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and examinations

# **Report on Bledlow-cum-Saunderton Neighbourhood Plan 2016-2033**

**An Examination undertaken for Wycombe District Council with the support of the Bledlow-cum-Saunderton Parish Council on the August 2016 submission version of the Plan.**

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Date of Report: 9 December 2016

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## **Main Findings - Executive Summary**

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

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – the Parish Council;
- The Plan has been prepared for an area properly designated – the Parish Council area as shown on Plan A of the Plan;
- The Plan specifies the period to which it is to take effect – 2016-2033; and
- The policies relate to the development and use of land for a designated neighbourhood area.

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

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

## **1. Introduction and Background**

### *Bledlow-cum-Saunderton Neighbourhood Plan 2016- 2033 (the Plan)*

1.1 Bledlow-cum-Saunderton is a rural parish much of which is within the Chilterns Area of Outstanding Natural Beauty (AONB) and/or the Metropolitan Green Belt. Work on the Plan, which covers the whole parish of Bledlow-cum-Saunderton formally began in October 2015.

### *The Independent Examiner*

1.2 As the Plan has now reached the examination stage, I have been appointed as its examiner by Wycombe District Council, with the agreement of Bledlow-cum-Saunderton Parish Council (the Parish Council).

1.3 I am a chartered town planner with some 30 years experience in the private and public sector, latterly as government Planning Inspector examining development plans. I am an independent examiner, and do not have an interest in any of the land that may be affected by Plan.

### *The Scope of the Examination*

1.4 As the independent examiner I am required to produce this report and recommend either:

- (a) that the Plan is submitted to a referendum without changes; or
- (b) that modifications are made and that the modified Plan is submitted to a referendum; or
- (c) that the Plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.

1.5 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 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). 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 ('the 2012 Regulations').

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

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## *The Basic Conditions*

1.7 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended). In order to meet the Basic Conditions, the Plan must:

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

1.8 Regulation 32 of the 2012 Regulations prescribes a further basic condition. This requires that the plan should not be likely to have a significant effect on a European Site (as defined in the Conservation of Habitats and Species Regulations 2012) 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 the area, not including documents relating to excluded minerals and waste development, is the *Wycombe District Local Plan* (as saved and extended (2007)) and replaced by the adopted *Core Strategy* (July 2008) and *Delivery and Site Allocations Plan* (July 2013). The Plan contains a list of policies of particular relevance to it at paragraph 3.8.

2.2 The District Council is in the process of preparing an emerging Local Plan which is not due to be adopted until December 2017. While the Local Plan is at a formative stage the Parish Council has sought to prepare policies that are complementary to it.

2.3 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented.

### *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:

- Bledlow-cum-Saunderton Neighbourhood Plan 2016-2033 (Regulation 16 Submission Draft August 2016);
- Plan A of the Plan which identifies the designated neighbourhood planning area;
- the Consultation Statement, August 2016;
- the Basic Conditions Statement, August 2016;
- all the representations that have been made in accordance with the Regulation 16 consultation; and
- The Sustainability Appraisal Report incorporating Strategic Environmental Assessment (August 2016) and the Habitats Regulation Assessment Screening Opinion (August 2016) prepared by the District Council.

### *Site Visit*

2.5 I made an unaccompanied site visit to the Plan area on Friday 18 November 2016 to familiarise myself with the parish and visit relevant sites and areas referred to in the Plan, the supporting evidence and/or in representations.

### *Written Representations or Public Hearing*

2.6 This examination has been dealt with by written representations. I have sought further information from the Parish Council and I refer to their responses later in this report. These responses together with other consultation responses and the supporting evidence have been sufficient to enable me to reach my conclusions on the Plan. Hearing sessions have, therefore, been unnecessary and indeed, no requests were made for such sessions.

### *Modifications*

2.6 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 also listed these modifications separately in the Appendix.

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

### *Qualifying Body and Neighbourhood Plan Area*

3.1 The Bledlow-cum-Saunderton Neighbourhood Plan has been prepared and submitted for examination by the Parish Council which is a qualifying body,

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for an area which is equivalent to the whole parish council area. Approval of the designated area for the Plan was granted by Wycombe District Council on 13 October 2015.

