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and examinations

Report on Worminghall Neighbourhood Plan 2017-2033

An Examination undertaken for Aylesbury Vale District Council with the support of the Worminghall Parish Council on the January 2018 submission version of the Plan.

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Main Findings - Executive Summary

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

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – Woringhall Parish Council;
- The Plan has been prepared for an area properly designated – the Woringhall Neighbourhood Area coincides with the Parish Council area and is shown on Figure 1 of the submitted Plan;
- The Plan specifies the period to which it is to take effect – 2017 to 2033; and
- The policies relate to the development and use of land for the designated neighbourhood area.

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

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

1. Introduction and Background

Woringhall Neighbourhood Plan 2017- 2033

- 1.1 Woringhall is a rural parish which lies in the south-west of Aylesbury Vale District. Its western boundary forms part of the county boundary between Buckinghamshire and Oxfordshire. The market town of Thame is some 4.5 miles east-south-east of Woringhall; Oxford is some 10 miles to the west and Aylesbury some 14 miles to the east-north-east. Although the M40 bisects the Parish, the village is only connected to neighbouring settlements by unclassified rural roads, and public transport services are limited. The village is surrounded by gently undulating farmland with woodland at its western end forming part of Bernwood Forest. Woringhall Brook along the eastern edge of the Parish is a tributary of the River Thame.
- 1.2 The 2011 Census recorded around 215 dwellings and 534 residents in the village of Woringhall, with a comparatively high proportion of older residents. The village includes housing of mixed ages and styles with more than half being detached houses and over 70% being owner-occupied. Wornal Industrial Park on Menmarsh Road north-west of the

village has been created on a former World War Two airfield, and contains a range of starter units, offices, warehousing, storage and engineering workshops. There are some 40 registered companies there. Local community facilities in the village are limited to the Church of St Peter & St Paul, the Clifden Arms public house and the village hall. The Policies Map in Annex 1 of the Plan shows that these are three of the eight listed buildings within the village.

- 1.3 The WNP followed production of the Village Plan (Community Led Plan) by the Parish Council in Autumn 2014. This took 2 years to produce and was based on extensive consultation within the village. The Parish Council decided, in 2016, that a Neighbourhood Plan should be prepared and a steering group was set up to advance it.

The Independent Examiner

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

The Scope of the Examination

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

- it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
 - it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;
 - it does not include provisions and policies for 'excluded development';
 - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area;
 - whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to referendum; and
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the 2012 Regulations').

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

The Basic Conditions

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

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

1.10 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the neighbourhood plan should not be likely to have a significant effect on a European Site (as defined in the Conservation of Habitats and Species Regulations 2017) or

a European Offshore Marine Site (as defined in the Offshore Marine Conservation (Natural Habitats etc.) Regulations 2007), either alone or in combination with other plans or projects.

2. Approach to the Examination

Planning Policy Context

- 2.1 The Development Plan for this part of Aylesbury Vale District Council, (the District Council) not including documents relating to excluded minerals and waste development, is the Aylesbury Vale District Local Plan [2004]. This contains saved policies as set out in the Direction from the (then) Government Office for the South-East in September 2007.
- 2.2 Clearly, the 2004 Local Plan is now somewhat dated. The District Council submitted the draft Vale of Aylesbury Local Plan 2013-33 to the Planning Inspectorate for examination at the end of February 2018. I shall make reference to the emerging policies in this report, having regard for paragraph 184 of the National Planning Policy Framework (NPPF), which states that the ambitions of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. To facilitate this, local planning authorities should ensure that an up-to-date Local Plan is in place as quickly as possible. National Planning Practice Guidance (PPG): Reference ID 41-009-20160211 advises that the reasoning and evidence informing emerging Local Plans can be relevant to neighbourhood plans. Where a neighbourhood plan is brought forward before an up-to-date Local Plan is in place, the local planning authority and qualifying body should discuss and aim to agree the relationship between their emerging policies and the adopted development plan. In this context, I shall have regard for the emerging Local Plan in addition to assessing whether the WNP is in general conformity with the saved policies from the 2004 adopted Local Plan.
- 2.3 The planning policy for England is set out principally in the NPPF. The PPG offers guidance on how this policy should be implemented. I shall have regard for both documents in examining the WNP.

Submitted Documents

- 2.4 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the draft WNP 2017-2033, [January 2018];
 - Figure 1 of the Plan which identifies the area to which the proposed WNP relates;
 - the Consultation Report, [January 2018];

- the Basic Conditions Statement, [January 2018];
- Worminghall Key View Report, [January 2018];
- Worminghall Site Assessment Report [January 2018];
- all the representations that have been made in accordance with the Regulation 16 consultation; and
- the Final Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA) prepared by Worminghall Parish Council [January 2018]. This updated the SEA and Habitats Regulation Assessment (HRA) prepared by Aylesbury Vale District Council in June 2017 (Appendix 1 to Basic Conditions Statement).

