extent and strategic themes of the Neighbourhood Plan. A Vision Workshop was then held in August 2013, to test the emerging themes. Fifty residents and invited representatives of village organisations attended and the results of the workshop were published.

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<sup>4</sup>Neighbourhood Planning (General) Regulations 2012.

A Drop-In session was held in January 2014, providing residents with opportunities for one-to-one discussions. This event was attended by 130 residents. Presentations and discussions were subsequently held, involving the combined churches, the Village Society, the Junior School, the Toddler Group, the Youth Club, U3A and Haddenham Rollers. Consequently, extensive consultation took place during the first half of 2014.

Themed events were held and feedback captured through hundreds of comments cards and Post-It notes, as well as through e-surveys, meetings and telephone conversations; and the Team met with landowners and developers/their representatives.

A site criteria workshop was held in September 2014 to develop location-specific criteria against which sites could be assessed, taking into account the site assessment framework developed by an engineering and planning consultancy on behalf of Planning Aid England. The event was widely publicised (via social media, school newsletters and local radio) and more than 60 residents attended.

The Pre-Submission Neighbourhood Plan underwent a six week consultation period during December 2014 and January 2015.

Taking this and other information provided in the Consultation Statement into account, it is evident that the Parish Council actively sought comments throughout the plan-production period. I also note that an independent review of the Neighbourhood Plan was commissioned via the Neighbourhood Planning Independent Examiner Review Service (NPIERS). This Review was positive and it refers to the “comprehensive” nature of the consultation undertaken.

The consultation process was widely publicised via regular updates on both the Parish Council’s and Community’s websites, and by the provision of posters around the village. Furthermore, progress was reported in quarterly editions of the Parish Newsletter and in three editions of a dedicated “Haddenham Focus” newsletter.

Taking all of the above into account, the Consultation Statement presents an audit trail to demonstrate that consultation was wide-ranging, comprehensive and transparent. It was appropriately publicised and comments were duly considered. There is evidence to demonstrate that the Neighbourhood Plan reflects the views of local people.

Consultation was carried out in an open and comprehensive manner, and people and organisations were not just provided with a fair chance to have their say, but were actively encouraged to engage in shaping the Neighbourhood Plan.

I am satisfied that the consultation process was significant and robust.

Just with regard specific objections, I acknowledge that a relatively small proportion of residents, relative to the total population of the Neighbourhood Area,

commented on the Pre-Submission version of the Neighbourhood Plan. However, this could be reflective of any number of factors, including, for example, that those who did not comment were satisfied with its content.

No substantive evidence has been submitted to demonstrate that holding the Pre-Submission Consultation between 6 December 2014 and 20 January 2015 meant that people did not have a fair and equal opportunity to comment. The consultation undertaken included specific regard to housing allocations. No substantive evidence has been submitted to demonstrate that consultation was “rushed” simply because the final Neighbourhood Plan was submitted to the local authority soon after the close of the Pre Submission Consultation. A distinct advantage of neighbourhood planning can be that it allows for land use plans to be brought forward within a relatively short timescale.

In addition to the above, I note that the neighbourhood planning process is different to the District-wide Local Planning process. Neighbourhood planners do not have the same resources as local authorities and cannot be expected – nor are they required – to undertake and to respond to consultation in the same way that a local authority would do so with regards a Local Plan. Notwithstanding this point, I recognise above that the Haddenham Neighbourhood Plan consultation process was significant and robust.

## 5. The Neighbourhood Plan – Introductory Section

**Where modifications are recommended, they are presented as bullet points and highlighted in bold print, with any proposed new wording in italics.**

The policies of the Neighbourhood Plan are considered against the basic conditions in Chapter 6 of this Examiner’s Report. I have also considered the Introductory Section of the Neighbourhood Plan and make recommendations below which are aimed at making it a clear and user-friendly document.

