

Quinton Parish Council

# Quinton Neighbourhood Development Plan

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

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## Overall Finding

This is the report of the Independent Examination of the Quainton Neighbourhood Development Plan. The plan area is the entire Quainton Parish area. The Plan period is 2015 to 2033. The Neighbourhood Plan includes eleven policies relating to the development and use of land.

The report finds that subject to specified modifications the Neighbourhood Plan meets the basic conditions and other requirements to proceed to a local referendum based on the plan area.

## Neighbourhood Planning

1. The Localism Act 2011 empowers local communities to take responsibility for the preparation of elements of planning policy for their area through a neighbourhood development plan. The National Planning Policy Framework (the Framework) states that “*neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.*”<sup>1</sup>
2. Following satisfactory completion of the necessary preparation process neighbourhood development plans have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the neighbourhood development plan, unless material considerations indicate otherwise.
3. The Quainton Neighbourhood Development Plan (the Neighbourhood Plan) has been prepared by Quainton Parish Council (the Parish Council), a qualifying body able to prepare a neighbourhood plan, in respect of the Quainton Neighbourhood Area (the Plan area) which was formally designated by Aylesbury Vale District Council (the District Council) on 10 September 2012.
4. The submission draft of the Neighbourhood Plan, along with the Consultation Statement and the Basic Conditions Statement, has been approved by the Parish Council for submission of the plan and accompanying documents to the District Council. Aylesbury Vale District Council has submitted the Neighbourhood Plan to me for independent examination.

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<sup>1</sup> Paragraph 183 National Planning Policy Framework (2012)

## Independent Examination

5. This report sets out the findings of the independent examination into the Neighbourhood Plan.<sup>2</sup> The report makes recommendations to the District Council including a recommendation as to whether or not the Neighbourhood Plan should proceed to a local referendum. The District Council will decide what action to take in response to the recommendations in this report.
6. The District Council will decide whether the Neighbourhood Plan should proceed to referendum, and if so whether the referendum area should be extended, and what modifications, if any, should be made to the submission version plan. Should the Neighbourhood Plan proceed to local referendum and achieve more than half of votes cast in favour, then the Neighbourhood Plan will be 'made' by the District Council. If 'made' the Neighbourhood Plan will come into force and subsequently be used in the determination of planning applications and decisions on planning appeals in the plan area.
7. I have been appointed by the District Council with the consent of the Parish Council, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the Parish Council and the District Council. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I hold appropriate qualifications and have appropriate experience. I am a Member of the Royal Town Planning Institute; a Member of the Institute of Economic Development; a Member of the Chartered Management Institute; and a Member of the Institute of Historic Building Conservation. I am an experienced Neighbourhood Plan examiner and have forty years professional planning experience. I have held national positions and local authority Chief Planning Officer posts.
8. As independent examiner I am required to produce this report and must recommend either:
  - that the Neighbourhood Plan is submitted to a referendum, or
  - that modifications are made and that the modified Neighbourhood Plan is submitted to a referendum, or
  - that the Neighbourhood Plan does not proceed to a referendum on the basis it does not meet the necessary legal requirements

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<sup>2</sup> Paragraph 10 Schedule 4B Town and Country Planning Act 1990

9. I make my recommendation in this respect and in respect to any extension to the referendum area,<sup>3</sup> in the concluding section of this report. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.<sup>4</sup>
10. The general rule is that examination of the issues is undertaken by the examiner through consideration of written representations.<sup>5</sup>
11. The examiner has the ability to call a hearing for the purposes of receiving oral representations about a particular issue in any case where the examiner considers that the consideration of oral representations is necessary to ensure adequate examination of the issue, or a person has a fair chance to put a case. All parties have had opportunity to state their case. As I did not consider a hearing necessary I proceeded on the basis of written representations.

## **Basic conditions and other statutory requirements**

12. An independent examiner must consider whether a neighbourhood plan meets the “Basic Conditions”.<sup>6</sup> A neighbourhood plan meets the basic conditions if:
- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan,
  - the making of the neighbourhood plan contributes to the achievement of sustainable development,
  - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),
  - the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations, and
  - the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.<sup>7</sup>

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

<sup>4</sup> Paragraph 10(6) Schedule 4B Town and Country Planning Act 1990

<sup>5</sup> Paragraph 9(1) Schedule 4B Town and Country Planning Act 1990

<sup>6</sup> Paragraph 8(2) Schedule 4B Town and Country Planning Act 1990

13. An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.<sup>8</sup> All of these matters are considered in the later sections of this report titled 'The Neighbourhood Plan taken as a whole' and 'The Neighbourhood Plan policies'.
14. In addition to the basic conditions and Convention rights, I am also required to consider whether the Neighbourhood Plan complies with the provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004.<sup>9</sup> I am satisfied the Neighbourhood Plan has been prepared in accordance with the requirements of those sections, in particular in respect to the Neighbourhood Planning (General) Regulations 2012 which are made pursuant to the powers given in those sections.
15. The Neighbourhood Plan relates to the area that was designated by the District Council as a neighbourhood area on 10 September 2012. Paragraph 1.2 of the Submission Version of the Neighbourhood Plan confirms the Plan area is defined by the Quainton Parish boundary. A map of the Quainton Parish boundary is included on page 3 of the Submission Version plan. The Neighbourhood Plan does not relate to more than one neighbourhood area,<sup>10</sup> and no other neighbourhood development plan has been made for the neighbourhood area.<sup>11</sup> All requirements relating to the plan area have been met. To ensure clarity, the "Quainton Parish Map" on page 3 of the submission plan should be further labelled as 'Quainton Neighbourhood Development Plan Area'. As this adjustment is not required in order to meet the basic conditions I have not recommended a modification of the plan on this basis but refer to the matter in the annex to my report.
16. I am also required to check whether the Neighbourhood Plan sets out policies for the development and use of land in the whole or part of a designated neighbourhood area;<sup>12</sup> and the Neighbourhood Plan does not include provision about excluded development.<sup>13</sup> I am able to confirm that I am satisfied that each of these requirements has been met.

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

<sup>8</sup> The Convention rights has the same meaning as in the Human Rights Act 1998

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

<sup>10</sup> Section 38B(1)(c) Planning and Compulsory Purchase Act 2004

<sup>11</sup> Section 38B(2) Planning and Compulsory Purchase Act 2004

<sup>12</sup> Section 38A(2) Planning and Compulsory Purchase Act 2004

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

17. A neighbourhood plan must also meet the requirement to specify the period to which it has effect.<sup>14</sup> The front cover of the Submission Version clearly shows the plan period to be 2015 – 2033.
18. The role of an independent examiner of a neighbourhood plan is defined. I am not examining the test of soundness provided for in respect of examination of Local Plans.<sup>15</sup> It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan. I have been appointed to examine whether the submitted Neighbourhood Plan meets the basic conditions and Convention rights, and the other statutory requirements.
19. A neighbourhood plan can be narrow or broad in scope. There is no requirement for a neighbourhood plan to be holistic, or to include policies dealing with particular land uses or development types, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan. The nature of neighbourhood plans varies according to local requirements.
20. Neighbourhood plans are developed by local people in the localities they understand and as a result each plan will have its own character. It is not within my role to re-interpret, restructure, or re-write a plan to conform to a standard approach or terminology. Indeed, it is important that neighbourhood plans are a reflection of thinking and aspiration within the local community. They should be a local product and have particular meaning and significance to people living and working in the area.
21. Apart from minor corrections and consequential adjustment of text (referred to in the Annex to this report) I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the basic conditions and the other requirements I have identified.<sup>16</sup>

## Documents

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

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<sup>14</sup> Section 38B(1)(a) Planning and Compulsory Purchase Act 2004

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

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

- Quainton Neighbourhood Development Plan 2015-2033 Submission Version
- Quainton Neighbourhood Development Plan Basic Conditions Statement October 2015 (including SEA Screening Report July 2015)
- Quainton Neighbourhood Development Plan Consultation Statement November 2015
- Quainton Neighbourhood Development Plan Local Green Space Report 2015 -2033
- Quainton Conservation Area Review 2015 Consultation Draft
- Representations received during the Regulation 16 publicity period
- Aylesbury Vale District Local Plan (AVDLP) Saved Policies (27 September 2007)
- National Planning Policy Framework (27 March 2012) [*In this report referred to as the Framework*]
- Technical Guidance to the National Planning Policy Framework (27 March 2012) [*In this report referred to as the Technical Guidance*]
- Department for Communities and Local Government Permitted development for householders' technical guidance (April 2014) [*In this report referred to as the Permitted Development Guidance*]
- Department for Communities and Local Government Planning Practice Guidance web-based resource (first fully launched 6 March 2014) [*In this report referred to as the Guidance*]
- The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014
- The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004 (as amended)
- Localism Act 2011
- Neighbourhood Planning (General) Regulations 2012 (as amended) [*In this report referred to as the Regulations*]

## Consultation

23. The submitted Neighbourhood Plan is accompanied by a Consultation Statement which provides a summary of the consultation undertaken in the preparation of the plan. I highlight here a number of key stages of consultation undertaken in order to illustrate the approach adopted.