3.2 It is the only neighbourhood plan for the designated area of the Plan (the parish) and does not relate to land outside that area.

#### *Plan Period*

3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2016 to 2033.

#### *Neighbourhood Plan Preparation and Consultation*

3.4 The Consultation Statement prepared by the Parish Council sets out who was consulted, how they were consulted, the main matters raised by those consulted and the steps taken to consider and where appropriate, address those main matters. It is clear from this that extensive attempts have been made to engage with the community. The consultation required by Regulation 14 has been carried out with 49 responses having been made and the Pre-Submission version of the Plan was modified to take account of a number of these comments. The consultation required by Regulation 16 has also been carried out and attracted 16 responses.

3.5 With all these points in mind I am satisfied that a thorough, transparent and inclusive consultation process has been followed for the Plan in accordance with the legal requirements.

#### *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 Town and Country Planning Act 1990.

#### *Excluded Development*

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

#### *Human Rights*

3.8 In the Basic Conditions statement the Parish Council states that the Plan has regard to the rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act. I see no reason to disagree.

## **4. Compliance with EU Obligations**

#### *EU Obligations*

4.1 A screening opinion was issued by Wycombe District Council confirming that a Strategic Environmental Assessment (SEA) was needed. The Parish Council has incorporated this into a wider Sustainability Appraisal (SA).

- 4.2 At the heart of the SA/SEA prepared by the Parish Council is the assessment of the impact of the fourteen policies in the Plan in terms of their effect on housing, community facilities, biodiversity, landscape/villagescape, cultural heritage and the rural economy/employment. With the exception of Policy 3 a 'policy on' 'policy off' approach is used – that is, what would be the impact of the policy as compared to the impact of having no policy. The conclusion from this exercise is that none of the 'policy off' alternatives would lead to a better outcome than the proposed policies and that those policies themselves would have a positive or at worst neutral impact.
- 4.3 With Policy 3, which deals with the former Molins site, three alternatives are assessed. Option 1 is for residential use only. This is based on the planning application (Ref: 15/05250/OUTEA – revised July 2016) for 192 dwellings and occupies a large portion of the site. Option 2 is a smaller scheme for residential use based on the footprint of the existing buildings. Option 3 is a mixed-use scheme consisting of C2, C3 and B1 uses together with community facilities which occupies a smaller part of the site than Option 1 and a larger part of the site than Option 2. The outcome of this assessment is that Option 3 is adjudged to be most consistent with the Plan's vision and objectives and its positive social and economic benefits outweigh any potential harm.
- 4.4 I set out in paragraphs 5.12 - 5.27 of this report the reason why I do not consider that the inclusion of Option 3 would allow the Plan to meet the Basic Conditions. Overall however, I consider the SEA/SA to be a credible piece of work which candidly acknowledges the challenges encountered in its preparation (the difficulties of assessing the individual or cumulative effect of the Plan policies, the fact that much data is not collected or reported at parish level and the need to only consider alternatives that would be acceptable to the local community at referendum) but which nonetheless amounts to a credible attempt to systematically evaluate the social, economic and environmental impacts of the Plan's policies.
- 4.5 Wycombe District Council has issued a Habitats Regulation Assessment Screening Opinion which concludes that while the Plan area falls within the zone of influence of the Chilterns Beechwoods and the Aston Rowant Special Areas of Conservation it is unlikely to have a significant effect on any Natura 2000 sites either alone or in combination with other plans and projects and an Appropriate Assessment is not required. Natural England agree with this conclusion. I have no reason to disagree.

## **5. Main Issues Related to the Basic Conditions**

- 5.1 Having regard for the Plan, the consultation responses and other evidence, and the site visit, I consider that there are three main issues for this examination. These are:



1. Whether the Policies 1 and 2, which in essence deal with development within settlements, meet the Basic Conditions particularly in relation to the settlement boundaries proposed?
2. Whether Policy 3, which deals with development of the former Molins site, meets the Basic Conditions in particular in terms of its relationship to Green Belt policy?
3. Whether the remaining policies (other matters) in the Plan provide an appropriate framework to shape and direct sustainable development whilst maintaining the essential character of the Plan area and supporting essential facilities and services and in doing so meet the Basic Conditions?