Site Visit

- 2.5 I made an unaccompanied site visit to the Neighbourhood Plan Area on 20 March 2018 to familiarise myself with it, and visit relevant sites and areas referenced in the Plan and evidential documents.

Written Representations with or without Public Hearing

- 2.6 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan, and presented arguments for and against the Plan's suitability to proceed to a referendum.

Modifications

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

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The WNP has been prepared and submitted for examination by Worminghall Parish Council which is a qualifying body for an area that was designated by Aylesbury Vale District Council on 19 September 2016. It is the only neighbourhood plan for Worminghall, and does not relate to land outside the designated neighbourhood area.

Plan Period

- 3.2 The Plan specifies clearly the period to which it is to take effect, from 2017 to 2033.

Neighbourhood Plan Preparation and Consultation

- 3.3 The Community Led Plan, published in Autumn 2014 was preceded by a number of open events in the Village Hall and, in 2013, by a questionnaire survey, the results of which are included in Annex 1 and 2 of the Consultation Report. The village fete in September 2016 was the first opportunity for the Steering Group to explain the purpose and legal requirements of neighbourhood plans, and how a neighbourhood plan would differ from the earlier Community Led Plan. Attendees were invited to write down their priorities for the future of the village. A subsequent questionnaire, with a follow-up note informing people that outline planning permission had been granted for housing development on two sites in the Parish, was sent to each household in late 2016. It produced some 70 replies, written and online. The results were made available at a Village Hall event on 4 February 2017 and on the Parish Council website.
- 3.4 A range of consultation techniques, including notices on the Parish Council website, were used to engage Worminghall residents during the planning stages. Local landowners were sent a letter in October 2016 (Annex 8 of the Consultation Report) informing them of the neighbourhood planning process and inviting them to put forward sites suitable for future development. The Village Hall event enabled interested persons to comment on the individual sites in the Parish which had been proposed by landowners as suitable for development. A total of 36 local residents and others, including a local district councillor, attended and left comments, and others responded later by e-mail.
- 3.5 Consultation on a draft WNP, under Regulation 14 of the 2012 Regulations, took place between 4 October and 17 November 2017, with three open sessions at the Village Hall in October. Some 40 responses were received from local residents, landowners, businesses and statutory consultees. The draft Plan was amended to take account of the responses, before the submission version of the WNP was produced. This has been subject to consultation under Regulation 16 between 17 January and 28 February 2018, and 15 responses were received. I consider the comments made on the submission version Plan along with other evidence in this report. I confirm that the consultation process has met the legal requirements i.e. procedural compliance, and regard has been had to the advice in the PPG on plan preparation and engagement.

Development and Use of Land

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

Excluded Development

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

Human Rights

- 3.8 The Basic Conditions Statement asserts that the Plan has had regard for the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and does not breach Human Rights (within the meaning of the Human Rights Act 1998). Aylesbury Vale District Council has not disputed this finding and, from my independent assessment, neither do I.

4. Compliance with the Basic Conditions

EU Obligations

- 4.1 The WNP was screened for SEA by Aylesbury Vale District Council in June 2017, which found that it was necessary to undertake SEA as the draft Plan included an allocation for up to 18 homes on a site at Coldstream Farm and to the rear of the Clifden Arms. Therefore, the WNP had the potential to have significant environmental effects. The Council also recommended that the SEA should incorporate a sustainability appraisal, and the Parish Council produced its "Sustainability Appraisal Final Report" to accompany the submitted WNP in January 2018. Having read the report, which includes SEA, I support its conclusion that the Plan's policies should have very few negative impacts overall. The policies themselves have incorporated mitigation measures and section 13 of the Plan sets out measures for implementation and monitoring.
- 4.2 The WNP was further screened for HRA by the District Council, which concluded that the Plan was unlikely to lead to adverse effects on any protected European sites, either alone or in combination with other plans. Natural England proposed some amendments to policies in the WNP, but did not suggest that additional work for HRA should be undertaken. From my own assessment of this matter, I have no reason to disagree.

Main Issues

- 4.3 Having read the submitted WNP, the consultation responses and other evidence, and having carried out a site visit of the Parish, my assessment of the Plan's compliance with the Basic Conditions is as follows. Firstly, I address general issues of compliance of the Plan, and secondly, I consider specific issues of compliance of the individual Plan policies, which are set out in sections 7 to 12 of the Plan.