24. In November 2011, prior to the designation of the Quainton Neighbourhood Plan Area, a questionnaire was sent to all households in the parish to gain understanding of how the community would like to see the parish develop. During the same month a "Have Your Say Day" was staged at Quainton Memorial Hall in order to provide information about neighbourhood planning and assist the community in the completion of

the questionnaire. Participants were invited to put comments on post-it-notes, which were collated and used to form the basis of the “Vision for Quainton” document, published in March 2013. There are no attendance figures provided for the “Have Your Say Day”, but the consultation statement does note a return rate of over 40% for the questionnaire. I refer to a number of minor discrepancies between the consultation statement and the community engagement summary on page 8 of the Submission Plan in the annex to my report.

25. In June 2012 a display area was set up at a Queen’s Golden Jubilee event, held on The Green. The objective of the display was to promote the Neighbourhood Plan process and keep the community informed. Again no attendance numbers were recorded, but twenty people expressed an interest in helping to develop the plan.

26. A publicity campaign was undertaken during September and October 2014 to communicate the intention of developing a neighbourhood plan and invite interested parties to actively participate. As a result, upwards of 20 volunteers from the local community attended the inception meeting of the Neighbourhood Plan.

27. A review of the Conservation Area was undertaken by Aylesbury Vale District Council and a revised boundary and statement were approved on 10 November 2015. Consultation on the revised Conservation Area boundary and statement was carried out in unison with the neighbourhood plan, in addition to specific consultation with the Quainton Village Society.

28. Consultation in accordance with Regulation 14 in respect of a pre-submission draft Neighbourhood Plan was undertaken in the six-week period 3 July to 14 August 2015. The plan document was available on a website and paper copies available for inspection at several locations in the plan area. There was comprehensive publicity of the draft plan and associated consultation days including a leaflet delivered to all households in the parish; a segment on a local radio station; an article in the local paper; and letters to interested parties and stakeholders. A display was held at the Church during the consultation period and members of the Neighbourhood Development Plan Group and the Quainton Parish Council were present on two days to answer any questions. A further display was set up at the Quainton Beer and Music Festival on the 11 July 2015, where again members of the Plan Group were on hand to answer questions. A total of 150 comments were received from statutory consultees and residents which resulted in a number of changes to the plan.

29. The final draft of the Neighbourhood Plan has been submitted to the District Council. The Submission Version of the Neighbourhood Plan has been the subject of a Regulation 16 publicity period between 15 December 2015 and 9 February 2016. A total of 184 representations were submitted to the District Council which I have taken into consideration in preparing this report, even though they may not be referred to in whole, or in part. One representation was submitted after the period for representations had closed. I have not taken that representation into consideration as to do so would leave the plan preparation process open to challenge.
30. The vast majority of representations state support for the Neighbourhood Plan with many also specifically supporting the Local Green Space report. Natural England and Highways England confirmed no further comments to make. Eleven representations include concerns regarding aspects of the plan. One representation states that the Neighbourhood Plan is *“parochial in the extreme and incorporates a ludicrously large number of policies designed to protect the status quo and obviate change and development. To have a sustainable village requires a sustainable housing chain which Quainton does not have and which the QNP most certainly does not offer.”* Another representation makes a case for cul-de-sacs, where appropriate, in lieu of roadside ribbon development. A further representation includes an offer of land for housing development. A further representation recommends that the proposed construction of HS2 be included in the strategic context for the Plan and taken into account for any new development, given its likely impact on the local roads and existing residences. It is my role to assess whether the Neighbourhood Plan meets the Basic Conditions and other statutory requirements and does not extend to recommending the inclusion of additional topics of information or policies.
31. A representation is made which questions the ‘fairness’ of specific elements of the consultation process suggesting *“At no point has the right to disagree with the NDP been actively publicised. Thus some people remain unaware of their rights to reject the NDP.”* The Regulations require that for pre-submission consultation a qualifying body must *“publicise in a manner that is likely to bring it to the attention of people who live, work or carry on business in the neighbourhood area; details of the proposals for a neighbourhood development plan; details of where and when the proposals for a neighbourhood development plan may be inspected; details of how to make representations; and the date by which those representations must be received....”*. These requirements, and other requirements including the

submission of a Consultation Statement, have been met. It is within the remit of the Parish Council as a Qualifying Body to publicise the Neighbourhood Plan in a manner that is positive and which promotes support. I note a significant number of representations specifically praise the work undertaken in consulting the community and reflecting their views in the plan. Observations include *“The people of Quainton have been fully and properly consulted and have both responded and in many cases, have been actively involved in the Plan’s preparation”* and *“Very extensive efforts have been made by the team to consult villagers and reflect our views in this plan.”*

32. Where detailed representations relate to specific policies of the Neighbourhood Plan I have taken them into consideration, and where appropriate referred to them, when preparing the later section of my report that considers the policies concerned.

33. I am satisfied engagement with the community has been comprehensive and that all stakeholders have had opportunities to influence the content of the Neighbourhood Plan.

## **The Neighbourhood Plan taken as a whole**

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

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

35. The Basic Conditions Statement states *“The Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act.”* I have given consideration to the European Convention on

Human Rights and in particular to Article 8 (privacy); Article 14 (discrimination); and Article 1 of the first Protocol (property).<sup>17</sup> I have seen nothing in the submission version of the Neighbourhood Plan that indicates any breach of the Convention. Although no equalities impact assessment has been undertaken the submission draft of the Neighbourhood Plan would appear to have neutral or positive impacts on groups with protected characteristics.

36. The District Council issued a Screening Opinion in July 2015 concluding that the Neighbourhood Plan is *“not likely to have significant environmental effects beyond those expected by ‘strategic’ district-wide policies of the Local Plan and therefore this does not trigger a need for a Strategic Environmental Assessment”*. The Screening Opinion has been subject to consultation with the statutory consultees. I am satisfied that the requirements in respect of Strategic Environmental Assessment have been met.

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

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

39. I conclude that the Neighbourhood Plan:

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

40. The Guidance<sup>18</sup> states it is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a draft neighbourhood plan submitted to it have been met in order for the draft neighbourhood plan to progress. The local planning

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

<sup>18</sup> National Planning Practice Guidance paragraph 031 reference ID:11-031-20150209

authority must decide whether the draft neighbourhood plan is compatible with EU obligations (including obligations under the Strategic Environmental Assessment Directive):

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

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

41. I refer initially to the basic condition “*having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan*”. The requirement to determine whether it is appropriate that the plan is made includes the words “*having regard to*”. This is not the same as compliance, nor is it the same as part of the test of soundness provided for in respect of examinations of Local Plans<sup>19</sup> which requires plans to be “*consistent with national policy*”.

42. Lord Goldsmith has provided guidance<sup>20</sup> that ‘*have regard to*’ means “*such matters should be considered.*” The Guidance assists in understanding “*appropriate*”. In answer to the question “*What does having regard to national policy mean?*” the Guidance states a neighbourhood plan “*must not constrain the delivery of important national policy objectives.*”

43. The Basic Conditions Statement seeks to demonstrate that the Neighbourhood Plan has been prepared with regard to national policies as set out in the Framework. A statement is made to how the Neighbourhood Plan has specifically responded to paragraphs 16, 183, 184 and 185 of the Framework.

