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and examinations

# **Report on Ivinghoe Parish Neighbourhood Plan 2014 - 2033**

**An Examination undertaken for Aylesbury Vale District Council with the support of the Ivinghoe Parish Council on the version of the Plan submitted in August 2018.**

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Date of Report: 9 October 2018

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## **Main Findings** - Executive Summary

From my examination of the Ivinghoe Parish Neighbourhood Plan (the Plan/IPNP) and its supporting documentation, including the representations made, I have concluded that, subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – the Ivinghoe Parish Council;
- The Plan has been prepared for an area properly designated – the whole of the Parish of Ivinghoe as shown on Fig 1 (page 6) of the submitted Plan;
- The Plan specifies the period in which it is to take effect: 2014 - 2033; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to Referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

## **1. Introduction and Background**

### *Ivinghoe Parish Neighbourhood Plan (IPNP) 2014 - 2033*

- 1.1 Ivinghoe, with a parish population of about 1000<sup>1</sup>, lies in a predominantly rural area between Tring, Dunstable, Leighton Buzzard and Aylesbury. The parish is bisected by the B489, south east of which extends the Chilterns Area of Outstanding Natural Beauty and the Metropolitan Green Belt. The higher land culminating in Ivinghoe Beacon is seen from a wide area of the parish north west of the B489.
- 1.2 Preparation of the Plan began in November 2014 with the formation of the IPNP Steering Group, following the resolution by the Parish Council in October 2014. Public events with questionnaires were held in 2015 to publicise the initial consultation on the IPNP, with a further questionnaire distributed in 2016. Meetings were also held with Aylesbury Vale District Council (AVDC). The IPNP now represents nearly four years' work by those involved.

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<sup>1</sup> IPNP paragraph 2.2.

- 1.3 Following the public consultation in 2015, a vision for the NP area was agreed by the Steering Group which states: *"to grow our community sympathetically, conserving and enhancing the special character, landscape and historical qualities of the parish."* This led to the subsequent definition of eight objectives for the IPNP, later refined to six, one for each theme in the Plan: housing, environment, transport, recreation, telecommunications and business.

#### *The Independent Examiner*

- 1.4 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Ivinghoe Parish Neighbourhood Plan by AVDC, with the agreement of the Ivinghoe Parish Council.
- 1.5 I am a chartered town planner and former government Planning Inspector with previous experience of examining neighbourhood plans. I am an independent examiner and do not have an interest in any of the land that may be affected by the draft plan.

#### *The Scope of the Examination*

- 1.6 As the independent examiner, I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
  - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
  - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.7 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:
- Whether the Plan meets the Basic Conditions;
  - Whether the Plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
    - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
    - it sets out policies in relation to the development and use of land;

- it specifies the period during which it has effect;
  - it does not include provisions and policies for 'excluded development';
  - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area;
  - whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to referendum; and
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the 2012 Regulations').

1.8 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

*The Basic Conditions*

1.9 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the IPNP must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area;
- Be compatible with and not breach European Union (EU) obligations; and
- Meet prescribed conditions and comply with prescribed matters.

1.10 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the neighbourhood plan should not be likely to have a significant effect on a European Site (as defined in the Conservation of Habitats and Species Regulations 2017) or a European Offshore Marine Site (as defined in the Offshore Marine Conservation (Natural Habitats etc.) Regulations 2007), either alone or in combination with other plans or projects.