One of the first things that is noticeable about the Neighbourhood Plan is that it is a document of considerable size. Whilst a neighbourhood plan can be any size, large or small, it is relevant to note that it is the policies of a plan that will ultimately help shape development and growth. I make this point as it is not until page 30 of the Neighbourhood Plan that the first Chapter containing policies is reached, with the first policy on page 35.

Whilst the preceding pages contain interesting information, this simply forms background to the policies that follow. The contents section alone is three pages long. I find that the end result is one of an imbalanced document, with as much emphasis on general background information as on the policies themselves.

This is not something that leads the Neighbourhood Plan to conflict with the Basic Conditions, but, in my view, reducing the amount of background information in the Neighbourhood Plan would serve to better emphasise the most important parts within it.

### Foreword, Contents, Introduction and Planning Context

The Foreword is long. It repeats information set out elsewhere in the Neighbourhood Plan. It could easily be reduced to a succinct paragraph. I recommend:

- **Delete first, second and third paragraphs. Delete first part of second sentence of final paragraph and commence sentence “*It defines where...*”**

The Contents could be significantly reduced. The appendices do not form part of the Neighbourhood Plan. I recommend:

- **Show Chapter headings only. Remove reference to Annexes.**

The Introduction appears very wide-ranging - it reads as a somewhat scattergun and not quite accurate summary of too many different things and repeats information set out elsewhere.

- **Delete second paragraph, add the missing “be” to line three of third paragraph. Delete fourth paragraph.**

Taking the above into account, the Introduction, including the clear and helpful map, provides a succinct, accurate and relevant opening section.

With regards the next section, I recommend:

- **Delete paragraphs 2.2 to 2.2.2. This provides unnecessary and potentially confusing information about an emerging plan that is still at a very early stage.**
- **Delete paragraphs 2.3, 2.3.1, 2.5 and 2.5.1. The Neighbourhood Plan does not “supersede” the Parish Plan and including a page of information about the Parish Plan is confusing, wordy and unnecessary. The LAF Local Area Plan is not an adopted land use plan and reference to it is confusing and unnecessary.**

#### The Neighbourhood Area and Community Engagement

The Neighbourhood Area section sets out a variety of interesting and relevant information. It is supplemented by photographs and tables, which provide visual interest. I don’t recommend any changes.

A Consultation Statement was submitted. This sets out the approach to community engagement. A simple reference to this can replace a page of unnecessary introductory text.

- **Delete paragraphs 4.0.1 and 4.0.2 and replace with “*The Neighbourhood Plan has emerged through community engagement. A Consultation Statement was produced and submitted, setting out the detail of the consultation process.*”**

Paragraphs 4.0.3 - 4.0.5 are a little vague, repeat information in the Consultation Statement and fail to clearly introduce the text that follows.

- **Delete 4.0.3 and 4.0.4 and replace with “*Community engagement provided an important insight into what is most important to us as a community. It has informed the plan-making process.*”**

Paragraphs 4.1 to 4.1.2 simply repeat information, much of it unnecessary and confusing.

- **Delete paragraphs 4.1 – 4.1.2**



The Strengths and Weaknesses section contains interesting, relevant information which leads appropriately into the Vision and Objectives Chapter. The final paragraph, 4.4, is unnecessary.

- **Delete paragraph 4.4**

#### Vision and Objectives

This is an important section. It provides a strong link between consultation and the policies of the Neighbourhood Plan.

- **First paragraph, line 7, replace “feel” with “feeling”**
- **Second paragraph, delete “In parallel with the evolving VALP...Parish Council.” and begin paragraph “*This Plan uses six cross-cutting...*”**
- **Figure 7 change “Rationalize” to “Rationalise”**

## 6. The Neighbourhood Plan – Neighbourhood Plan Policies

### Housing and Development

The Neighbourhood Plan is being brought forward before an up-to-date Local Plan is in place.