### **Issue 1 – Settlement Boundaries**

- 5.2 Policies 1 and 2 identify settlement boundaries for Bledlow, Bledlow Ridge, Pitch Green and South Saunderton. They set out principles for development within these settlements and they distinguish them from the open countryside beyond, much of which is in the Green Belt or AONB, where development will be more constrained.
- 5.3 The way in which these settlements were selected and their boundaries drawn up are set out in the *Housing Development Task Group Final Report*. This document can usefully be read in conjunction with the *Settlement Area Design Statements for Bledlow, Pitch Green and Bledlow Ridge* and the *Conservation Area Character Survey for Bledlow* set out in Appendices B and C of the Plan, as these analyse the essential character of these settlements along with the architectural character and quality of their buildings.
- 5.4 These documents indicate that the choice of settlements and the definition of settlement boundaries has emerged from a thorough, detailed and systematic examination of matters such as the size of the settlements, the local facilities within them, the different types of boundary that exist, the planning environment, the social and natural environment and the Landscape Character Areas in which the settlements are located.
- 5.5 Inevitably such a process involves value judgements as to what, for example, is or is not an important gap in a settlement or whether one has an impression of entering a settlement and being enclosed on both sides. This is particularly the case where the settlement boundaries do not follow readily recognisable physical features on the ground. However, having visited each of the settlements and inspected these boundaries I accept that such boundaries have only been drawn where the alternative of following physical features such as field boundaries, hedgerows or property boundaries could lead to inappropriate backland development and a consequent outward extension of buildings into open countryside.
- 5.6 I also note that, for the most part such boundaries have proved uncontentious. The exception to this is the proposed boundary which runs from Pitch Green House to the B4009 close to the south-western elevation of

The Corner House, a Listed Building, in the settlement of Pitch Green. In this location, the boundary follows a former hedge line, now removed, and cuts across a domestic lawn excluding part of the curtilage of Pitch Green House.

- 5.7 It has been suggested that the boundary as drawn, arbitrarily restricts an obvious area of potential infill. I do not agree. When approaching Pitch Green along the B4009 in either direction there is a strong distinction between The Corner House, which dominates the junction with Sandpits Lane and the tree and hedge lined frontage to the south west of it which forms part of the excluded curtilage of Pitch Green House. The former is very much a feature of the settlement while the latter has more in common with the appearance of the surrounding countryside.
- 5.8 It is reasonable, therefore, for the boundary to run close to the south west elevation of The Corner House as to do otherwise would be to open up the possibility of development which could compromise the setting of this Listed Building and have the appearance of extending the village into open countryside. In coming to this view I have taken account that at the house on the opposite corner of Sand Pits Lane, the settlement boundary runs up to the B4009. I have also taken account of the fact that the open space at the junction of the B4009 and Perry Lane is included within the settlement. I see nothing inconsistent in this. In decisions such as this, it is a matter of 'each case on its merits' and those other sites have a different character and appearance to the site under discussion.
- 5.9 Moving on to a different point, it has been suggested that Policy 1 should include reference to development avoiding any significant impact on heritage assets as set out in national policy. However, nothing in that policy conflicts with national policy<sup>1</sup> in this respect or prevents that policy being applied in individual development management decisions. Moreover, the *Area Design Statements* and the *Conservation Area Character Survey* contained in Appendices B and C of the Plan do much of the groundwork for considering the effect of development on heritage assets. I see no reason, therefore to amend the policies in this respect.
- 5.10 I note, incidentally, that there is no Area Design Statement for Saunderton. I do not see this as a criticism of the Plan. It is for the Parish Council to determine which settlements warrant such statements.
- 5.11 I conclude that Policies 1 and 2 represent a credible effort by local people in consultation with the community to define settlement boundaries and set out development principles which create more opportunities for development than exist at present while safeguarding the character and appearance of the settlements in their landscape setting. In this respect, they have regard to

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<sup>1</sup> NPPF paragraphs 126 to 141

national policy<sup>2</sup> and are in general conformity with development plan policy<sup>3</sup>. These policies meet, therefore, the Basic Conditions.