44. The Neighbourhood Plan includes a positive Vision for the Quanton Parish, aspiring to be a thriving community that provides for people to live, work and take leisure whilst ensuring it retains its heritage. The

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<sup>19</sup> Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 182 of the Framework

<sup>20</sup> The Attorney General, (Her Majesty’s Principal Secretary of State for Justice) Lord Goldsmith, at a meeting of the Lord’s Grand Committee on 6 February 2006 to consider the Company Law Reform Bill (Column GC272 of Lords Hansard, 6 February 2006) and included in guidance in England’s Statutory Landscape Designations: a practical guide to your duty of regard, Natural England 2010 (an Agency of another Secretary of State)

vision refers to a safe, friendly, rural environment. The vision is consistent with the Framework's underlying principles and specifically, the need to recognise "*the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.*"

45. The vision is supported by a number of objectives relating to a wide range of topics including housing, heritage, land assets, environment, community facilities, infrastructure, movement and the economy. The second objective refers to balancing "*this*" potential growth and in so doing makes reference to the first objective. Whilst not necessary to meet the Basic Conditions I have, in the annex to my report recommended, in the interests of clarity, that this objective should be adjusted so as to be self-contained. The objectives of the Neighbourhood Plan are consistent with the Framework and in particular the components relating to 'supporting a prosperous rural economy', 'delivering a wide choice of high quality homes', 'requiring good design', 'promoting healthy communities', 'protecting green belt land', 'conserving and enhancing the natural environment' and 'conserving and enhancing the historic environment'.
46. The Neighbourhood Plan taken as a whole seeks to shape and direct development. This is precisely the role national policy envisages for a neighbourhood plan. Apart from those elements of policy of the Neighbourhood Plan in respect of which I have recommended a modification to the plan I am satisfied that need to 'have regard to' national policies and advice contained in guidance issued by the Secretary of State has, in plan preparation, been exercised in substance in such a way that it has influenced the final decision on the form and nature of the plan. This consideration supports the conclusion that with the exception of those matters in respect of which I have recommended a modification of the plan, the Neighbourhood Plan meets the basic condition "*having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan.*"
47. At the heart of the Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan making and decision-taking.<sup>21</sup> The Guidance states, "*This basic condition is consistent with the planning principle that all plan-making and decision-taking should help to achieve sustainable development. A qualifying body must demonstrate how its plan or order will contribute to improvements in environmental, economic and social*

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<sup>21</sup> Paragraph 14 National Planning Policy Framework 2012

*conditions or that consideration has been given to how any potential adverse effects arising from the proposals may be prevented, reduced or offset (referred to as mitigation measures). In order to demonstrate that a draft neighbourhood plan or order contributes to sustainable development, sufficient and proportionate evidence should be presented on how the draft neighbourhood plan or order guides development to sustainable solutions”<sup>22</sup>.*

48. The Guidance as revised on 11 February 2016 states “*For example, up-to-date housing needs evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development*”. I consider this matter later in my report in relation to my consideration of Policy H1. The Basic Conditions require my consideration whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development. There is no requirement as to the nature or extent of that contribution, nor a need to assess whether or not the plan makes a particular contribution. There is no requirement that every policy of a Neighbourhood Plan should make a contribution. The requirement is that there should be a contribution. There is also no requirement to consider whether some alternative plan would make a greater contribution to sustainable development.

49. The Framework states there are three dimensions to sustainable development: economic, social and environmental. The Basic Conditions Statement includes a section that seeks to demonstrate the economic, social and environmental attributes of the Neighbourhood Plan.

50. I conclude that the Neighbourhood Plan, by guiding development to sustainable solutions, contributes to the achievement of sustainable development. Broadly, the Neighbourhood Plan seeks to contribute to sustainable development by providing for some level of growth in the Parish, whilst protecting its historic character. In particular I consider the Neighbourhood Plan seeks to:

- Provide for some housing growth seeking new homes for young families and for elderly down sizers;
- Ensure heritage assets are conserved and enhanced;
- Protect Local Green Spaces;

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<sup>22</sup>National Planning Policy Guidance (Ref ID:41-072-20140306)

- Support retention and new provision of community facilities;
- Promote adequate off-road parking provision; and
- Support expansion of local businesses.

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

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

52. The Framework states that the ambition of a neighbourhood plan should “support the strategic development needs set out in Local Plans”.<sup>23</sup> “Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans should not promote less development than set out in the Local Plan or undermine its strategic policies”.<sup>24</sup>

53. The Guidance states, “A local planning authority should set out clearly its strategic policies in accordance with paragraph 184 of the National Planning Policy Framework and provide details of these to a qualifying body and to the independent examiner.”<sup>25</sup>

54. In this independent examination I am required to consider whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area). The District Council has informed me that the Development Plan applying in the Quanton neighbourhood area and relevant to the Neighbourhood Plan comprises the Adopted Aylesbury Vale District Local Plan Saved Policies (2007), and that all of the saved policies are considered to be strategic.

<sup>23</sup> Paragraph 16 National Planning Policy Framework 2012

<sup>24</sup> Paragraph 184 National Planning Policy Framework 2012

<sup>25</sup> National Planning Policy Guidance (ID: 41-04720 140306)

55. As the Local Plan Saved Policies predate the Framework, the Framework takes precedence where there is a conflict. There is no requirement for a neighbourhood plan to include particular types of development and land use policies, nor is there any requirement for a neighbourhood plan to deal with any particular development and land use issues. The Guidance has however been revised on 11 February 2016 to give an example of evidence that is relevant to the examination of a housing supply policy that may be included in a neighbourhood plan. I refer to this matter when considering Policy H1 later in my report.
56. In order to satisfy the basic conditions, the Neighbourhood Plan must be in general conformity with the strategic policies of the Development Plan. The emerging Local Plan is not part of the Development Plan and this requirement does not apply in respect of that. Emerging planning policy is subject to change as plan preparation work proceeds.<sup>26</sup> The Guidance states *“Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood areas. They can be developed before or at the same time as the local planning authority is producing its Local Plan”*. In *BDW Trading Limited, Wainholmes Developments Ltd v Cheshire West & Chester BC* [2014] EWHC1470 (Admin) it was held that the only statutory requirement imposed by basic condition (e) is that the Neighbourhood Plan as a whole should be in general conformity with the adopted development plan as a whole.
57. In considering a now repealed provision that *“a local plan shall be in general conformity with the structure plan”* the Court of Appeal stated *“the adjective ‘general’ is there, “to introduce a degree of flexibility.”*<sup>27</sup> The use of ‘general’ allows for the possibility of conflict. Obviously there must at least be broad consistency, but this gives considerable room for manoeuvre. Flexibility is however not unlimited. The test for neighbourhood plans refers to the strategic policies of the Development Plan rather than the Development Plan as a whole.
58. The Guidance states, *“When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:*

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<sup>26</sup> The District Council has work underway to prepare The Vale of Aylesbury Local Plan. The Local Development Scheme dated December 2014 indicates adoption is intended in July/August 2017

<sup>27</sup> *Persimmon Homes v. Stevenage BC* the Court of Appeal [2006] 1 P &CR 31

- *whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with*
- *the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy*
- *whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy*
- *the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach.*<sup>28</sup>

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

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

## The Neighbourhood Plan policies

61. The Neighbourhood Plan includes 11 policies:

- Policy E1 Environment
- Policy E2 Environment
- Policy H1 Housing

<sup>28</sup> National Planning Policy Guidance (ID ref: 41-074 201 40306)

<sup>29</sup> Section 38(5) Planning and Compulsory Purchase Act 2004

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

- Policy H2 Housing
- Policy CF1 Community Facilities
- Policy NE1 Natural Environment - Green Spaces
- Policy NE2 Natural Environment
- Policy LE1 Local Employment
- Policy T1 Traffic
- Policy T2 Traffic
- Policy I1 Infrastructure

62. The Framework states *“Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan.”* *“Outside these strategic elements, neighbourhood plans will be able to shape and direct sustainable development in their area.”*<sup>31</sup>

63. The Guidance states *“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”*

64. *“While there are prescribed documents that must be submitted with a neighbourhood plan ... there is no ‘tick box’ list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan”.*

65. *“A neighbourhood plan must address the development and use of land. This is because if successful at examination and referendum the neighbourhood plan will become part of the statutory development plan once it has been made (brought into legal force) by the planning authority. Applications for planning permission must be determined in*

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<sup>31</sup> Paragraphs 184 and 185 National Planning Policy Framework 2012

*accordance with the development plan, unless material considerations indicate otherwise.”<sup>32</sup>*

66. If to any extent a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Given that policies have this status, and if the Neighbourhood Plan is made they will be utilised in the determination of planning applications and appeals, I have examined each policy individually in turn.
67. Several policies include the phrase “*will be permitted*” or “*will not be permitted*”. With regard to the issue of decision making the Framework states “*the planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise*”. Policies should make this basis for decision making clear through use of the term “will be supported” or “not be supported” in recognition that the basis of decision making is the development plan unless material considerations indicate otherwise. The material considerations at the time of determination of a future planning application are unknown and therefore cannot be dismissed through a policy that states development will be permitted or not permitted. I have recommended a modification so that the basis of decision making on planning applications should be clarified.