General Issues of Compliance

- 4.4 The introduction to the Plan, commendably in my view, gives a brief overview of the neighbourhood planning process including a description of Intelligent Plans and Examinations (IPE) Ltd, Regency Offices, 37 Gay Street, Bath BA1 2NT

the Basic Conditions which plans must meet prior to adoption. In principle, this should assist readers and users of the Plan, but I note that paragraph 1.1 deviates from the language used for the Basic Conditions in the planning legislation. To ensure that the WNP conveys the correct information to users and readers, and itself meets the Basic Conditions, I propose a modification (**PM1**) to amend the text, and refer to the matters listed in paragraph 1.9 above.

- 4.5 Section 6 of the WNP sets out a vision and objectives developed by the Steering Group for the future of Worminghall, designed to reflect the priorities of the local community. I consider that the vision and objectives, which are forward-looking and aspirational, are appropriate for this Neighbourhood Plan. I note that the Plan's policies follow from the four objectives, which provide a clear structure to the document consistent with good planning practice. Sections 7 to 11 set out specific policies under a series of headings, beginning with Settlement Boundary and Open Countryside.
- 4.6 Then, section 13 addresses the important topic for effective planning and delivery, namely Implementation and Monitoring. This is brief but commits the Parish Council to a series of future actions to check progress over the plan period, allowing for flexibility as new challenges and opportunities arise, and considering whether and when a plan review might be needed. I commend this section, which reflects a realistic and pro-active view of the future, complies with good planning practice and meets the Basic Conditions for neighbourhood plans.
- 4.7 Section 7 deals with the definition of the settlement boundary, and the distinction between the village and open countryside. The Policies Map in Annex 1 shows clearly where the boundary is proposed to be drawn. The settlement boundary is drawn fairly tightly around the existing village of Worminghall. It includes the proposed new housing site at Coldstream Farm, but excludes the village church. Criticism has been made that the settlement boundary has been drawn too tightly and gives insufficient flexibility for accommodating further growth, for example in the event of the District Council needing to increase its housing requirements over the plan period. The boundary appears to some to have been imposed inappropriately, as a threshold to restrict development, rather than as one which reflects landscape assessment. As the WNP Site Assessment Report showed that there are unallocated areas outside the settlement boundary which could be suitable for development, the boundary should be less restrictive to provide flexibility, it was argued.
- 4.8 Saved Policies RA.13 and RA.14 of the adopted Local Plan state that, within or on the edge of the built-up areas of defined rural settlements, which include Worminghall, residential development will be restricted to small scale areas of land (typically for up to 5 dwellings or not exceeding

0.2 hectares). I am satisfied that the restrictive approach to settlement boundary definition in the WNP is in general conformity with the adopted Local Plan. The emerging Local Plan recognises the need to provide for 27,400 new homes during the plan period to 2033, and provides for 28,830 new homes in its allocations alongside existing commitments and completions. Emerging Plan Policies S2 and S3 set out a settlement hierarchy with strategic allocations in the largest and most accessible towns and villages. Worminghall is defined as a "smaller village" where the Local Plan does not make allocations, and "more limited" housing growth is expected. Development in smaller villages will either occur through windfall development or through neighbourhood plan allocations, it is suggested. Policy S2 is clear that elsewhere in rural areas, housing development will be strictly limited. I am satisfied that the WNP's approach to setting a fairly tight settlement boundary aligns with policies in the adopted and emerging Local Plans, neither of which allocated housing sites in Worminghall or expected it to see a significant uplift in housing.

- 4.9 As I saw at my site visit, Worminghall is a small village with a limited range of community facilities and services, including public transport services. It was apparent from my site visit that a high proportion of residents would need to travel some distances to work, to school, or for shopping or access to public services. In these circumstances, a settlement boundary which enabled significant new development in and around the existing village would not contribute to the achievement of sustainable development. It would most likely lead to additional car travel to and from neighbouring towns contrary to the promotion of sustainable travel patterns. Significant additional development and consequent traffic could also be harmful to the rural character of the area around Worminghall. A loosely defined settlement boundary would not have regard for the NPPF, paragraph 7, on achieving sustainable development, or section 4, Promoting sustainable transport, in my view. I shall comment on the detail of the proposed boundary with reference to specific possible housing sites later in the report. However, in general terms, I am satisfied that the boundary shown on the Policies Map meets the Basic Conditions.

Compliance of Individual Plan Policies

- 4.10 The District Council and other parties proposed modifications to Policies SB1 and SB2, which concern the proposed settlement boundary. I agree that the two policies could be combined to avoid repetition, and to clarify what is meant by "appropriate forms of development within rural areas". I have considered the argument that Policies SB1 and SB2 would prevent the accommodation of additional housing development, which could be needed if further growth were considered necessary over the plan period. Therefore, it is contended that some mechanism should be included such

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as the commitment to an early review, allocation of reserve sites, or a standalone policy enabling development outside the settlement boundary subject to defined criteria. I consider that section 13 of the WNP deals adequately with the process of plan monitoring and review, so that a significant relaxation of the settlement boundary or a new allocation / reserve site in the countryside is not required to meet the Basic Conditions in this instance. However, **PM2** should be made for clarity and the achievement of sustainable development, and so that regard is had to paragraphs 54 and 55 of the NPPF on development in rural areas.