## **Issue 2 - The former Molins site**

### *Background*

- 5.12 The former Molins site is a disused industrial site which is defined in Policy GB9 of the *Wycombe Local Plan* as a 'Major Developed Site in the Green Belt'. There is an extant planning permission (Ref: 08/05740) for four data centre buildings, extending to some 95,437m<sup>2</sup>, on the site. Implementation of this permission has commenced with the demolition of a number of buildings and while there appears to be no immediate plan to complete this scheme the owner of the site considers that there is a realistic prospect that this could happen. In the Plan on the other hand, the statement is made at paragraph 5.38 that this permission is no longer viable and will not be delivered. I have not seen the evidence to support either of these propositions.
- 5.13 I am told that it is common ground that a scheme of this size would have a harmful effect on the character and openness of the Green Belt and the AONB. However, the implementation of this planning permission could go ahead regardless of the terms of Policy 3 of the Plan and this has little bearing on the question of whether that policy meets the Basic Conditions.
- 5.14 Planning permission has been sought (Ref:15/05250/OUTEA) for either 212 or 192 dwellings on the site. An appeal has been made against the non-determination of this application (Ref: APP/K0425/W/15/3135297). A multi day Public Inquiry has been held and on the 13 October 2016 the Secretary of State recovered the appeal for his determination. I have been provided with some limited extracts of evidence and submissions presented at this Inquiry, which I will refer to later, but it would be inappropriate for me to make any comment on this outstanding appeal. My role is limited to considering whether Policy 3 meets the Basic Conditions.
- 5.15 Broadly speaking Policy 3 seeks to deal with two alternative approaches to the development of this site. Policy 3(1) covers the situation in which the quantum of development proposed is no greater than the 'Existing Development' (that being the existing buildings on the site and the slab on which they stand) in which case it must comply with all national, local and Plan policies. Policy 3(2) covers the situation in which a larger area, of some 15,000m<sup>2</sup>, is proposed in which case it would have to meet a range of requirements including that it be developed for a mix of uses comprising a retirement village, residential development, business uses and community

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<sup>2</sup> NPPF paragraphs 28, 50, 55, 89 and 115.

<sup>3</sup> Policies CS1, CS2, CS7, CS9, CS13, CS19, LI1, C10, GB4, GB5, GB6 and GB7.

facilities. The Plan states at paragraph 4.7 that public opinion is 'fairly divided' between these options.

### *Policy 3(1)*

5.16 National Policy<sup>4</sup> dealing with sites such as this allows for: *'limited infilling or partial or complete redevelopment of previously developed sites (brownfield land) whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.'*

5.17 The term '*previously developed sites*' is defined<sup>5</sup> as '*Land which is or was occupied by a permanent structure, including the curtilage of the developed land.....This excludes.....land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.'* (my emphasis)

5.18 At my site inspection I saw that the hard standing to the south of the existing buildings can be seen from points on the southern perimeter of the site and that it does not blend into the landscape. From what I could see without going onto the site, the extent of this hard standing is accurately shown on the plan supplied by the District Council entitled 'Drawing Showing the Current Site'<sup>6</sup>. It is therefore part of the previously developed site and should be identified in Policy 3(1) as such. The area to the east of that hardstanding, shown as rough grassland on this plan, is within the curtilage of the site but is not, in my judgement, previously developed land as, if it ever was occupied by a permanent structure, it has blended into the landscape.

5.19 By limiting proposed development to the existing buildings on the site and excluding the hard standing to the south on which buildings formerly stood the submitted version of Policy 3(1) fails to meet the Basic Conditions in that it does not have regard for national policy on Green Belt, an aspect of policy to which the Government attaches great importance<sup>7</sup>.

5.20 This is not to say that the whole of the previously developed area of the site can necessarily be redeveloped. Government Policy as quoted at paragraph 5.16 does not say that all previously developed land can be redeveloped. It says in that, any redevelopment must not have a greater impact on the openness of Green Belt than the existing development, which in this instance is the existing buildings and hardstanding on the site. I

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<sup>4</sup> NPPF. Paragraph 89. Bullet point 6.