**Recommended modification 1:**

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

**Policy E1 Environment**

68. This policy seeks to conserve and enhance the Conservation Area. Proposals are to be in keeping with existing buildings and the street scene. Elements of design guidance are stated.
69. A representation states that Bones Close within the Conservation Area is in an area of natural beauty that would be ruined by the construction of houses and access road required to access the houses in this location. The representation also refers to a consecrated burial site, protected natural pond, and parking pressures. I am satisfied the policy seeks to conserve and enhance the Conservation Area.

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<sup>32</sup> See section 38(6) of the Planning and Compulsory Purchase Act 2004.

70. A representation notes the map of the Conservation Area should not now say 'proposed 2015 Conservation Area' as the area in the review was approved by the District Council Cabinet in November 2015. I agree updating is necessary. I refer to this matter in the annex to my report.
71. The Framework states not all elements of a Conservation Area will necessarily contribute to its significance. The policy would be consistent with the loss of an inappropriate element of the Conservation Area.
72. The policy is in general conformity with the strategic policies contained in the Development Plan, the Adopted Aylesbury Vale District Local Plan Saved Policies.
73. The policy has regard to the components of the Framework concerned with conserving and enhancing the historic environment. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. This policy meets the basic conditions.

## **Policy E2 Environment**

74. This policy seeks to protect the distinctive rural character of the parish and includes three components as follows:
- The policy seeks to ensure that new buildings and extensions beyond the Conservation Area respect and complement material on nearby buildings, are suitably located, are a maximum of two storeys, and respect the spaces around the buildings;
  - The policy states that important views into and from the Conservation Area and village must not be compromised.
  - The policy states all development should preserve and enhance the historic character and heritage assets of the Parish, in particular the landscape around the hills area and the stepping stones and proposals must take account of the scale of any harm or loss and the significance of the heritage assets.
74. With respect to the third component of the policy I recommend use of the word 'conserve' rather than 'preserve' as this better recognises change may be appropriate, and more clearly reflects the approach adopted by the Framework.

75. The policy seeks to ensure that buildings should only be a maximum of two full height storeys. The Conservation Area Review 2015 Document provides evidence that apart from a very small number of buildings with rooms in roof space the predominant building type of Listed Buildings and buildings of note is one of a maximum two full storeys. It is an appropriate approach to seek to ensure new development schemes are in keeping with this characteristic of identified heritage assets. The Framework refers to understanding and evaluation of the defining characteristics of an area and whilst important to promote or reinforce local distinctiveness appropriate innovation should not be discouraged. Innovation can manifest itself within the constraint of a maximum two full storey height, creating variety and interest in design, achieving a sense of place and identity, whilst respecting and enhancing the built as well as the natural and historic forms of the surroundings.
76. As Planning policy needs to serve the public interest I recommend a modification to clarify important views to be protected are restricted to those visible from locations that are freely accessible to the general public. In the context of a view, and in particular a wide view, the use of the phrase “must not be compromised” does not establish a practical framework for decision making on planning applications as required by paragraph 17 of the Framework, nor does it adequately reflect the presumption in favour of sustainable development established by the Framework. The panoramic views described as “views from outside looking into the village” presented on the Key Views and Vistas map at page 24 of the Neighbourhood Plan are not sufficiently well defined so as to offer a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. I recommend a modification in these respects also.
77. A representation queries why there is a higher test for development outside the Conservation Area. This is however not a matter for my consideration.
78. The policy is in general conformity with the strategic policies contained in the Development Plan, the Adopted Aylesbury Vale District Local Plan Saved Policies.
79. The policy has regard to the components of the Framework concerned with requiring good design; conserving and enhancing the natural environment; and conserving and enhancing the historic environment.

The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. I consider that subject to the modification recommended this policy meets the basic conditions.

**Recommended modification 2:**

**In Policy E2**

- **Replace the second paragraph with “New development proposals must not significantly detract from those parts of the views on the Key Views and Vistas Map presented on page 24 that are visible from locations that are freely accessible to members of the general public”**
- **In the third paragraph delete “preserve” and insert “conserve”**
- **Delete the panoramic views described as “views from outside looking into the village” from the Key Views and Vistas map on page 24 of the Neighbourhood Plan**

**Policy H1 Housing**

80. This policy seeks to influence the spatial distribution of new development and includes five components as follows:

- The policy seeks to identify a Quainton settlement boundary;
- Proposals for homes on infill sites that respect their immediate environments and adjacent residents and maintain and contribute to local distinctiveness will be permitted within the settlement boundary;
- The policy states new homes outside the settlement boundary will only be permitted for up to two dwellings where there is a small gap or infill site between existing dwellings; or as linear development along Station Road, provided that there is a defensible boundary and existing dwellings either side of the site;
- Backland development for homes behind existing frontages of housing will be strictly controlled; and
- The policy states development proposals beyond the settlement boundary will generally be permitted for uses related to the countryside such as agriculture, equestrian uses and recreation, provided there is no unacceptable adverse impact on the landscape and local roads.

As the policy relates to several land use types of development I recommend a modification so that the policy title should reflect this.

81. A representation has put forward land as being suitable for development. It is beyond my role to recommend allocation of land for development.
82. Another representation questions the “*very limited development*” envisaged to take place over the Plan period and highlights the limited opportunities for infill development given the compact nature of the village and existence of the conservation area. The representation suggests the first objective of the plan to ‘facilitate the provision of a continuing mix of housing particularly for the elderly, the young and those with young families’ will therefore not be met. *“While the QNP must be in general conformity with the Development Plan, it should not ignore the emerging strategic requirements of the local planning authority. The provision of new housing must be planned across the whole of Aylesbury Vale and as a sustainable ‘larger’ settlement, Quainton must accommodate new housing that helps to meet local needs and contribute towards meeting the needs of the Vale as a whole, while being proportionate in scale to the existing village.”*
83. The representation challenges the suggestion in the Plan that there is not a need for affordable housing in the village at the current time and states that this is inconsistent with the District Housing Needs Register. *“The approach of an ‘exception site’ being allowed at some point in the future is not the best way forward given the need that currently exists, while provision of affordable housing on a proportional basis on new housing developments is unlikely to deliver any affordable in the future as the infill sites that come forward under the QNP will not be large enough to trigger an affordable housing requirement.”* The representation puts forward a number of changes *“Policy H1 should be revised to be less prescriptive and should set out a series of criteria to be applied to new housing proposals. This should include that in the right circumstances development of greenfield land on the edge of the village but outside the settlement boundary, will be acceptable. The circumstances should include where it will not significantly harm the setting of the village, is sustainable and will contribute towards the objectives of the QNP, which already include providing a mix of housing to meet the local needs including affordable housing, and helping to secure the future of the village shops, the public house and community facilities in accordance with paragraph 55 of the NNPF.”*
84. The District Council highlight concerns that the settlement boundary may be too restrictive for needs of future housing growth in the village

to be met. *“AVDC recommends the boundary should be drawn further out from the existing built limits of the village so that a sustainable development site (s) considered to be compliant with other policies in the plan, the Adopted Aylesbury Vale District Local Plan 2004 and the NPPF can come forward.”* The District Council has also provided a strategic context for this comment which I refer to later in my report.

85. The District Council also states the policy may be difficult to implement querying what backland development being ‘strictly controlled’ means, and questioning how can development ‘respect’...adjacent residents? The representation also states the policy *“appears to prohibit conversion of rural buildings for housing which is specifically referred to in paragraph 55 of the NPPF”*. I agree with these points and have recommended appropriate modification of the Policy.

86. Five representations object to comments of others included in the consultation statement regarding the need to accommodate ‘significant new housing’, and develop greenfield land. Two representations support linear development as opposed to backland development. Other representations state it should be made clear that *“policy NE1 (green spaces) takes precedence over H1 (housing) i.e. infill or linear development will not be allowed in the green space LGS4. Another representation states “it would seem that the objections applied to 66 North End Road apply even more so to Tebby’s Close.”*

87. I have earlier in my report concluded that the Neighbourhood Plan can proceed in advance of the emerging Local Plan. The Guidance has on 11 February 2016 been revised in this respect.<sup>33</sup> Stakeholders may question whether this revision to the Guidance should be considered in that the Quainton Neighbourhood Development Plan has reached a very advanced stage of preparation. Indeed, the Regulation 16 period for representations had closed on 9 February 2016 before the revised Guidance was published. A neighbourhood plan meets the basic conditions if (inter alia) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan. In this respect I have concluded the Basic Conditions require my consideration of all Guidance that has been issued by the Secretary of State up to the time of me issuing my report of Independent Examination.