- 4.11 Policy NH1 supports new housing infill development in Worminghall and the District Council proposed some re-wording to strengthen what is intended by the policy. I agree that the reference to “disturb(ing) existing dwellings” would be insufficiently clear, and note that there is no entitlement to a “view” in taking planning decisions. I also consider that the reference in paragraph 8.5 to infill development needing to be “modest in scale compared to the adjacent properties” may be inappropriate in some cases, and should be re-written. **PM3** would modify Policy NH1 and its supporting text so that regard is had to emerging Policy D3 of the Local Plan 2017-33, and to section 7- Requiring good design, in the NPPF. PM3 would also secure general conformity with Policy GP.35 of the adopted Local Plan.
- 4.12 Section 2 of the WNP sets out priorities for future planning which were identified in the former Village Plan. It begins with “**Housing**: *Top priority is to encourage a broader mix of age groups within the village, especially young families, by supporting more affordable housing*”. Policy NH2: Housing mix clearly takes forward this aim, as explained in paragraph 8.7. The NPPF, section 6 is focused on local planning authorities rather than neighbourhoods. Nevertheless, it refers to meeting the full objectively assessed needs for market and affordable housing (my emphasis) in the housing market area. Paragraph 50 states that local planning authorities should take measures to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. Worminghall contains a high proportion of detached and substantial family homes, as I saw at my site visit. The emerging Local Plan states, at paragraph 1.46 that “*Affordability of housing is an issue, with the average house price being over ten times the average income in 2016*”. In this context, I support the WNP’s ambition to secure more affordable housing and more small units, having regard for the NPPF and Aylesbury Vale’s housing situation.
- 4.13 Saved Policies GP.2, GP.3 and GP.4 in the adopted Local Plan 2004 address the provision of affordable housing on sites of 25 or more dwellings, the provision of low cost market housing, and proposals for affordable housing on rural exception sites. Policy H1 of the emerging Local Plan requires residential developments of 11 or more dwellings or

0.3hectares or more to provide a minimum of 25% affordable housing on site, unless the applicant can demonstrate that this would not be viable. Further details are to be provided in an Affordable Housing Supplementary Planning Document (SPD). In order to achieve general conformity with the adopted Local Plan and align with the emerging Local Plan, I support the aim to achieve affordable housing and low cost market housing in Policy NH2 of the WNP. The District Council, however, proposed modified wording of the policy to remove the reference to affordable housing, and Rectory also sought removal of the reference to "low-cost homes", as there could be issues as to what would meet that description and how it would be delivered and controlled.

- 4.14 I consider that the NPPF Glossary provides a clear definition as to what is meant by affordable housing, and distinguishes low cost market housing. The Government's PPG Reference ID: 2a-021-20140306 to 2a-029-20140306 provides detailed guidance as to how needs for all types of housing should be calculated. Even if the definition of affordable housing changes in the near future with updates to local and national policy¹, a reference to affordable housing which aligns with the latest definitions in national policy and in the District Council's up-to-date policy and SPD, could be added to the WNP, to clarify the aims of Policy NH2 and meet the Basic Conditions. Policy NH2 should also make clear that viability must be considered when affordable housing is sought in a development. **PM4** to modify Policy NH2 should be made accordingly.
- 4.15 Policy NH3 allocates land at Coldstream Farm/Rear of the Clifden Arms for up to 18 dwellings, and the Policies Map shows this site within the proposed settlement boundary. A site assessment of 13 potential sites was undertaken in 2017, and consultation was held with the local population. The site assessment matrix covered 14 criteria ranging from relationship to the built-up area of the village, to access, impact on heritage assets and flood risk. The Site Assessment Report concluded that the site in NH3 scored best, although it conceded that all sites were potentially suitable. I saw all the potential sites when carrying out the site visit and could not discount any of them as demonstrably unsuitable.
- 4.16 I recognise that the scoring system for individual sites is based on value-judgment rather than precise mathematics. Rectory argued that the site in NH3 should have been discounted or marked down as it adjoins and lies within the setting of two listed buildings. A recent application for housing on a nearby site was refused planning permission because it would divorce the Grade II listed Clifden Arms from its historic countryside setting and

¹ View the Government's March 2018 consultation proposals on changes to the NPPF at: <https://www.gov.uk/government/consultations/draft-revised-national-planning-policy-framework>

impede views to the open countryside. In addition, it was contended that access off the bendy Waterperry Road to the proposed housing site could raise highway safety concerns. I note the observation that agricultural buildings are excluded from definitions of previously developed land, but the WNP refers to removal of “the unneighbourly chicken farm use” so that the site differs from an open green site.