Planning Practice Guidance is explicit in stating that neighbourhood plans “*can be developed before or at the same time as the local planning authority is producing its Local Plan*” (41- 009). Indeed, neighbourhood plans provide an important opportunity to give communities “direct power” to provide up to date planning policy that may otherwise not exist due to the absence of an up to date Local Plan.

This section opens by setting out, in some detail, how the Neighbourhood Plan has considered the Neighbourhood Area’s housing requirement in the absence of up to date housing numbers in an adopted District-wide Local Plan and it goes on to summarise the site assessment process. It then sets out Spatial Strategy and Land Allocation Policies.

Parties have objected to how the Neighbourhood Plan has considered housing and development. In this regard, I note that the method of calculating housing numbers is set out in a clear manner and is based on what appears to be a logical approach, taking into account historic and up to date information. Similarly, the site assessment methodology followed a detailed and structured process, which is clearly summarised in the Neighbourhood Plan. There was significant professional input and testing of a process that was led by the local community and was subject to consultation. I note earlier in this Report that the Neighbourhood Plan consultation process was significant and robust.

In addition to the above, there is evidence before me of collaborative working between Haddenham Parish Council and Aylesbury Vale District Council. Relevant information has been shared and Aylesbury Vale District Council has confirmed that it is satisfied that all issues have been resolved to the extent that the Neighbourhood Plan meets the basic conditions. This is a key consideration – Planning Practice Guidance (Para 41-009) emphasises the importance of minimising any conflicts between policies in a neighbourhood plan and those in an emerging Local Plan.

As a shared vision to shape development and growth, a neighbourhood plan should be aligned with the strategic needs and priorities of the wider local area. In light of this, when circumstances are such that a neighbourhood plan is being brought forward before an up-to-date local plan is in place, national guidance (Para 11-009, as above) calls for a proactive and positive approach, whereby local planning authorities and qualifying bodies work together in a collaborative manner. I am satisfied that this has been the case with regards to the Haddenham Neighbourhood Plan.

In planning, the consideration of housing land requirements can often be a contentious issue. At the District-wide level, for example, a great deal of time and resources can be spent researching, analysing and debating related matters. However, neighbourhood planning is different to District-wide planning. It is often referred to as being “light touch” and is clearly a community-driven process. The fact that housing numbers and the land allocation process has been undertaken in a manner different to that that some of the objectors to the Neighbourhood Plan would like it to have been has not, in my view, resulted in the Neighbourhood Plan failing to meet the basic conditions.

I acknowledge that site assessments could have been carried out differently. However, taking into consideration all of the information before me, I am satisfied that Haddenham Parish Council led a well thought out, logical and detailed process to consider housing and development matters. This work was undertaken in an open and transparent manner.

Perhaps inevitably, not least given the enormous financial values associated with the allocation of housing land, those parties whose land was not allocated through the process are disappointed. It is not unusual for such disappointment to lead to the submission of representations and opinions, identifying “flaws” in the process. However, taking all of the above into account and subject to my recommendations below, I am satisfied that the Neighbourhood Plan’s housing and development Policies meet the basic conditions.

### **Policy HD1: Spatial Strategy**

Policy HD1 introduces the site allocations in the Policies that follow. However, as worded, the Policy would prevent residential development - other than that on allocated sites and windfall and infill development – from coming forward, other than in exceptional circumstances. Such an approach fails to have regard to the national policy assumption in favour of sustainable development. It would introduce an exceptions requirement that could be so onerous as to prevent sustainable development from coming forward. This would conflict severely with the Framework, which states, in the Ministerial Foreword:

*“Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.”*

Consequently, without modification, the first part of Policy HD1 would fail to meet the basic conditions. I recommend the following:

- **Policy HD1, change wording to “*The Neighbourhood Plan supports sustainable growth. To achieve this, Policies HD2 – HD6 allocate specific development sites in the Neighbourhood Area. If essential to meet an agricultural...elsewhere.*”**

I note that the second part of the Policy, relating to dwellings meeting agricultural or other specific needs, has regard to paragraph 55 of the Framework, which seeks to avoid the development of isolated new homes in the countryside unless special circumstances exist.