88. The Guidance, as revised on 11 February 2016, states: *“Neighbourhood plans, when brought into force, become part of the*

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<sup>33</sup> National Planning Practice Guidance Paragraph:009 Reference ID: 41-009-20160211

*development plan for the neighbourhood area. They can be developed before or at the same time as the local planning authority is producing its Local Plan. A draft neighbourhood plan or Order must be in general conformity with the strategic policies of the development plan in force if it is to meet the basic condition. Although a draft Neighbourhood Plan or Order is not tested against the policies in an emerging Local Plan the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. For example, up-to-date housing needs evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development. Where a neighbourhood plan is brought forward before an up-to-date Local Plan is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in:*

- the emerging neighbourhood plan*
- the emerging Local Plan*
- the adopted development plan*

*with appropriate regard to national policy and guidance. The local planning authority should take a proactive and positive approach, working collaboratively with a qualifying body particularly sharing evidence and seeking to resolve any issues to ensure the draft neighbourhood plan has the greatest chance of success at independent examination. The local planning authority should work with the qualifying body to produce complementary neighbourhood and Local Plans. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging Local Plan, including housing supply policies. This is because section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved by the decision maker favouring the policy which is contained in the last document to become part of the development plan. Neighbourhood plans should consider providing indicative delivery timetables, and allocating reserve sites to ensure that emerging evidence of housing need is addressed. This can help minimise potential conflicts and ensure that policies in the neighbourhood plan are not overridden by a new Local Plan.”<sup>34</sup>*

89. I am mindful of the fact that should there ultimately be a conflict between the Neighbourhood Plan, and the Local Plan when adopted; the matter will be resolved in favour of the plan most recently becoming part of the Development Plan. It is stated in the Neighbourhood Plan that “*If a requirement for housing across*

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<sup>34</sup> Paragraph: 009 Reference ID: 41-009-20160211 Planning Practice Guidance

*Aylesbury Vale District is identified, with an amount being sought in villages such as Quainton, this Neighbourhood Development Plan will be reviewed either in part, or as a whole, to ensure that any new housing provision is appropriate in scale, form and location to the village*". An indication of future flexibility will often represent good practice however in the context of a neighbourhood plan coming forward before an up-to-date Local Plan is in place the Guidance states *"It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging Local Plan, including housing supply policies"*<sup>35</sup>.

90. On the basis that the Neighbourhood Plan does not allocate sites for housing development then an indicative delivery timetable, and the allocation of reserve sites, referred to in the Guidance is not applicable. It is not the function of a neighbourhood plan to prepare strategic planning policies to meet assessed needs over a Local Plan area<sup>36</sup>. The Guidance as revised does however indicate an expectation that emerging evidence of housing need is addressed by inclusion of the phrase *"to ensure that emerging evidence of housing need is addressed"*.<sup>37</sup>

91. I have already in my report identified the fact that the District Council has provided a strategic context in respect of the emerging Local Plan. This states *"To provide a strategic context, under the Vale of Aylesbury Local Plan Issues and Options (October 2015), Quainton is a 'Larger Village' and as such should be expected to bring forward 100–120 dwellings over the plan period. AVDC's Draft Housing and Economic Development Land Availability Assessment of available sites only identifies capacity for 54 homes in the parish."*

92. Policy H1 should be considered as a policy for the supply of housing in so much as it supports development proposals within the defined settlement boundary and because of its approach to development proposals beyond the settlement boundary and in open countryside.<sup>38</sup> The Guidance states *"Neighbourhood plans are not obliged to contain policies addressing all types of development. However, where they do contain policies relevant to housing supply, these policies should take*

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<sup>35</sup> Paragraph:009 Reference ID:41-009-20160211 Planning Practice Guidance

<sup>36</sup> Gladman Developments v Aylesbury Vale District Council 2014 EWHC 4323 (Admin)

<sup>37</sup> Paragraph:009 Reference ID:41-009-20160211 Planning Practice Guidance

<sup>38</sup> South Northamptonshire Council v Secretary of State for CLG and others 2014 distinguishes between a general policy restricting development in open countryside from one to protect a specific feature or area such as a gap between settlements. Also see Cheshire East Borough Council v Secretary of State for CLG & Richborough Estates Partnership LLP 2015, although the latter is to be considered by the Court of Appeal

*account of latest and up-to-date evidence of housing need. In particular, where a qualifying body is attempting to identify and meet housing need, a local planning authority should share relevant evidence on housing need gathered to support its own plan-making.*<sup>39</sup>

The Neighbourhood Plan is not attempting to identify and meet housing need. The Neighbourhood Plan does, in the form of Policy H1, contain a policy that is relevant to housing supply. There is a need to take account of the latest and up-to-date evidence of housing need. The District Council has provided the latest and up-to-date evidence through the Vale of Aylesbury Plan Issues and Options in October 2015. The Neighbourhood Plan, and in particular Policy H1 fails to demonstrate that it has taken sufficient account of this evidence.

93. I consider Policy H1 does not plan positively to support local development. The Neighbourhood Plan includes a tightly drawn settlement boundary. A settlement boundary tightly drawn around the existing built form of a settlement is rarely likely to be acceptable in the absence of identification of sites to accommodate new housing development to meet local needs. Policy H1 of the Neighbourhood Plan provides conditional opportunity for new homes within the settlement boundary and conditional opportunity for new homes beyond the settlement boundary including linear development along Station Road. The Neighbourhood Plan has identified the Station Road area as suitable for the development of new homes but in that area seeks to establish a set of conditions or criteria that have the effect of severely limiting development. Whilst the Neighbourhood Plan does, at paragraph 13.4, recognise the emerging Local Plan *“may allocate land for development in appropriate places”* the Neighbourhood Plan has not demonstrated that housing needs can be met in the context of the development boundary and the other constraints on development included within Policy H1.

94. The Framework states *“all plans should be based upon and reflect the presumption in favour of sustainable development”*<sup>40</sup> and critically it will mean that neighbourhoods should *“plan positively to support local development”*<sup>41</sup>. The policy does not have sufficient regard to these components of the Framework nor does it demonstrate that it has regard to the need to *“boost significantly the supply of housing”*<sup>42</sup>. The Policy should be modified in these respects in order to meet the basic conditions.

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<sup>39</sup> Paragraph: 040 Reference ID: 41-040-20160211 Planning Practice Guidance

<sup>40</sup> Paragraph 15 National Planning Policy Framework 2012

<sup>41</sup> Paragraph 16 National Planning Policy Framework 2012

<sup>42</sup> Paragraph 47 National Planning Policy Framework 2012

95. I have recommended a modification that has the effect of changing the nature of the emphasis of Policy H1 to being relevant to housing location. The recommended modification is based upon and reflects the presumption in favour of sustainable development resulting in a positive approach to development, identifying the general area of Station Road for development. The modified policy does not limit or cap the amount of development that can occur within or outside the settlement boundary. The identification of a general area for new development outside the existing settlement boundary and direction for growth of the settlement is consistent with the role for Neighbourhood Plans identified in the Framework to shape and direct development in their area. The modification also recognises the sensitivity to development of areas to the north and east of the Quanton Conservation Area as identified in the Local Green Space Report referred to later in my report when considering Policy NE1. Without this modification the policy would not meet the basic conditions and would have to be substantially deleted for the Neighbourhood Plan to proceed to referendum.

96. The Framework aims to support a prosperous rural economy. The Framework states Neighbourhood Plans should: support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings; promote the development and diversification of agricultural and other land-based rural businesses; and support sustainable rural tourism and leisure developments. I consider the wording of the Policy does not have sufficient regard to the relevant provisions of the Framework. I recommend that the policy should be modified in these respects also.