<sup>5</sup> NPPF. Glossary

<sup>6</sup> This plan is attached to the e mail 09/11/16 which can be found on the Neighbourhood Plan website.

<sup>7</sup> NPPF. Paragraph 79.

consider that Policy 3(1) lacks clarity, and thus fails the Basic Conditions<sup>8</sup>, in that it does not specify that this crucial test must be carried out, nor does it define what existing development means on this particular site. The inclusion of a statement covering these matters would enable decision makers to apply the policy with consistency and confidence when determining planning applications.

5.21 In order to meet the Basic Conditions I recommend **(PM1)** that Policy 3(1) be modified by deleting the existing text and replacing it with the following:

***Proposals for the redevelopment of the former Molins site will be supported provided that it is confined to the extent of the previously developed land shown on Inset Plan 1<sup>9</sup> and does not have a greater effect on the openness of the Green Belt and the purposes of including land within it than the existing development. The existing development consists of the buildings on the site (a former canteen/ballroom, a security building and an office building all fronting onto Haw Lane) together with the slab on which they stand and the hard standing to the south.***

Policy 3(2)

5.22 Policy 3(2) (iii) identifies a developable area of the site which extends to up to 15,000m<sup>2</sup> (the 15,000m<sup>2</sup> scheme). Paragraph 5.49 of the Plan states that this is based on a planning judgement. In response to a question from me asking for the basis for this judgement the Parish Council has set out its position more fully<sup>10</sup>. It is clear from this response that the Parish Council has given this matter considerable thought and that the conclusion they have reached has public support.

5.23 What is not clear, however, is whether the Parish Council had sufficient evidence to form the judgement that the 15,000m<sup>2</sup> scheme, a scheme involving a mixed-use development comprising a retirement village, residential development, small low rise business premises and one or more community facilities, will necessarily have less of an impact on Green Belt than the existing development on the site.

5.24 The evidence it does have is the outstanding appeal scheme on the site (see paragraph 5.14 above) which the Parish Council (and others) consider to be overdevelopment - which I take to mean having a greater impact on the Green Belt than the existing development. From this, with the aid of a conceptual plan showing a mixed-use development (Plan F in the Plan), the

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<sup>8</sup> Planning Policy Guidance Paragraph 041 Reference ID: 41-041-20140306 states that a policy in a neighbourhood plan should be clear and unambiguous.

<sup>9</sup> This will show a line drawn round the existing buildings on the site and the existing hard surfaces shown on the plan entitled Drawing showing the current site attached to the Council's e mail of 09/11/16.

<sup>10</sup> Both my questions and the response are on 'The Evidence' page of the Parish Council web site in the section dealing with the Neighbourhood Plan.

Parish Council has, in effect, arrived at the conclusion that a scheme having up to 60% of the gross external floor area of the appeal scheme (ie the 15,000m<sup>2</sup> scheme) would not have a greater impact on the Green Belt than the existing development.

5.25 In my experience the application of the 'greater impact' test can involve fine judgements even where details of the amount, type, appearance, layout, density, height, bulk, lighting and landscaping of a proposed scheme are known together with assessments of its visual impact. In the absence of such detail I am not satisfied that the proportionate, robust evidence required by National Policy<sup>11</sup> exists to support the judgement the Parish Council has made. In the absence of that evidence I recommend **(PM2) that Policy 3(2)(iii), along with rest of Policy 3(2), that being Policy 3(2)(i), 3(2)(ii) and 3(2)(iv), be deleted** as all of these aspects of policy are contingent on the 15,000m<sup>2</sup> scheme. **Paragraphs 5.39 to 5.49 and Plan F should be deleted** for the same reason. The unequivocal reference in **paragraph 5.38 to the data centre 'no longer being viable and not being delivered' should be deleted** as this matter is still being disputed.

5.26 In coming to this conclusion, I have noted the arguments that Policy 3 is a policy which restricts the supply of housing and would, given that Wycombe District Council does not have a 5 year supply of housing, be treated as being out of date in determining any planning application. While this might or might not be the case, it is an argument that applies to the application of policy not to the question of whether a policy meets the Basic Conditions.