### Phasing

With regard to the site allocation Policies that follow, I note that HD2 – HD5 include references to phasing. There is an absence of justification for the inclusion of the phasing requirements set out and there is nothing to demonstrate that, without the proposed phasing, the release of the land in policies HD2 – HD5 would not comprise sustainable development.

The Framework is entirely clear in that sustainable development should go ahead without delay. Consequently, I recommend:

- **Policies HD2 – HD5: remove all references to phasing**

### Policy HD2: Airfield Allocation

Policy HD2 is the largest housing allocation in the Neighbourhood Plan. It provides for a major mixed use development including employment land, elderly accommodation, community facilities, a pedestrian and cycle link and the re-provision of airfield facilities. In this way, Policy HD2 contributes to the achievement of sustainable development and meets the basic conditions.

To provide for flexibility, I recommend the following:

- **Policy HD2, change first bullet point to “Provides up to 300 dwellings...”**

As noted earlier, the allocation includes land of good quality agricultural value. Paragraph 112 of the Framework states:

*“Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.”*

I note earlier that the site allocations have emerged further to significant work, including site assessments and consultation. Whilst it may be the case that another site, elsewhere, could be developed without the loss of some high quality agricultural land, this is not the single over-riding factor dictating housing land allocations. Indeed, through use of the term “should” rather than say, “must,” national policy appears to provide plan-makers with some flexibility, subject to demonstrating due consideration. Also in this regard, I am mindful that a

neighbourhood plan must only have regard to national policy – there is no requirement to implement national policy to the letter.

Plan-makers have had regard to national policy – a clear assessment and consultation process has been carried out and background information has been provided, in a transparent manner, establishing why the Airfield allocation is considered to comprise sustainable development. Also, as set out above, I acknowledge that Aylesbury Vale District Council is satisfied that the Neighbourhood Plan meets the basic conditions.

I note that this site has been the subject of a planning application.

### **Policy HD3: Dollicott Housing Allocation**

Policy HD3 allocates land for 25 dwellings, or 50 extra care dwellings, on Site 3a; and up to 10 dwellings on Site 3b. This presents a flexible approach to development. Whilst conveniently positioned, close to the centre of Haddenham, the Dollicott allocation is in a sensitive location, adjacent to the Conservation Area. The Policy seeks to recognise this, but, I consider, could be strengthened by being more closely aligned to national policy. I recommend:

- **Policy HD3, change to “*...Conserves or enhances the setting of the Conservation Area...*”**

The allocation includes land of high agricultural value, but in this regard, I am conscious that the allocation is for just 2 hectares of land and that, in national farming terms, this does not comprise a significant area of agricultural land. Whilst I recognise that the development of 35 dwellings would be of some significance relative to the Neighbourhood Area, this does not necessarily amount to the same thing as the development of 2 hectares of agricultural land being significant.

- **Policy HD3, second bullet point, line 2, add “*...of...*”**
- **First bullet point, add “up to” before “50” and “25”**

I note that Policy HD3 proposes access through the airfield site, but that it allows for alternative access should it be demonstrated that this would not be viable. This is a clear requirement – the provision of an access road through the airfield site will either be viable, financially and/or physically, or it will not. I also note that a discrepancy between the Policy and the Proposals Map has been identified. I recommend the following:

- **Ensure that the Policy HD3 allocation is correctly shown on the Proposals Map**

The final part of Policy HD3 refers to a requirement to meet criteria that cannot be met in full by Site 3a. I recommend:

- **Delete end of final sentence “...where the application...Phase 1”**

Taking the above into account, I am satisfied that Policy HD3 has regard to national policy and meets the basic conditions.