97. In addition to the reasons already stated I have recommended modification of Policy H1 for three other reasons. Firstly, the policy includes words and phrases that are imprecise and do not provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. The words and phrases I refer to are: “respect their immediate environments, adjacent residents”; “small”; “defensible boundary”; “strictly controlled”; and “generally”. The phrases “between existing dwellings” and “dwellings either side” are also imprecise as it is unclear at what distance the phrase is satisfied. Secondly, the Guidance states “*Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the*

*intention and rationale of the policies in the draft neighbourhood plan*".<sup>43</sup> The Neighbourhood Plan does not include justification that gap or infill sites must be small and limited to a maximum of two dwellings. Thirdly, paragraph 55 of the Framework sets out a clear policy statement to apply in relation to proposals in outlying areas for isolated homes in the countryside which Policy H1 does not have regard to.

98. I have given consideration to paragraph 49 of the Framework as this applies to relevant neighbourhood development plan policies for housing supply.<sup>44</sup> Paragraph 49 of the Framework states how relevant policies should be considered in the context of the then current supply situation; it does not relate to the formulation or establishment of policy. The latest calculation by the District Council shows the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.<sup>45</sup> The supply calculation published by the District Council is unlikely to remain unchanged throughout the Neighbourhood Plan period. In the context of paragraph 49 of the Framework whenever a five-year supply can be demonstrated during the plan period, Policy H1 once part of a made Neighbourhood Plan, should be regarded as up to date.

99. The policy is in general conformity with the strategic policies contained in the Development Plan, the Adopted Aylesbury Vale District Local Plan Saved Policies. I consider that subject to the modification recommended this policy meets the basic conditions.

**Recommended modification 3:**

**Replace Policy H1 with:**

**"Policy H1 Location of Development**

**Within the settlement boundary, defined on the map on page 10, proposals for new homes will be supported where they respect the character of the immediate locality; contribute to local distinctiveness; and maintain appropriate amenity of adjacent dwellings.**

**Apart from the special circumstances set out in paragraph 55 of the Framework there is a presumption against development of new homes outside the settlement boundary in the open countryside except on sites adjoining the settlement boundary**

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<sup>43</sup> Paragraph: 040 Reference ID: 41-040-20160211 Planning Practice Guidance

<sup>44</sup> Crane v Secretary of State for CLG 2015 in relation to the Broughton Astley Neighbourhood Development Plan

<sup>45</sup> Aylesbury Vale District Council Position Statement for the Council's 5 Year Housing Land Supply (January 2016)

along Station Road, where a distinct boundary to open countryside can be achieved.

Proposals for backland development of homes behind frontage dwellings will only be supported where a distinct boundary to open countryside can be achieved and where appropriate amenity of adjacent existing dwellings can be maintained.

Development proposals in the open countryside outside the settlement boundary will be supported where they assist the sustainable growth and expansion of a business or enterprise in the countryside area, both through conversion of existing buildings and well-designed new buildings; promote the development and diversification of agricultural and other land-based rural businesses; or support sustainable rural tourism and leisure developments that benefit businesses in the countryside area, communities and visitors, and which respect the character of the countryside and are appropriate in terms of highway capacity”

## **Policy H2 Housing**

100. This policy seeks to provide housing that meets the needs of the local community and in particular young families and older residents.
101. The policy is sufficiently justified but includes words and phrases such as “Specific regard should be taken” and “young families” and “Preferably” that do not provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. I recommend modification to remove uncertainty and improve clarity.
102. The policy is in general conformity with the strategic policies contained in the Development Plan, the Adopted Aylesbury Vale District Local Plan Saved Policies.
103. The policy has regard to the components of the Framework concerned with delivering a wide choice of high quality homes. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. I consider that subject to the modification recommended this policy meets the basic conditions.

**Recommended modification 4:**

**In Policy H2 delete the text and insert “Housing development schemes should demonstrate the proposed mix of size and type of dwellings reflects existing and projected needs in the village including 2 and 3 bedroom properties suitable for families with young children. Proposals for new homes that are designed to accommodate older residents through their lifetimes will be supported. In developments of 4 or more homes 25% must be suitable for inhabitation by older residents.”**

**Policy CF1 Community Facilities**

104. This policy seeks to ensure development should not prejudice the retention of existing community facilities and seeks to establish conditional support for new or replacement community facilities. The policy also seeks to require footpaths and pavements linking to existing networks as part of all new developments. A representation questions whether community facilities can be provided outside the settlement boundary. The policy is silent in this respect.
105. The phrase “supported in principle, taking into account” is not sufficiently precise to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. I recommend a modification in this respect.
106. This policy contributes to the achievement of sustainable development and has regard to national policy in particular the promotion of healthy communities through planning positively for the provision of community facilities. The Framework states that planning policies and decisions should *“plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.”* The Framework also refers to *“guarding against unnecessary loss”* and *“ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community.”* I recommend a modification to clarify when loss of facilities is acceptable.
107. I am satisfied that the type of community facilities the policy relates to is sufficiently described in the supporting paragraphs to the policy however reference to ‘the present facilities’ in the policy does

not provide clear and unambiguous guidance to decision makers when determining development proposals throughout the Plan period as required by paragraph 17 of the Framework. I recommend a modification so as to meet the basic conditions.

108. The provision of new footpaths and pavements should be subject to viability and deliverability as required by paragraph 173 of the Framework. I recommend a modification in this respect also.

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

110. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. I consider that subject to the modification recommended this policy meets the basic conditions.

#### **Recommended modification 5:**

##### **In Policy CF1**

- **Delete the first sentence and insert “Development proposals that prejudice the retention of community facilities will only be supported where it is clearly demonstrated they are no longer fit for purpose or viable, or that an equivalent alternative facility is available within the Parish”**
- **Delete the second sentence after “supported” and insert “subject to demonstration of satisfactory arrangements for traffic and parking provision and the safeguarding of residential amenity.”**
- **Continue the third sentence with “subject to viability considerations.”**

#### **Policy NE1 Natural Environment - Green Spaces**

111. This policy seeks to designate six areas of land as Local Green Spaces. The implication of Local Green Space designation is that new development is ruled out other than in very special circumstances. The policy also seeks to identify Secondary Local Green Spaces.

112. A Local Green Space Report has been prepared and submitted to accompany the Neighbourhood Plan. This Local Green Space Report includes a description of the method that has been followed in identifying and evaluating potential Local Green Spaces. The Local

Green Space Report includes text, photographs and maps that assist in explaining the choices made and the justification for those choices. The report also includes details of community consultation and confirmation that landowners were advised in July 2015 that their land was to be put forward as Local Green Space in the Neighbourhood Plan. A large number of the representations made on the Neighbourhood Plan confirm support for the Local Green Space Report. One representation objects to a comment included in the site evaluation scoring table and outlines a desire to develop at least part of fields reference no.46 and no.47 in the future. These fields are not proposed for designation as Local Green Space. Another representation suggests additional land for designation as Local Green Space. It is beyond my role to recommend additional Local Green Space designations.

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

114. The policy seeks to identify Secondary Local Green Spaces in respect of which *“proposed development should, where possible, seek to preserve the important qualities of that green space.”* The District Council state the Secondary Local Green Spaces have no particular status and that including them in the plan *“would be in conflict with the NPPF at paragraph 77.”* Moreover, *“as they are not formal LGS, it is considered there is ambiguity as to how to consider potential alternative development on these sites should planning applications come in. Therefore, AVDC considers it would make the plan clearer if the secondary local green spaces were removed.”* The Framework has introduced the ability to designate Local Green Space and sets out clear guidance when such designation would be appropriate. It is not within the remit of a Neighbourhood Plan to introduce a new category of Local Green Space. Indeed, to do so would not have sufficient regard for national policy. Inclusion of the phrase “where possible” in the policy introduces uncertainty and fails to establish a practical framework for decision taking in respect of development proposals.

Retention of the Secondary Local Green Space element of the policy would result in the Neighbourhood Plan not meeting the basic conditions. I recommend a modification of the Neighbourhood Plan to delete all references to Secondary Green Space. In particular, the final paragraph of Policy NE1 should be deleted.

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

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

- *where the green space is in reasonably close proximity to the community it serves;*
- *where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
- *where the green area concerned is local in character and is not an extensive tract of land.”*<sup>46</sup>

I find that in respect of each of the intended Local Green Spaces the designation relates to green space that is in reasonably close proximity to the community it serves.

117. I now consider whether the areas of land proposed for designation as Local Green Space are local in character and not an extensive tract of land. I find LGS1, LGS2, LGS5 and LGS6 all fall within this description. With respect to LGS3 and LGS4 the District Council states *“AVDC is concerned that the areas designated are too large.”* Six representations give support to the designation of LGS4 as Local Green Space and state that they agree with the Parish Council that LGS4 cannot be described as an extensive tract of land. The Framework and the Guidance are silent in respect of a definition what might constitute an extensive tract of land. Under these circumstances it is relevant to consider context.