## **2. Approach to the Examination**

### *Planning Policy Context*

- 2.1 The development plan for this part of AVDC, not including documents relating to excluded minerals and waste development, is the Aylesbury Vale District Local Plan (AVDLP) which was adopted in 2004 and within which there are policies saved by the Secretary of State in 2007.
- 2.2 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. A revised NPPF was published during this examination on 24 July 2018, replacing the previous 2012 NPPF. The transitional arrangements for local plans and neighbourhood plans are set out in paragraph 214 of the 2018 NPPF, which provides 'The policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019'. A footnote clarifies that for neighbourhood plans, 'submission' in this context means where a qualifying body submits a plan to the local planning authority under Regulation 15 of the 2012 Regulations. The IPNP was submitted to AVDC in June 2018. Thus, it is the policies in the previous NPPF that are applied to this examination and all references in this report are to the March 2012 NPPF and its accompanying PPG.
- 2.3 The District Council submitted the draft Vale of Aylesbury Local Plan (VALP) 2013-33 to the Planning Inspectorate for examination at the end of February 2018. I shall make reference to the emerging policies in this report, having regard to paragraph 184 of the NPPF, which states that the ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. To facilitate this, local planning authorities should ensure that an up-to-date local plan is in place as quickly as possible. PPG Reference ID 41-009-20160211 advises that the reasoning and evidence informing emerging local plans can be relevant to neighbourhood plans. Where a neighbourhood plan is brought forward before an up-to-date local plan is in place, the local planning authority and qualifying body should discuss and aim to agree the relationship between their emerging policies and the adopted development plan. In this context, I shall have regard for the emerging Local Plan in addition to assessing whether the IPNP is in general conformity with the saved policies from the 2004 adopted AVDLP.

### *Submitted Documents*

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

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- the draft Ivinghoe Parish Neighbourhood Plan 2014 – 2033, submitted in August 2018;
- Fig 1 on page 6 of the Plan which identifies the area to which the proposed IPNP relates;
- the Consultation Statement, March 2018;
- the Basic Conditions Statement, March 2018;
- all the representations that have been made in accordance with the Regulation 16 consultation;
- the Strategic Environmental Assessment (SEA) Screening Opinion prepared by AVDC, May 2017; and
- the requests for additional clarification sought in my letter of 29 August 2018 and the response dated 11 September 2018 provided by the Parish and District Councils, which are available on the District Council website<sup>2</sup>.

### *Site Visit*

2.5 I made an unaccompanied site visit to the IPNP area on 28 August 2018 to familiarise myself with it, and visit relevant sites and areas referenced in the Plan and evidential documents.

### *Written Representations with or without Public Hearing*

2.6 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum. As noted in paragraph 2.4 above, the Parish and District Councils helpfully answered in writing the questions which I put to them in my letter of 29 August. No requests for a hearing were received.

### *Modifications*

2.7 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

## **3. Procedural Compliance and Human Rights**

### *Qualifying Body and Neighbourhood Plan Area*

3.1 The Ivinghoe Parish Neighbourhood Plan has been prepared and submitted for examination by Ivinghoe Parish Council, which is a

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

qualifying body. It extends over the whole of the Ivinghoe Parish which constitutes the area of the Plan designated by AVDC on 6 January 2015.

- 3.2 It is the only neighbourhood plan for Ivinghoe Parish and does not relate to land outside the designated neighbourhood area.

#### *Plan Period*

- 3.3 The Plan specifies clearly the period during which it takes effect, which is 2014 to 2033.

#### *Neighbourhood Plan Preparation and Consultation*

- 3.4 The comprehensive and clearly presented Consultation Statement dated March 2018 indicates that the Parish Council first considered producing a neighbourhood plan in 2014. A Steering Group was formed which included two members of the Parish Council.
- 3.5 Initial consultations in September and October 2015 included well publicised events held over three days at venues in Ivinghoe and Ivinghoe Aston, at which a series of questions were raised on topics relevant to the IPNP such as countryside and landscape, housing and sport and recreation. A display board, comment cards and a ballot box were also moved between various other locations in Ivinghoe and Ivinghoe Aston for about a month through October and November 2015. A total of 360 comments cards were completed with 557 separate comments.
- 3.6 The analysis of the comments resulted in the definition of objectives which then formed the basis of a questionnaire which was distributed in April 2016, to which people could respond by ballot box or electronically. The INP incorrectly states at paragraph 4.5 that the questionnaire was circulated in March 2016. This should be changed to April 2016 **(PM1)**. 187 completed questionnaires were returned. A draft Plan was derived from the answers to the questions and, following discussions with AVDC, two consultations events were held in Ivinghoe and Ivinghoe Aston in September 2016. Following further discussions with AVDC, the Pre-Submission IPNP was published for consultation under Regulation 14 of the 2012 Regulations in October 2016 for a period of six weeks until 6 December 2017. The responses by the Steering Group to the consultation comments from Buckinghamshire County Council, AVDC and individual residents are contained in Appendix 7 of the Consultation Statement.
- 3.7 Consultation in accordance with Regulation 16, when the Plan was submitted to AVDC, was carried out for a period of 8 weeks from 15 June until 10 August 2018 and 9 responses were received. I am satisfied that a transparent, fair and inclusive consultation process has been followed for the Ivinghoe Parish Neighbourhood Plan, that has had regard to advice in the PPG on plan preparation and is procedurally compliant in accordance with the legal requirements.