#### **Policy HD4: Station Road Housing Allocation**

Policy HD4 comprises a small allocation for 10 dwellings. It is in a sensitive location adjacent to the Conservation Area and whilst the Policy seeks to recognise and provide for this, it can be strengthened by having regard to national policy. I recommend:

- **Policy HD4, change to “...Conserves or enhances the setting of the Conservation Area...”**
- **First bullet point, add “up to” before “10”**

#### **Policy HD5: Glebe Housing Allocation**

Policy HD5 provides for 85 dwellings. As worded, the Policy requires that a planning application “secures provision” of a burial ground. This may not be possible and is not a matter that the Neighbourhood Plan can necessarily deliver. I recommend:

- **Policy HD5, change last bullet point to “allocates land for the provision of a...burial ground.”**
- **First bullet point, add “up to” before “85”**

Subject to the above, Policy HD5 contributes to the achievement of sustainable development and meets the basic conditions.

An objection to the Neighbourhood Plan refers to a planning application<sup>5</sup> for 280 dwellings on land including the site allocated in Policy HD5. It also refers to Aylesbury Vale District Council’s Strategic Housing Land Availability Assessment (SHLAA), although I note that a SHLAA does not allocate land for development. Whilst I acknowledge these points, they are not factors which, in themselves, mean that Policy HD5 does not meet the basic conditions.

The objection also refers to there being “a viability risk to bringing forward a burial ground.” Whilst I note that this is not the same thing as stating that a burial ground

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<sup>5</sup> Ref: 14/02666/AOP

cannot be brought forward, I recommend a change to Policy HD5, which simply requires the allocation of land for, rather than the delivery of, a burial ground.

### **Policy HD6: South Lower Road Housing Reservation**

Policy HD6 identifies and reserves a site for the development of 43 dwellings, should sites HD2 – HD5 not be delivered in their entirety prior to April 2024. This provides for a future development site. It comprises positive planning and as such, it contributes to the achievement of sustainable development. I note that the Policy requires the protection of open views into and out of the village.

The Policy refers to a buffer zone of 8 metres to the river. A later Policy, Policy SRL3 requires all development adjacent to watercourses to retain a minimum natural habitat buffer of 12 metres. To ensure consistency, I recommend:

- **Policy HD6, change second bullet point to “...12 metres...”**
- **Also, first line, include “up to” before “43”**

### **Policy HD7: Infill Development**

This Policy allows for infill development, plot sub-division and the conversion of bungalows into two storey dwellings subject to a number of criteria. However, the Policy lacks clarity. It does not define what infill development comprises, nor does it set out what a “positive contribution” would entail. This would provide much scope for subjectivity in the decision making process, without providing any clear guidance to applicants. It would fail to provide a clear indication of how a decision maker should react to a development proposal, as required by the Framework (para 154).

The Policy requires development to not have an adverse impact on “environmental character.” This is a vague, undefined term. It goes on to refer to a “reasonable standard of privacy” without indicating what would or would not be reasonable.

However, the final bullet point of HD7 appears clearer than all that precedes it. It has regard to national policy, which protects local character. Subject to the recommendation below, Policy HD7 meets the basic conditions.

- **Policy HD7, delete the first three bullet points and re-word Policy as “*Plot sub-division and the conversion of bungalows into two-storey dwellings will be permitted if it can be demonstrated to be of a scale, density...other buildings.*”**

### **Policy HD8: Affordable Homes**

This Policy sets out the Neighbourhood Area's affordable housing requirement. It has regard to national policy, which requires plans to provide for a wide choice of homes and set policies for the provision of affordable housing. It is slightly different to, but is in general conformity with, the Aylesbury Vale Local Plan policy GP2, which requires 30% affordable housing for developments of 25 or more dwellings.