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<sup>46</sup> Paragraph 77 National Planning Policy Framework 2012

118. Although a large area of land at approximately 4.4 hectares, LGS3 is visually coherent and clearly identifiable being defined by the curtilages of adjacent buildings to the north and west, and by vehicular highways to the east and south. The constituent parcels of land have a systematic connection and integration through being tied together with lines of sight across a sloping gradient. The Quainton Conservation Area Review provides additional context in respect of LGS3 identifying the open character and falling gradient of land to the south of the church as increasing its visual prominence. I find area LGS3 is local in character and not an extensive tract of land.

119. Area LGS4 includes a large area of more than 8 hectares of land. The dimensions of the area of land do not in themselves rule out the possibility of designation as Local Green Space. The aesthetically consistent relationship of the parcels of land making up LGS4 suggest a unity which when combined with the visual connections afforded by lines of sight lead me to conclude LGS4 is local in character and not an extensive tract of land. I conclude all of the six areas proposed for designation as Local Green Space are local in character and not extensive tracts of land.

120. I now consider whether there is sufficient evidence for me to conclude that the six areas proposed for designation as Local Green Space are demonstrably special to a local community and hold a particular local significance. A number of representations supported and opposed the designation of LGS4 in general terms, and with respect to aspects of scoring, including those relating to wildlife and recreation value. The District Council considers the reasons stated for allocating Local Green Spaces LGS3, LGS5 and LGS6 do not meet the terms of the Framework on the definition of Local Green Space in paragraph 77. The District Council recommends that these spaces be deleted from the policy. I find the Local Green Space Report sets out proportionate evidence and an explanation of the choices made as required by the Guidance. On the basis of the justification presented in the Local Green Space Report I find LGS1, LGS2, LGS3, LGS4 and LGS5 are demonstrably special to a local community and hold a particular local significance.

121. The District Council representation describes LGS6 as a back garden. The Framework is silent with respect to the suitability of garden land for designation as Local Green Space. Whilst the other five areas proposed for designation as Local Green Space all immediately adjoin highways, and in some cases include public footpaths, LGS6 is entirely surrounded by private land to which the

general public do not appear to have a right of access. Views of LGS6 from publically accessible places, principally Upper Street and Lower Street are, in large part, obscured by buildings. There is however evidence in the Local Green Space Report, and in representations, that LGS6 is demonstrably special to a local community and holds a particular local significance. I note the reference in the Framework is to 'a' community rather than 'the' community. I take the view that a community can be limited in number or limited in spatial distribution. I conclude Area LGS6 is demonstrably special to a local community and holds a particular local significance.

122. I find all six areas proposed as Local Green Space are suitable for designation and have regard for paragraphs 76 and 77 of the Framework concerned with the identification and designation of Local Green Space. The policy is in general conformity with the strategic policies contained in the Development Plan, the Adopted Aylesbury Vale District Local Plan Saved Policies.
123. Subject to the recommended modification the policy has regard to the components of the Framework relating to Local Green Space designation. I consider that subject to the modification recommended this policy meets the basic conditions.

**Recommended modification 6:**

**In Policy NE1 delete the final paragraph, and all references to Secondary Local Green Spaces (including the map presented as Appendix B on page 22) should be deleted from the Neighbourhood Plan**

**Policy NE2 Natural Environment**

124. This policy seeks to protect and where possible, enhance the natural environment and biodiversity.
125. The phrase "required to protect existing natural features is not sufficiently precise to provide a practical framework for decision taking as required by paragraph 17 of the Framework. I recommend the policy should be modified to support proposals that conserve or enhance the natural environment.
126. The second sentence of the policy describes a method of assessment and is not a land use policy. I recommend this sentence is

transferred to the paragraphs that justify, explain and otherwise support the policy.

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

128. The policy has regard to the components of the Framework concerned with conserving and enhancing the natural environment. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. I consider that subject to the modification recommended this policy meets the basic conditions.

**Recommended modification 7:**

**In Policy NE2**

- **Delete the first sentence and insert “Development proposals that demonstrate they will conserve or enhance the natural environment including achievement of a positive biodiversity impact or new green infrastructure will be supported”**
- **Delete the second sentence which should be transferred to the paragraphs that justify, explain and otherwise support the policy**

**Policy LE1 Local Employment**

129. This policy seeks to establish conditional support for redevelopment of inappropriately located employment sites for alternative uses, and conditional support for expansion of business premises. The policy seeks to establish particular encouragement for proposals that offer employment opportunities to parish residents, and seeks to establish requirements to apply in the case of all new business development.

130. A representation queries the approach to employment development outside the settlement boundary. The first component of the policy applies to premises located “within the village” whereas the remainder of the policy components apply across the entire Neighbourhood Plan area.

131. The first component of the policy applies to inappropriately located businesses that are causing traffic congestion and visual intrusion. It should be possible for decision makers to take a view

whether these conditions are met, for example, whether a business is causing crowding or blockages that are preventing free movement on the highway and causing difficulties. I consider clarity would be assisted by inclusion of the word 'adverse' when referring to visual intrusion and recommend that modification. The policy would more clearly offer a practical framework for decision makers if the net loss of employment was described in terms of significance rather than acceptability.

132. The third component of the policy in the use of the phrase "offer employment opportunities to parish residents" does create a degree of ambiguity. I recommend a modification to make it clear employment opportunities are available to parish residents rather than offered. Inclusion of "space" after "on-site parking and manoeuvring" would also assist the achievement of clarity.

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

134. The policy has regard to the components of the Framework concerned with building a strong, competitive economy. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. I consider that subject to the modification recommended this policy meets the basic conditions.

#### **Recommended modification 8:**

##### **In Policy LE1**

- In paragraph 1 after "congestion and" insert "adverse"
- In paragraph 1 delete "unacceptable" and insert "significant"
- In paragraph 3 after "opportunities" insert "available to"
- In paragraph 4 after "manoeuvring" insert "space"

#### **Policy T1 Traffic**

135. This policy seeks to make provision for appropriate parking as part of housing development or extension of residential property. The policy title could be amended to "Parking provision" to better reflect the subject matter. I have not recommended a modification in this respect as it is not necessary to meet the basic conditions but I have included an appropriate reference in the annex to my report.

136. A representation supports better off-road parking provision. Another representation states that the approach to garages should be stipulated in the policy and it is also queried why ‘tandem’ parking is not acceptable. Another representation states the policy should include requirements relating to dimensions of garages. The approach to garages and tandem development are not included in the policy. It is not within my role to recommend additional policy components. There is however a need to adjust the supporting paragraphs, and in particular paragraph 20.2, so that they do not introduce additional policy elements. I refer to this matter in the annex to my report.
137. The policy background refers to the rural nature of the village and limited public transport and indirectly to local car ownership. The policy shows sufficient regard for the approach in paragraph 39 of the Framework.
138. The policy is in general conformity with the strategic policies contained in the Development Plan, the Adopted Aylesbury Vale District Local Plan Saved Policies.
139. The policy has regard to the components of the Framework concerned with promoting sustainable transport. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. This policy meets the basic conditions.

### **Policy T2 Traffic**

140. This policy seeks to ensure development does not further inhibit traffic flow or add to the problems associated with on-road parking.
141. The first sentence of the policy does not provide a practical framework for decision taking as required by paragraph 17 of the Framework. I recommend modification of the first sentence so that the policy requires demonstration of impact as a means to shape and direct sustainable development to ensure that local people get the right type of development for their community.
142. A representation states the policy does not match the last bullet point of paragraph 32 of the Framework *“as AVDC can only seek mitigation and then we can only refuse planning permission if the remaining impact is severe.”* Paragraph 32 of the Framework provides

a clear policy statement in relation to decisions regarding development proposals that generate significant amounts of movement. The second and third sentences of Policy T2 attempt to modify that approach which acts against the establishment of a practical framework for decision making. I recommend the second and third sentences of the policy are deleted so that the policy has regard to the components of the Framework concerned with promoting sustainable transport.

143. The policy is in general conformity with the strategic policies contained in the Development Plan, the Adopted Aylesbury Vale District Local Plan Saved Policies. I consider that subject to the modification recommended this policy meets the basic conditions.