### *Development and Use of Land*

- 3.8 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

### *Excluded Development*

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

### *Human Rights*

- 3.10 The Basic Conditions Statement comments that the preparation of the IPNP has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complied with the Human Rights Act. AVDC is satisfied that the IPNP is compatible with human rights requirements and EU Obligations. I have considered the matter independently and I have found no reason to disagree with that position.

## **4. Compliance with the Basic Conditions**

### *EU Obligations*

- 4.1 The IPNP was screened for SEA by AVDC which was submitted with the Plan in accordance with the legal requirement under Regulation 15(e)(i) of the 2012 Regulations. The Council found that it was unnecessary to undertake SEA. Neither Historic England (HE), Natural England (NE) nor the Environment Agency (EA), when consulted, disagreed with that assessment<sup>3</sup>. Having read the SEA Screening Opinion, and considered the matter independently, I agree with that conclusion.
- 4.2 The NP was further screened by AVDC for Habitats Regulations Assessment (HRA). The Chilterns Beechwoods SAC is within the NP area at the south eastern extremity, as are the Ivinghoe Hills SSSI and the Ashridge Common and Woods SSSI. However, AVDC does not anticipate the Plan would have any significant effects on the SAC, or the SSSIs. On the basis of the information provided, my independent consideration and

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<sup>3</sup> When consulted on the SEA in June 2017 NE stated that, without at least a first draft of the NP, it was impossible to do a thorough SEA and sought consultation again when the Plan had been written. In the response to consultation on the IPNP under Regulation 16 dated 6 July 2018, NE did not seek an SEA or HRA but offered constructive comments about policies.

noting that the NP does not include site allocations for development, I support the conclusions of AVDC.

### *Main Issues*

- 4.3 Having considered whether the Plan complies with various procedural and legal requirements, it is now necessary to deal with whether it complies with the Basic Conditions; particularly the regard it pays to national policy and guidance, the contribution it makes to the achievement of sustainable development and whether it is in general conformity with strategic development plan policies. I test the Plan against the Basic Conditions by considering specific issues of compliance with all the Plan's policies.
- 4.4 As part of that assessment, I consider whether the policies are sufficiently clear and unambiguous, having regard to advice in the PPG. The NP 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<sup>4</sup>.
- 4.5 The helpful introductory text to the Plan, at Section 3 "How the Plan fits in the planning framework", includes a brief overview of the neighbourhood planning process including a description of the Basic Conditions which plans must meet prior to adoption. In principle, this should assist readers and users of the Plan, but I note that paragraph 3.4 deviates from the language used for the Basic Conditions in the planning legislation. To ensure that the IPNP conveys the correct information to users and readers, and itself meets the Basic Conditions, I propose a modification **(PM2)** to amend the text and refer to the matters listed in paragraph 1.9 above.
- 4.6 Having regard to the Ivinghoe Parish NP, the consultation responses, written evidence<sup>5</sup> and the site visit, I consider that there are three main issues for this examination. These are:

*Issue 1: Whether the IPNP policies for future housing growth and supporting the local economy are in general conformity with strategic planning policies, whether they would contribute to the achievement of sustainable development and whether they have regard to national policy and guidance?*

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<sup>4</sup> PPG Reference ID: 41-041-20140306.

<sup>5</sup> The other evidence includes my letter of 29 August 2018 to the Ivinghoe Parish and Aylesbury Vale Councils seeking clarification and the reply of 11 September 2018.