- 4.17 Local residents described traffic conditions at the Coldstream Farm end of the village as significantly lower than at the Clifton Road/Ickford Road end, which could help planning for the provision of a safe access onto Waterperry Road. Clearly, any development of the NH3 site would need to ensure, through its proposals for layout of buildings and open space, that it would not have a detrimental effect on listed buildings and their settings. In view of the site’s size and the intention to provide green space and a play area, this should be achievable. On balance, I consider that Policy NH3 puts forward a suitable site for housing development in the village which has local support. The case for substituting alternative sites is not so strong that it leads me to propose the deletion or replacement of the Coldstream Farm / rear of Clifden Arms site.
- 4.18 The District Council argued, as against Policy NH2, that modification was needed to Policy NH3 because the meaning of “affordable” here could be misinterpreted, causing difficulty for development management. In order to address this point and ensure that affordable housing and low cost market housing are referenced accurately and having regard for national planning policy, **PM5** should be made. This modification should also address the District Council’s point that paragraph 10.5 should be moved forward to explain the case for the second paragraph in Policy NH3. I comment further on paragraph 10.5 in the context of section 10: Recreation, below.
- 4.19 The District Council also requested that Policy NH3 should require the use of Sustainable Drainage Systems (SUDS) to ensure adequate flood risk mitigation is in place. Having regard for Policy I4 of the emerging Local Plan and in order to promote sustainable development, I agree that Policy NH3 should be modified to refer to SUDS. **PM5** would include all the above changes to ensure that Policy NH3 satisfies the Basic Conditions.
- 4.20 Section 9 of the WNP, Rural character, refers to Bernwood Forest in paragraph 9.3. Natural England proposed that a reference should be made here to Shabbington Woods Complex Site of Special Scientific Interest (SSSI), which forms part of Bernwood Forest. I accept that this area of national importance for nature conservation should be highlighted in the Plan, having regard for paragraph 118 of the NPPF. Paragraph 9.3 should be modified to do so. Natural England also recommended that policies relating to connected Green Infrastructure, which has multiple benefits for wildlife habitats, recreation, health and wellbeing and

resilience to climate change, should be included in the Plan. Development proposals should use appropriate measures to demonstrate that they would give biodiversity net gain, it is suggested. Although the last bullet point in Policy RC1 seeks “appropriate green infrastructure”, I consider that this could be reinforced with text added to paragraph 9.3, to make clear what is meant by “appropriate”. I have had regard for emerging Policy I1 of the Local Plan 2017-33 in putting forward changes. I also recommend a minor word change to the second bullet of RC1 to state that it is the “form and layout” of development that should fit with its surroundings, in order to be in general conformity with saved Policy GP.35 of the Local Plan. **PM6** should be made to incorporate all these modifications and assist the promotion of sustainable development.

- 4.21 I have also taken account of Natural England’s concern that loss of the best and most versatile (BMV) agricultural land (Grades 1-3a) should be avoided. The Site Assessment Report includes information on the agricultural land value of potential sites. The chosen site at Coldstream Farm includes a grade 4 paddock, but there is no reference to any BMV land. I consider it unnecessary for the WNP to include additional policies and information on this matter.
- 4.22 Section 10 begins with Policy CFR1 supporting the retention of existing community facilities. Policy I3 of the emerging Local Plan seeks to resist a change of use of community facilities and assets of community value, and paragraph 28 of the NPPF promotes the retention and development of village services and facilities. Policy CFR1 is appropriate for Worminghall with its limited range of local facilities, and it meets the Basic Conditions. I am also satisfied that Policy CFR3, designed to prevent the loss of footpaths, has regard for national policy and should contribute to sustainable development.
- 4.23 Policy CFR2: Recreation seeks on site provision or a financial contribution for the provision of play and recreational space from all new housing development. One of the four objectives for the WNP is to achieve new recreational space and play facilities for children and support the existing community facilities. I recognise the importance to the local community of providing new space for outdoor recreation and children’s play. However, the first sentence in paragraph 10.5, asserting that “*there are no recreational facilities at all for children or adults*” may surprise readers who have seen the significant proportion of detached houses with private gardens in the village, and the countryside setting which can be accessed by way of footpaths. I recommend that the first sentence is modified to explain that there are no formal areas of public recreational space for children and adults. Also, the last sentence of this paragraph is at odds with paragraph 8.2 which indicates that there is a broader aim to ensure a sustainable future for the village as well as to generate resources for new play and recreation areas. Given the potential benefits to future, new

households of having a home of their own, I consider that the last sentence in paragraph 10.5 should be modified, as in **PM5**.