**Recommended modification 9:  
In Policy T2**

- **Delete “Any development must not” and insert “Development proposals will be supported where they demonstrate they will not” and**
- **Delete the second and third sentences**

**Policy I1 Infrastructure**

144. This policy seeks to address the impact of development on water supply and waste water capacity.

145. A representation by Thames Water gives support for the most part to the policy and its supporting text given its recognition of the importance of considering the impact of development on water and waste water. “In order to be robust, Thames Water would like to see reference to the issue that it might be necessary for developers to fund studies. As such it is recommended that as per our previous reps the following small change is made to the wording of this policy: *Developers will be required to demonstrate that there is adequate water supply and waste water capacity both on and off the site to serve the development and that it would not lead to problems for existing or new users. It may be necessary for developers to fund studies to ascertain whether the proposed development will lead to overloading of existing wastewater and water infrastructure.*” The suggested additional sentence is advisory in nature and is not required to meet the basic conditions. I have not recommended a modification in this respect. The additional sentence could however be included in the supporting text to the policy. I refer to this matter in the annex to my report.

146. Other representations comment in relation to gas supply and electricity supply and the absence of gas supply but it is not within my remit to recommend additional policy matters. I note the supporting paragraphs to Policy I1 include statements that read as though they were policies relating to broadband and LED lights which they should not. I refer to this matter in the annex to my report.

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

148. The policy has regard to the components of the Framework concerned with meeting the challenge of climate change and flooding. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. This policy meets the basic conditions.

## Summary and Referendum

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

### **Recommended modification 1:**

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

### **Recommended modification 2:**

#### **In Policy E2**

- **Replace the second paragraph with “New development proposals must not significantly detract from those parts of the views on the Key Views and Vistas Map presented on page 24 that are visible from locations that are freely accessible to members of the general public”**
- **In the third paragraph delete “preserve” and insert “conserve”**
- **Delete the panoramic views described as “views from outside looking into the village” from the Key Views and Vistas map on page 24 of the Neighbourhood Plan**

**Recommended modification 3:**

**Replace Policy H1 with:**

**“Policy H1 Location of Development**

**Within the settlement boundary, defined on the map on page 10, proposals for new homes will be supported where they respect the character of the immediate locality; contribute to local distinctiveness; and maintain appropriate amenity of adjacent dwellings.**

**Apart from the special circumstances set out in paragraph 55 of the Framework there is a presumption against development of new homes outside the settlement boundary in the open countryside except on sites adjoining the settlement boundary along Station Road, where a distinct boundary to open countryside can be achieved.**

**Proposals for backland development of homes behind frontage dwellings will only be supported where a distinct boundary to open countryside can be achieved and where appropriate amenity of adjacent existing dwellings can be maintained.**

**Development proposals in the open countryside outside the settlement boundary will be supported where they assist the sustainable growth and expansion of a business or enterprise in the countryside area, both through conversion of existing buildings and well-designed new buildings; promote the development and diversification of agricultural and other land-based rural businesses; or support sustainable rural tourism and leisure developments that benefit businesses in the countryside area, communities and visitors, and which respect the character of the countryside and are appropriate in terms of highway capacity”**

**Recommended modification 4:**

**In Policy H2 delete the text and insert “Housing development schemes should demonstrate the proposed mix of size and type of dwellings reflects existing and projected needs in the village including 2 and 3 bedroom properties suitable for families with young children. Proposals for new homes that are designed to accommodate older residents through their lifetimes will be supported. In developments of 4 or more homes 25% must be suitable for inhabitation by older residents.”**

**Recommended modification 5:**

**In Policy CF1**

- Delete the first sentence and insert “Development proposals that prejudice the retention of community facilities will only be supported where it is clearly demonstrated they are no longer fit for purpose or viable, or that an equivalent alternative facility is available within the Parish”
- Delete the second sentence after “supported” and insert “subject to demonstration of satisfactory arrangements for traffic and parking provision and the safeguarding of residential amenity.”
- Continue the third sentence with “subject to viability considerations.”

**Recommended modification 6:**

**In Policy NE1 delete the final paragraph, and all references to Secondary Local Green Spaces (including the map presented as Appendix B on page 22) should be deleted from the Neighbourhood Plan**

**Recommended modification 7:**

**In Policy NE2**

- Delete the first sentence and insert “Development proposals that demonstrate they will conserve or enhance the natural environment including achievement of a positive biodiversity impact or new green infrastructure will be supported”
- Delete the second sentence which should be transferred to the paragraphs that justify, explain and otherwise support the policy

**Recommended modification 8:**

**In Policy LE1**

- In paragraph 1 after “congestion and” insert “adverse”
- In paragraph 1 delete “unacceptable” and insert “significant”
- In paragraph 3 after “opportunities” insert “available to”
- In paragraph 4 after “manoeuvring” insert “space”

**Recommended modification 9:**

**In Policy T2**

- **Delete “Any development must not” and insert “Development proposals will be supported where they demonstrate they will not” and**
- **Delete the second and third sentences**

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

**Recommended modification 10:**

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

151. I am satisfied that the Neighbourhood Plan<sup>47</sup>:

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

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<sup>47</sup> The definition of plans and programmes in Article 2(a) of EU Directive 2001/42 includes any modifications to them

marine site, either alone or in combination with other plans or projects.<sup>48</sup>

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

152. I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if to be extended, the nature of that extension.<sup>49</sup> I have seen nothing to suggest the referendum area should be extended beyond the designated Neighbourhood Area.

**I recommend that the Neighbourhood Plan should proceed to a referendum based on the area that was designated by the District Council as a Neighbourhood Area on 10 September 2012.**

#### Annex: Minor Corrections to the Neighbourhood Plan

I am able to recommend modification of the Neighbourhood Plan in order to correct errors.<sup>50</sup> The Neighbourhood Plan includes a number of errors that are typographical in nature or arising from updates. I recommend these are corrected as follows:

The “Quanton Parish Map” on page 3 of the submission plan should be further labelled as ‘Quanton Neighbourhood Plan Area’.

2.1 The Plan states that ‘the policies in this Neighbourhood Development Plan need to be in general conformity with the strategic policies set out in the adopted Local Plan’. In accordance with the Guidelines, it is not only the policies that need to be in general conformity, but the whole plan. Amend - “the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan.’

I note a number of discrepancies between the consultation statement and the community engagement summary on page 8 of the Submission Version of the Neighbourhood Plan. Firstly, the plan refers to a questionnaire and ‘Have Your Say Day’ being organised in November and December 2011, whilst the consultation statement states that both these events were undertaken in November 2011. Secondly, the plan states that the response rate from the questionnaire represents “39% of parish households”, whilst the consultation statement refers to “a return rate of over 40%”. Whilst these recommended changes are not required to meet the basic conditions, these anomalies should be addressed

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<sup>48</sup> Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

<sup>49</sup> Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

<sup>50</sup> Paragraph 10 (3)(e) of Schedule 4B to the Town and Country Planning Act 1990

6.1 replace the first sentence with “In November 2011 and December 2011, a paper questionnaire and ‘Have Your Say Day’ activity was undertaken to gather views from the community.”

Adjust the second objective listed on page 11 so that it is self-contained

Insertion of a heading ‘Land use Planning Policies’ before section 11 of plan would assist users of the document

11.2 The figure title ‘proposed 2015 conservation area’ should be updated

13.5 Number figures in the plan and refer to these numbers and if necessary, page numbers in the text rather than stating “as shown in the map above”

13.7 and 13.8 - modify the text so that the paragraphs do not introduce aspects of policy that are additional to those included in Policy H1

16. ‘Outdoor facilities’ is a subheading of ‘15. Community Facilities’ and hence should not be numbered, consistent with ‘built facilities’.

18.1 The sentences relating to views and the key views and vistas map should be repositioned to be close to Policy E2 where views are referred to.

18.3 The text should be adjusted so as not to introduce additional policy components.

The policy title to Policy T1 could be amended to “Parking provision” to better reflect the subject matter

Supporting text in section 20 Parking should be adjusted so as not to introduce additional policy components

Supporting text in Section 22 could be extended to include the sentence “*It may be necessary for developers to fund studies to ascertain whether a proposed development will lead to overloading of existing wastewater and water infrastructure.*”

22.3 and 22.4 - Delete the paragraphs as they introduce aspects of policy (broadband and LED lights) that are additional to those included in Policy I1

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

**Recommended modification 10:  
Identified errors that are typographical in nature or arising from updates should be corrected. Modification of general text will be necessary to achieve consistency with the modified policies**

Chris Collison  
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16 March 2016  
REPORT ENDS