However, the second part of the Policy is unclear. It refers to "where onsite provision is impractical" but gives no indication as to when, or where, the onsite provision of affordable housing would be impractical. It simply refers to "developments." Consequently, it would apply to all residential development, from one dwelling and above and as such, would fail to have regard to national policy. It refers to a financial contribution that relates to a percentage of affordable housing that would be entirely different to that for schemes of 10 to 14 dwellings, as well as to that for schemes of more than 15 dwellings and as such is confusing.

I recommend:

- **Policy HD8, delete the final sentence**

### **Policy HD9: Water and Waste**

Whilst Policy HD9 largely reiterates a statutory requirement, it does not fail to meet the basic conditions in doing so. The second part of the Policy comprises a general comment, rather than a Policy requirement. I recommend:

- **Policy HD9, remove the second sentence and replace it at the end of the second paragraph of 6.13 in the supporting text**

### **Policy HD10: Design Principles**

This Policy sets out design principles aimed at achieving "high quality architectural design." It is a supportive, positively worded Policy. Rather than set out absolute requirements, it provides practical guidance to prospective applicants on good design. Good design is recognised by the Framework as being integral to sustainable development and Policy HD10 has regard to this by promoting distinctive, high quality development. Subject to the recommendations below, the Policy contributes to the achievement of sustainable development and meets the basic conditions.

- **Policy HD10, change end of second sentence to "...development proposals which will:"**
- **Change second bullet, second sentence to "Incorporate 24.7 sq m of accessible public open space per new resident to support...future uses."**



- Sixth bullet point, line one, change “if” to “*of*”
- Sixth bullet point, line three to read “...routes to the “core” of”
- Penultimate bullet point, last line, change to “and *provides lights than can be switched on and off.*”

**Policy TGA1: Restricting Commuter Parking**

The wording of this Policy is confusing. As worded it relates to all new development. It would be inappropriate for smaller development proposals, for example a house extension, to provide a car parking plan or linkages with footpaths.

There is no clarity as to what an “appropriate linkage” actually is. I note that the Policy refers to natural surveillance and a pleasant walking environment but that, as worded, these relate to characteristics of existing routes.

Given all of the above, Policy TGA1 is unclear. It fails to provide a clear indication of how a decision maker should react to a development proposal and consequently, fails to have regard to national policy. It does not meet the basic conditions.

- **Delete Policy TGA1**

**Policy TGA2: Car and Cycle Parking Standards**

The first part of this Policy establishes minimum parking standards to address identified issues relating to car parking in Haddenham, with particular regard to the problems associated with the mainline rail link to central London. It takes into account local circumstances, allows for some flexibility and has regard to paragraph 39 of the Framework. Table 2 should refer to housing development:

- **Line 1, change “All new developments” to “All new housing developments”**

**Policy TGA3 On-site Walking and Cycling**

In seeking to provide for appropriate storage and walking/cycling networks, Policy TGA3 is worded such that it applies to all new housing development. It may be unduly onerous and unnecessary for some residential developments, for example, the development of a single dwelling, to incorporate a dual-use cycling and walking route wide enough for two buggies. However, the intent of the Policy reflects the local and national policy aspirations of providing for safe sustainable movement. Subject to the recommendation below, the Policy meets the basic conditions:

- **Policy TGA3 change wording to “The provision of easily accessible...buggies and the incorporation of dual-use...cycling networks will be supported.”**

#### **Policy TGA4: Cycle and Pedestrian Networks**

This Policy clearly links contributions to a specific project. It relates to an existing made Policy in another Neighbourhood Plan. The Policy contributes to the achievement of sustainable development and meets the basic conditions.

#### **Policy TGA5: Restricting “urbanisation”**

This Policy refers to other existing guidance controlled by Aylesbury Vale District Council and matters controlled by the Highways Authority. Consequently, it refers to matters outside the control of the Neighbourhood Plan.

- **Delete Policy TGA5**

## Children, Young People, Education and School

### **Policy CES1: Play Facilities**

This Policy provides clarity for developers with regards local expectations around play facilities. It has regard to chapter 8 of the Framework, Promoting healthy communities, and meets the basic conditions.