*Issue 2: Whether the IPNP policies for the natural and built environment have regard to national guidance, contribute to sustainable development and generally conform with strategic statutory planning policies?*

*Issue 3: Whether the other policies for transport and recreation have regard to national guidance, are in general conformity with strategic statutory policies and contribute to sustainable development?*

#### Issue 1: Housing growth and the local economy

- 4.7 The adopted AVDLP defines Ivinghoe as a settlement where, under Policies RA13 and RA14, small scale housing development of either infilling or up to 5 dwellings may be allowed within or on the edge of the village. Ivinghoe Aston is within open countryside where guidance for the location of residential development is contained within the NPPF, particularly paragraphs 54 and 55.
- 4.8 Policy S2 of the emerging VALP, which deals with the spatial strategy for growth, identifies larger villages which have a range of facilities which make it a sustainable location for future housing. Ivinghoe is one such larger village. Ivinghoe Aston is defined as a smaller village in the VALP where it is expected that some small-scale development could be accommodated without causing unreasonable harm.
- 4.9 The IPNP does not allocate areas for housing development and has chosen to define policies under which proposals for housing development either within or outside Ivinghoe and Ivinghoe Aston will be considered; the dividing line being the delineation of a settlement boundary. IPNP Policy HSG1 states that housing development within the settlement boundaries of Ivinghoe and Ivinghoe Aston will be supported in principle subject to a list of nine criteria which aim to ensure that it is sympathetic in terms of scale, massing, height and design, character and density to the existing housing stock.
- 4.10 The settlement boundary at Ivinghoe includes an area of land which is within the Green Belt and which is one of the strongest constraints on housing development where, as accepted by AVDC and IPC, very special circumstances are required to be demonstrated for new dwellings, unless it is for one of the exceptions listed in the NPPF<sup>6</sup>. The support of the principle of housing development on the land in the Green Belt appears to me to be totally contradictory to the fundamental aim of keeping the Green Belt permanently open and the purpose of assisting to safeguard the countryside from encroachment<sup>7</sup>.

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<sup>6</sup> See response to my question 3 from the Councils dated 11 September 2018.

<sup>7</sup> NPPF paragraphs 79 and 80.

- 4.11 I accept that the settlement boundary would be used to delineate the land which would have various planning policies applied to it in order to manage development. However, in the absence of evidence of exceptional, very special or other overriding circumstances, I consider the support of the principle of housing development on this land within the Green Belt is contrary to advice in NPPF and I shall recommend that the settlement boundary is adjusted to exclude it **(PM3)**. I fail to see how building on the land would make an important contribution to the open character of the village or the openness of the wider Green Belt<sup>8</sup>.
- 4.12 The same area of land at Ivinghoe is also within the Chilterns Area of Outstanding Natural Beauty (AONB). I am already recommending excluding the land from within the settlement boundary of the village, but its nationally designated status adds to my reasoning for the exclusion, especially when other land is available for development at Ivinghoe outside the Green Belt and AONB.
- 4.13 The definition of Ivinghoe as a larger village reflects the range of services and facilities available to residents and is wholly consistent with the extent of land shown within the settlement boundary. In addition, the scarcity of services and facilities befits the classification of Ivinghoe Aston as a smaller village which is a less sustainable location for future growth. Nevertheless, as advised in NPPF, in order to promote sustainable development in rural areas, development in one village may support the services in a village nearby<sup>9</sup>. Accordingly, despite the relative lack of services, I consider that housing development at Ivinghoe Aston will assist in maintaining the function of Ivinghoe and may well result in the revitalisation of facilities at the smaller village. Therefore, I accept that, subject to PM2 above, the establishment of the settlement boundaries at both villages would have regard to national policy (and align with the emerging Local Plan) and thereby satisfy the Basic Conditions.
- 4.14 Although representations sought the addition of an area of land within the settlement boundary at Ivinghoe Aston, the consultation statement shows that the community involvement process to identify land for development was satisfactory and the settlement boundaries were publicised under Regulation 14. Other than the proposed modification to exclude the area of Green Belt at Ivinghoe, there is no evidence to suggest that the settlement boundaries at either village fail to meet the Basic Conditions. Therefore, I do not accept the need to further alter the settlement boundaries.

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<sup>8</sup> NPPF paragraph 86.

<sup>9</sup> NPPF paragraph 55.