- 4.24 The last sentence of Policy CFR2 refers to developer contributions and payments through the Community Infrastructure Levy Regulations (CIL). This should be done with some amended wording to make clear how these two different funding regimes operate. The Plan should acknowledge, as the District Council stated, that "*an equipped play facility may be difficult to justify for a development of this scale*". This is because regard must be had for paragraphs 173 and 204 of the NPPF which are clear that (i) development should not be subject to a scale of obligations and policy burdens which would make it unviable, and (ii) planning obligations should only be sought where they are directly related to the development – ie. not to address a village-wide deficiency. I agree with the District Council that modification is needed so that proper regard is had for national policy.
- 4.25 Also, as the PPG Reference ID 25-002 & 3 – 20140612 confirms, CIL may be payable on development where the new additional floorspace exceeds 100 sq m (not 1,000 sq m as suggested by the District Council). The limit does not apply to new houses or flats, and a charge can be levied on a house or flat of any size unless it is "self-built" or meets the criteria for relief as social housing. I also consider that Policy CFR2 and its supporting text should be modified to explain that Aylesbury Vale District Council does not yet have a CIL regime. The Infrastructure Delivery Plan, September 2017, for the emerging Local Plan indicates that the Council intends to adopt a CIL by Summer 2018. It also provides useful information about the Government's CIL Review, on which there was consultation in 2016, and which is expected to bring reforms to the system². Aylesbury Vale's Infrastructure Delivery Plan also indicates how section 106 (s106) planning obligations function, and how they may secure land that is required as public open space in perpetuity, among other things. The WNP needs to explain the role and intended use of CIL and planning obligations to deliver recreation space in Worminghall more fully, having regard for national policy and emerging local planning policy as well as the achievement of sustainable development. **PM7**, to modify Policy CFR2 and write a new paragraph 10.5, should achieve this.
- 4.26 Character and Heritage are the subject of section 11 of the WNP. The District Council proposed changes to paragraph 11.1, and I support adding a reference to the National Heritage List for England, and referring

² View the March 2018 Government consultation proposals in '*Supporting housing delivery through developer contributions*': https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/691182/Developer_Contributions_Consultation.pdf

to Grade II*, to assist users of the Plan. The District Council sought the replacement of “conserved” with “preserved” in the second sentence, I am aware that the Planning (Listed Buildings and Conservation Areas) Act 1990 (paragraph 16.(2)) requires the decision-maker on applications for listed building consent to have “*special regard to the desirability of preserving (my emphasis) the building or its setting, or any features of special architectural or historic interest which it possesses*”. However, I also note that the heading to section 12 and paragraph 126 of the NPPF refer to conserving and enhancing the historic environment. As the second sentence in paragraph 11.1 is not wholly concentrated on listed buildings, I consider that use of the word “conserved” is appropriate, having regard for the legislation and national policy.

- 4.27 The first sentence of Policy CH1, seeking to preserve and where possible enhance the historic character and appearance of the area, is arguably too rigorous, given that Worminghall is not a designated conservation area³. I propose modified wording to the policy to ensure that listed buildings and their settings, areas of archaeological interest, other non-designated historic assets and important views, as shown on the Policies Map, are safeguarded in accordance with the legislation. The reference to archaeology is recommended because the County Archaeological Service advised that the proposed development area is within its planning notification area. I also propose to omit “where approved” from the last sentence for clarification. **PM8** is required having regard for national policy and to meet the Basic Conditions.
- 4.28 On Traffic and Transport, covered in section 12 of the WNP, Buckinghamshire County Council as highway authority agreed that an increase in off-street parking provision would be desirable, and was generally supportive of Policy TT1. However, it considered that any parking standards in the WNP should be superseded by those in the Aylesbury Vale Local Plan once it is adopted, to give consistency across the District. It also questioned the justification for requiring one-bedroom dwellings to have two off-street parking spaces. The District Council queried the justification for the parking standards in Policy TT1, and proposed new wording for the policy. I note that the District Council’s Supplementary Planning Guidance (SPG), Parking Guidance, dates back to 2002 and gives maximum standards for different sizes of home. I accept that more generous standards would be justified in Worminghall, given the paucity of its public transport services and distance from employment centres, schools and other facilities for walking, and in some cases, cycling.
- 4.29 In **PM9**, I put forward revised wording of Policy TT1 based on the District Council’s suggested amendment but with interim standards for vehicle

³ Planning (Listed Buildings and Conservation Areas) Act 1990, paragraph 72(1).
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parking based on 1 space per bedroom for new housing developments. I consider that this would not differ significantly from the 2002 SPG, so that it would be in line with promoting sustainable travel behaviour, but it would give some flexibility to reflect the village's rural location.