### **Policy HWS 1: Local Green Space Designations**

Policy HWS1 designates nine Local Green Spaces. Having regard to the Framework, the development of these, other than in very special circumstances, is ruled out.

The Local Green Space designation is an important one. It affords protection consistent with policy for Green Belts. Policy HWS1 is worded in such a way that it indicates why each area is special to the local community. Whilst this is sufficient in Policy terms, there is no reference at all to Local Green Spaces in the supporting text. This is inappropriate as it provides insufficient background information to the important content of Policy HWS1. I recommend:

- **Include a new paragraph of supporting text. This should set out that Local Green Spaces have been designated in the Neighbourhood Plan to afford special protection to green areas of particular importance to the local community. It should also state, briefly but specifically, why each green area is demonstrably special to the local community and what the particular local significance of each space comprises.**
- **The boundaries of each Local Green Space should be provided, in this section, on clearly defined maps showing the precise boundaries. This should be in addition to the smaller scale Policy Map at the rear of the Neighbourhood Plan.**

### **Policy HWS2: Protecting Community Amenities**

The opening line of Policy HWS2 is confusing, as it relates to all new development. I recommend the following:

- **Policy HWS2, change wording to “*The retention and enhancement of local services...commercial services will be supported.*”**

The second part of the Policy refers to demonstrating something “beyond doubt.” This is an unnecessarily onerous requirement.

- **Policy HWS2 delete “...*beyond doubt...*”**

Subject to the above, Policy HWS2 helps to guard against the unnecessary loss of valued facilities and services and as such, has regard to the Framework and contributes to the achievement of sustainable development.

## Sports, Recreation and Leisure

### **Policy SRL1: Redevelopment of the Recreation Ground Pavilion**

This Policy supports the redevelopment of the existing pavilion to provide improved sports and leisure facilities. It contributes to the achievement of sustainable development and has regard to the Framework's aim of creating healthy, inclusive communities.

### **Policy SRL2: Redevelopment at Banks Park**

The buildings at Banks Park comprise the heart of the village, but are recognised locally as requiring enhancement or replacement. Consequently, Policy SRL2 positively provides for and encourages development. The Policy is carefully worded, allowing for the development of community facilities, retail and commercial development, whilst ensuring the provision of a green space and preventing harm with regards to highway safety, the living conditions of neighbours or impacts on existing facilities.

I recommend the change below to ensure that the wording of the Policy fully reflects its aim. The Policy refers to "a green space being preserved," this would be more appropriately worded as:

- **"...a green space being *provided* as part of the development..."**

Taking the above into account, the Policy has regard to national policy, which requires policies to plan positively for the provision of community facilities, such as local shops and meeting places. It contributes to the achievement of sustainable development and meets the basic conditions.

### **Policy SRL3: Enhancing, Protecting and Providing New Environmental Habitats, Trees and Hedgerows**

Whilst this Policy seeks to afford protection to trees and habitats, it is confusing. As worded, for example, the Policy suggests that any proposal – the development of a nuclear power station or a fracking site perhaps - would be supported, as long as the application was accompanied by a Tree and Hedgerow Survey that was sympathetically designed around trees of moderate quality.

I recommend the following changes:

- **Policy SRL3, re-word the first two paragraphs to read "*Proposals impacting on trees, other than those of poor quality, should be accompanied by a Tree***

***and Hedgerow Survey and demonstrate an approach in accordance with national best practice, as set out in BS5837.***

- ***Landscaping proposals should include native species and habitats that respect the distinctive local landscape character and should seek to demonstrate a net gain in biodiversity in accordance with the Defra Biodiversity Impact Calculator.***

The first bullet point of the Policy refers to another document produced and controlled by another body. The third bullet point requires information to accord with BS42020. Whilst this code of practice is a useful tool, it may not be appropriate for all applications to have to accord with it – for example, it may be an unduly onerous requirement for smaller applications. I note in this regard that the code itself notes that not all recommendations within the standard will be applicable to every planning application.