- 4.15 A suggestion was made to amend Policy HSG1 vi which deals with heritage assets, but the current phrasing is consistent with the NPPF<sup>10</sup>. Nevertheless, a minor modification to criterion viii is required with the effect that the character or appearance of the conservation area should be preserved or enhanced, and which would then make that part of the policy generally conform with Policy GP53 of the adopted AVDLP (**PM4**). There was another suggestion to include the need for Landscape and Visual Impact Assessment (LVIA) for proposals located within the AONB or its setting. However, rather than be included as a requirement in the IPNP, I consider that AVDC may seek that level of information through normal development management procedures according to the merits of a particular case. Therefore, overall, with those modifications, Policy HSG1 would have regard to national advice and be in general conformity with strategic local policy.
- 4.16 National guidance aims to avoid new isolated dwellings in the countryside unless there are special circumstances. Policy HSG2 restricts development outside Ivinghoe and Ivinghoe Aston with exceptions listed which are consistent with those described in NPPF paragraph 55. Therefore, the policy has regard to national policy and complies with the Basic Conditions.
- 4.17 Policy BUS1 aims to support current businesses and encourage more businesses through the availability of premises and infrastructure. This policy has regard to paragraph 28 of the NPPF and is in general conformity with Policies GP17 and GP32 of the adopted AVDLP.
- 4.18 Policy TEL1 supports the provision of telecommunications infrastructure. The policy has regard to national policy<sup>11</sup> and adopted AVDLP Policy GP.100. However, a phrase concerning landscaping and camouflage in paragraph 5.8.3 of the IPNP is more akin to policy, and the need for infrastructure to be up to date lacks sufficient clarity for effective development management purposes. Therefore, for those reasons, I shall reword the policy as shown in **PM5**.
- 4.19 Accordingly, with the recommended modifications, I consider that the IPNP policies for housing growth and supporting the local economy would have regard to national policy, generally conform with strategic statutory policies and would contribute to the achievement of sustainable development, thereby meeting the Basic Conditions.

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<sup>10</sup> NPPF paragraph 133.

<sup>11</sup> NPPF paragraph 43.

## Issue 2: Environment

- 4.20 Three policies seek to implement the IPNP environmental objective: Policy ENV1 deals with biodiversity; Policy ENV2 considers heritage assets and Policy ENV3 covers footpaths, bridleways and cycleways. Policy ENV1 states that development should not occur in areas of environmental constraint shown in Appendix 3 of the IPNP. This policy is too restrictive and neither has regard to national guidance nor generally conforms with local strategic policies. Therefore, the policy should be modified so that it takes account of the environmental constraints and, where appropriate, their settings, as shown in Appendix 3 **(PM6)**. AVDC sought the addition of the details of some constraints, but their protection is already covered by the IPNP, the adopted ADVLP, or national policy and there is no need to repeat it. NPPF advises that the planning system should provide net gains in biodiversity where possible<sup>12</sup>. Therefore, Policy ENV1 should also be modified in order to have regard to that aim **(PM7)**.
- 4.21 Policy ENV2 is also unacceptably restrictive in that there are other factors to take into consideration in assessing effects on heritage assets, not only height, front building line and orientation. Such examples are described throughout NPPF Section 8: Requiring Good Design. Accordingly, in order to have regard to national policy, Policy ENV2 should be modified by using the word "... include ..." rather than the exclusive "... in terms of ..."  
**(PM8)**. The balancing of harm with public benefit is a repeat of the phraseology in HSG1 but would apply to all development, not just housing, and so is justified.
- 4.22 Policy ENV3 has regard to the national policy to give priority to pedestrian and cycle movements<sup>13</sup> and the protection and enhancement of public rights of way and access<sup>14</sup>. The policy also is in general conformity with Policy GP84 of the adopted AVDLP.
- 4.23 Therefore, with the recommended modifications, I consider that the environment policies of the IPNP would have due regard to national advice, would generally conform with strategic statutory policies, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

## Issue 3: Other Policies and Appendices

- 4.24 Highway safety and parking are dealt with in Policy TRA1. The policy has regard to paragraphs 35 and 39 of NPPF and aligns with Policy T5 of the emerging VALP. Policy TRA2 considers developer contribution to highway

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<sup>12</sup> NPPF paragraph 109 third bullet point.