- 4.30 Paragraph 12.5 of the WNP states that s106/ CIL contributions will be sought to contribute to traffic calming measures wherever possible. The County Council states that it would work with developers to help secure funding and advance traffic calming aspirations. It also draws the Parish Council's attention to documentation which could help towards a scheme for traffic calming throughout the village. I commend such collaboration, but see no need to give additional detailed information in the WNP. I conclude that, as long as the above proposed modifications to the policies are made, the WNP will meet the Basic Conditions for neighbourhood planning.

5. Conclusions

Summary

- 5.1 The Worminghall Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the neighbourhood plan, and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

The Referendum and its Area

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

Overview

- 5.4 I recognise the hard work that has been put into producing the WNP over more than three years by the Parish Council and its Steering Group. I appreciate that every effort has been made to engage with the local

community and interested parties, and to write a Plan which reflects their wishes for the future of the Parish. I commend the plan-makers for producing a concise neighbourhood plan, with a clear structure and positive policies which allow for proportionate development within the village.

- 5.5 As already stated, I welcome the Plan's inclusion of a section which addresses Implementation and Monitoring, and takes account of the fact that the strategic planning context for the WNP could change as the emerging Aylesbury Vale Local Plan goes through examination. The WNP with modifications should enable the village and surrounding area to develop in a sustainable fashion which benefits the local community.

Jill Kingaby

Examiner

Appendix: Modifications

| Proposed modification number (PM) | Page no./ other reference | Modification |
|-----------------------------------|---------------------------|--|
| PM1 | Page 4 | <p>1.1 In 2011, the Localism Actneighbourhood plans must meet the following basic conditions;</p> <ul style="list-style-type: none"> • Consistency with national planning policy • ...European environmental standards. • regard to national policy; • general conformity with strategic local policy; • contributing to the achievement of sustainable development; • compatibility with EU obligations; and • meet prescribed conditions and comply with prescribed matters. <p>1.2</p> |
| PM2 | Pages 11 & 12 | <p>Policy SB1 and SB2 should be combined, and located after paragraph 7.2, as</p> <p>Policy SB1: Settlement Boundary</p> <p>Within the Settlement Boundary, defined on the Policies Map, proposals for new buildings will be supported where they respect ...adjacent dwellings. which are appropriate in scale, design and character to the village of Worminghall; contribute to its local distinctiveness; and are not harmful to the amenity or living conditions of neighbouring occupiers.</p> <p>Proposals for development outside the Settlement Boundary in the open countryside will not be supported unless they are appropriate forms of development within rural areas.</p> <p>Policy SB2: Open Countryside</p> |

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| | | <p>Development proposals-where they</p> <ul style="list-style-type: none"> • are appropriate forms of development in rural areas meet the criteria for rural exception sites or special circumstances for new isolated homes in the countryside, set out in national planning policy; • respect the character of the countryside and are appropriate in terms of do not generate levels and types of traffic which would be harmful to highway capacity and/or safety; • assist the sustainable growth • conserve and enhance for the Parish. <p>7.2 Add a second sentence as follows: The National Planning Policy Framework provides guidance as to what housing development is suitable in a countryside location, notably in paragraphs 54 and 55.</p> |
| PM3 | Page 13 | <p>Paragraph 8.5 Modify the last sentence to read</p> <p>It is important that such new dwellings do not have a significantly harmful impact on adjacent properties and the living conditions of neighbouring residents and are modest in scale compared complimentary in terms of scale, design and character to the adjacent properties.</p> <p>Policy NH1: New Houses</p> <p>New houses rural character of the village, ensuring that Any development should--a safe access.</p> <ul style="list-style-type: none"> • Development does not result in the loss of amenity to existing residents, including loss of privacy, loss of daylight, or visual intrusion by a building structure; • A landscape and visual impact assessment is provided with the application for development; |

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| | | <ul style="list-style-type: none"> • The proposal seeks to conserve and enhance mature vegetation, with new planting to screen the site and/or maintain the rural character of the locality; and • The proposal conserves existing public rights of way. |
| PM4 | Page 13 | <p>Housing Mix</p> <p>8.7 There has (ever since)young families with children. Affordable housing can be provided in three different forms to eligible households, having regard for local incomes and house prices, whose needs are not met by the market (see the Glossary in the NPPF). Policy H1 of the emerging Vale of Aylesbury Local Plan sets requirements for the provision of some affordable housing when new residential development takes place. The policy refers to the Affordable Housing Supplementary Planning Document which will provide further detail for developers. Low cost market housing is not included in the definition for affordable housing in national planning policy, but it represents another mechanism for providing less expensive new homes. This could-The need for less expensive homes also points in favour of ... There remains-is existing affordable housing</p> <p>Policy NH2: Housing Mix</p> <p>New development shall comprise a mix of housing, including properties affordable... will include affordable housing in line with the District Council's policies and/or low-cost market housing, where feasible and viable. Support will be given to housing schemes which include two/three bed terraced or semi-detached accommodation.</p> |
| PM5 | Pages 14 and 16 | Policy NH3: Coldstream Farm/Rear of the Clifden Arms |