Taking the above into account, I also recommend:

- **Delete the first bullet point**
- **Change third bullet point to read “Proposals requiring the provision of ecological information should demonstrate that they have taken BS42020 into account.”**

Subject to the above, Policy SRL3 contributes to the achievement of sustainable development. It has regard to national guidance, which requires policies to plan positively for the protection and management of biodiversity (Framework, para 114).

**Policy RBJ1: Retaining the Retail Arcade**

As well as promoting healthy communities, the Framework requires policies to recognise town centres as the heart of communities and to pursue policies to support their viability and vitality (para 23).

Having regard to this, Policy RBJ1 provides support for the redevelopment of Banks Parade whilst protecting against a net loss of retail uses. The Policy contributes to the achievement of sustainable development and meets the basic conditions.

**Policy RBJ2: Employment Development**

Policy RBJ2 is worded in such a way that it is difficult to understand. For example, it is not entirely clear how new development can “promote” something. The Policy states that new employment premises should be focused in designated employment areas, but goes on to state that B1-B8 employment uses will be supported, without any clarity as to whether these should be within or outside designated areas.

Consequently, the Policy fails to have regard to national guidance, which requires policies to provide a clear indication of how a decision maker should react to a development proposal (Framework, para 154). It does not meet the basic conditions.

The Policy does not propose to allocate any employment land. Taking this and the above into account, I note that deletion of Policy RBJ2 will have little if any impact on the delivery and control of employment development in the Neighbourhood Area.

- **Delete Policy RBJ2**



## Neighbourhood Plan – Other Matters

Chapter 12 of the Neighbourhood Plan includes a series of Projects. These comprise important community issues, recognised further to the plan-making process. Inclusion within the Neighbourhood Plan ensures that sight is not lost of the Projects, despite their not comprising land use planning policy matters.

The Policy Proposals Table, which aims to set out the timing of development and afford an undefined “funding priority” to proposals, is simply confusing. It does not relate fully to the Policies of the Neighbourhood Plan – for example, there is no mention in Policy SRL2 of the timing of the redevelopment of Banks Park. Furthermore, the Comments column comprises vague notes.

As it offers little more than confusion, I recommend:

- **Delete Chapter 13**

The final part of the Neighbourhood Plan comprises a long four page bibliography. This is a similar size to some of the Policy chapters and unbalances the Plan. It is not necessary and would better comprise supporting information, separate from the Neighbourhood Plan. However, its inclusion doesn't fail to meet the basic conditions.

## 7. Summary

I have recommended a number of modifications further to consideration of the Haddenham Neighbourhood Plan against the basic conditions.

Subject to these modifications, the Haddenham Neighbourhood Plan

- has regard to national policies and advice contained in guidance issued by the Secretary of State;
- contributes to the achievement of sustainable development;
- is in general conformity with the strategic policies of the development plan for the area;
- does not breach, and is compatible with European Union obligations and the European Convention of Human Rights.

Taking the above into account, I find that the Haddenham Neighbourhood Plan meets the basic conditions. I have already noted above that the Plan meets paragraph 8(1) requirements.

## **8. Referendum**

I recommend to Aylesbury Vale District Council that, subject to the modifications proposed, the **Haddenham Neighbourhood Plan should proceed to a Referendum.**

### Referendum Area

Neighbourhood Plan Area - I am required to consider whether the Referendum Area should be extended beyond the Haddenham Neighbourhood Area. I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.

I recommend that the Plan should proceed to a Referendum based on the Haddenham Neighbourhood Area as approved by Aylesbury Vale District Council on 30 July 2013.

**Nigel McGurk, May 2015**  
**Erimax – Land, Planning and Communities**

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