<sup>13</sup> NPPF paragraph 35 second bullet point.

<sup>14</sup> NPPF paragraph 74.

safety and parking and has regard to NPPF paragraph 35 and similarly aligns with Policy T4 of the emerging VALP.

- 4.25 The objective to support and enhance recreation facilities has resulted in Policies REC1 and REC2. The policies consider the improvement of the viability of designated assets of community value or any other established community facility and their protection. Both policies have regard to national guidance<sup>15</sup> and are in general conformity with Policies GP86, 87, 88, 93 and 94 of the adopted ADVLP.
- 4.26 I conclude that the policies of the IPNP on transport and recreation would have due regard to national guidance, would generally conform with adopted strategic statutory policies, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.
- 4.27 IPNP Appendix 3 includes maps showing landscape constraints. AVDC comments that landscape sensitivity areas are shown which are no longer used as constraints. They are not in either the adopted AVDLP nor in the emerging VALP. Therefore, in order to enable effective development management, I recommend that the landscape constraints maps in Appendix 3 are replaced by the consolidated map submitted by AVDC with its Regulation 16 consultation response, which I consider should also have the addition of the Green Belt **(PM9)**. I also recommend that BB in the key to the consolidated map should be expanded so that its definition is clear.
- 4.28 AVDC has commented that the map at Appendix 3.6 which shows protected species and biological action plan species, identifies sensitive information which should not have been labelled, and should not be in the public domain. Having examined the list of species identified on the map, I agree and shall recommend its deletion **(PM10)**.

## 5. Conclusions

### *Summary*

- 5.1 The Ivinghoe Parish Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard to all the responses made following consultation on the Neighbourhood Plan, and the evidence documents submitted with it.

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<sup>15</sup> NPPF paragraph 28 bullet point 4 and paragraphs 70 and 74.

- 5.2 I have made recommendations to modify a number of policies to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

*The Referendum and its Area*

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The Ivinghoe Parish Neighbourhood Plan, as modified, has no policy which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the boundary of the Plan. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

*Overview*

- 5.4 In conducting the examination, I found the Plan to be an articulate, succinct document and the supporting documentation, especially the Basic Conditions Statement, was well presented and extremely helpful. The Steering Group and the Parish Council are to be commended for their efforts in producing a timely, well-illustrated document which, incorporating the modifications I have recommended, will make a positive contribution to the development plan for the area and will assist in creating sustainable development.

*Andrew Mead*

Examiner

## Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Paragraph 4.5	Delete: "... March ...". Insert: "... <b>April</b> ...".
PM2	Page 11 Paragraph 3.4	Delete the four bullet points and insert: <ul style="list-style-type: none"> <li>• have regard to national policy;</li> <li>• be in general conformity with strategic local policy;</li> <li>• contribute to the achievement of sustainable development;</li> <li>• be compatible with EU obligations; and</li> <li>• meet prescribed conditions and comply with prescribed matters.</li> </ul>
PM3	Inset A: Ivinghoe Settlement Boundary	Amend the boundary to exclude the area of Green Belt in the south east of the Inset.  As a consequence of this modification, make a similar adjustment to Fig 3 Ivinghoe Settlement Boundaries.
PM4	Policy HSG1 viii	Delete: "character and appearance". Insert: " <b>character or appearance</b> ".
PM5	Policy TEL1	Delete: "... up to date ...".  Add at end of policy " <b>... subject to the provision of agreed mitigation or a detailed design solution to safeguard the rural character and countryside setting and avoid adverse wider landscape and visual impact, including on the AONB and valued landscapes.</b> "
PM6	Policy ENV1	Delete: "... should not occur...". Insert: " <b>... take account of the ...</b> ".
PM7	Policy ENV1	Delete: "... no net loss and where possible...".

		Insert: "... a <b>biodiversity net gain where possible ...</b> ".
PM8	Policy ENV2	Delete: "... be in terms of ..." Insert: "... <b>include...</b> ".
PM9	Appendix 3	Delete: Apps 3.2, 3.3, 3.5 and 3.7. Insert: Consolidated designations map supplied by AVDC with the addition of the Green Belt and with the BB key expanded so that its definition is clear.
PM10	Appendix 3.6	Delete: App 3.6.