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| | | <p>The site is allocated forlarger (family) and more affordable houses smaller 2 and 3 bedroom homes. At least 9 of the dwellings should be affordable or low cost market housing, unless it can be demonstrated that this would not be practicable or viable. The development must allow amenities of nearby properties occupiers. New development should use Sustainable Drainage Systems (SUDS) to reduce the risk of flooding. The site will alsoClifden Road.</p> <p>10.5 Move forward so that it follows paragraph 8.11 and reads:</p> <p>One of the overriding concernsto the village. The One of the main purposes for allocating</p> |
| PM6 | Page 15 | <p>9.3 The village has 'Green Infrastructure' in the vicinity. Bernwood Forest includes Shabbington Woods Complex which is a Site of Special Scientific Interest (SSSI), protected for its nature conservation value. Green infrastructure is a network sustainable communities. Green infrastructure strategies are needed to maintain green corridors and extend or enhance them where possible. Where new development takes place, the layout and form of new buildings should have regard for the rural setting of the village, with its existing green spaces and corridors. Development should enhance green spaces or features and the connections between them where practicable. Of particular</p> <p>Policy RC1: Rural Character</p> <p>The rural character of the village</p> <ul style="list-style-type: none"> • New buildings • The resulting pattern form and layout of development • Development proposals must provide |

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| | | appropriate green infrastructure and/or abundance and provides or enhances connectivity between green spaces. |
| PM7 | Page 16 | <p>10.5 This should replace the existing paragraph, which is to be modified and moved to section 8:</p> <p><i>Because of local concern that there are no formal recreational facilities or children’s play facilities in the village, it is critical that any new housing development contributes as much as is possible and viable to their provision. Policy NH3 seeks provision of a play area and accessible green site on this site. In the unlikely event that this site does not come forward as anticipated, section 106 obligations can be sought from developers to fund recreational facilities, as long as they are necessary to make a development acceptable, are directly related to the development and are fairly and reasonably related in scale and kind. The Community Infrastructure Levy (CIL) system also provides a means of funding community projects such as recreational facilities. Aylesbury Vale District Council expects to adopt a CIL Schedule in 2018, and it is anticipated by the Parish Council that some funding for recreational facilities in Worminghall will be available from this source in due course. Further information about s106 obligations and CIL is available in the Infrastructure Delivery Plan September 2017, which accompanies the emerging Local Plan.</i></p> <p>Policy CFR2: Recreation</p> <p>All new housing development mustshould make.... recreational space. Developer contributions will be sought in line with s106 planning obligations requirements or CIL Regulations.</p> |

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| PM8 | Pages 17 and 18 | <p>11.1 There are 12 listed buildings in the Parish (source: historicengland.org.uk British Listed Buildings) (source National Heritage List for England (NHLE)). Some of last two of which are Grade 2-starred II*.</p> <p>Policy CH1: Heritage</p> <p>All new development should preserve and, where possible, enhance the historic character and appearance of the area Worminghall's listed buildings and their settings. and Applications will explain how the design of proposals might affect the historic character and appearance of the area, including any features of archaeological importance or undesignated heritage assets, and how proposals have sought to retain or enhance positive features of the area.</p> <p>Views of particular defined on the Policies map ...</p> <p>Construction materialsimmediate environment. Where approved, m Modern replacement</p> |
| PM9 | Page 19 | <p>Policy TT1: Parking and Traffic</p> <p>Delete and replace it with:</p> <p>All development should provide adequate off-street car parking to meet the standards set out in the adopted Local Plan and any subsequent updates. Until the emerging Plan is adopted, there should be 1 parking space within the plot for 1 bedroom homes, at least 2 spaces for 2 or 3 bedroom homes, and at least 3 spaces for 4 bedroom homes.</p> <p>Where a clear case can be demonstrated that off street car parking provision cannot be made, reasonable alternatives such as garages and shared parking arrangements should be developed;</p> <p>Any car parking spaces, where required, should use permeable surfaces to allow</p> |

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| | | <p><i>for rainwater absorption and to maintain a rural character to the streetscene;</i></p> <p><i>New development in the village will only be supported where it can be demonstrated that any severe adverse impacts on the road network would be mitigated and pedestrian safety would not be compromised.</i></p> |
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