5.27 Insofar as that argument is used as a springboard to suggest that the amount of housing on the site should be increased, I accept that there is a need to boost significantly the supply of housing in the District as a whole, but this site is in the Green Belt and the AONB, both designations which, as national policy<sup>12</sup> makes clear, indicate that development should be restricted.

**Issue 3 (Other Matters) - Do the remaining policies of the Plan provide an appropriate framework to shape and direct sustainable development whilst maintaining the essential character of the Plan area and supporting essential facilities and services?**

*Policies 4, 5 and 6*

5.28 Policies 4, 5 and 6 set out the design principles which will guide development in Bledlow, Pitch Green, Bledlow Ridge and the parish as a whole. They are supplemented by the *Design Area Statements* for these settlements, the *Conservation Area Character Survey* for Bledlow and the *Design Checklist* for the parish set out in Appendices B, C and D of the Plan.

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<sup>11</sup> Planning Policy Guidance Paragraph 040 Reference ID: 41-040-20160211

<sup>12</sup> NPPF paragraph 14 footnote 9.

They are informed by *The Design Task Group Report Raising Design Standards Within The Parish*.

5.29 Although these policies could be altered in certain detailed respects, for example, Buckinghamshire County Council suggests the inclusion of a reference to unbound surface treatments, there is nothing in these policies which is significantly out of alignment with national policy or with strategic policies in the development plan<sup>13</sup> insofar as they seek the design of development proposals that reflects local character. Nor is there any suggestion that they will hinder sustainable development. These policies, therefore, meet the Basic Conditions.

#### *Policy 7*

5.30 Policy 7 deals with sustainable design of extensions, alterations and replacement buildings in Green Belt. National policy on these matters distinguishes between, on the one hand, extensions and alterations and, on the other, replacement buildings; for the former it states that this will not be inappropriate development *'...provided it does not result in disproportionate additions over and above the size of the original building;'<sup>14</sup>* For the latter, it states that this will not be inappropriate *'...provided the building is in the same use and not materially larger than the one it replaces;'<sup>15</sup>*. Policies GB5 and GB6 of the Wycombe Local Plan similarly deal with these types of development separately.

5.31 Policy 7 takes a somewhat different approach in that it treats extensions and alterations and replacement dwellings the same. One consequence of this is that replacement dwellings would be judged against the original building rather than the one it replaces. These terms do not mean the same thing. The term 'original building' is defined as *'A building as it existed on 1 July 1948 or, if constructed after 1948, as it was built originally.'<sup>16</sup>* In other words it excludes alterations and extensions constructed after 1948. The term 'the one it replaces', on the other hand, does not exclude alterations. The first clause of Policy 7 would have the, presumably unintended, effect of tightening control over replacement buildings. Certainly, no specific evidence has been put forward to indicate that control should be tightened in this manner.

5.32 This aspect of Policy does not meet the Basic Conditions in that it does not have regard to national policy or development plan policy as referred to above. I recommend **(PM3)** therefore, that the first clause of Policy 7 be deleted and replaced with the following **'Proposals for extensions or alterations to a building within the Green Belt shall not be disproportionate over and above the size of the original building.**

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<sup>13</sup> Policies G3, G7, G10, G11 and L1.

<sup>14</sup> NPPF Paragraph 89 Bullet point 3

<sup>15</sup> NPPF Paragraph 89 Bullet point 4

<sup>16</sup> NPPF Glossary.

***Proposals for a replacement building within the Green Belt for the same use shall not be materially larger than the one it replaces. In order to encourage designs that have a minimal impact on the environment and landscape:....'***

5.33 Policy 7 then seeks to encourage the provision of sustainable buildings by stating that passive structural or design elements which achieve this aim (such as external wall insulation, solar shading, double height spaces, deeper eaves and oversized rain water goods) will not be considered when assessing proportionality. I acknowledge that the provision of sustainable buildings generally is consistent with national policy insofar as it seeks to meet the challenge of climate change and supports a move to a low carbon future<sup>17</sup>. It is also an approach which has local support.

5.34 However, it is suggested by some respondents that this approach seeks to create new rules for Green Belt extensions and replacement dwellings and that these are not compatible with the tight controls over such matters as set out in national policy. This is because, national policy as quoted above, makes no exception for sustainable design features when considering what amounts to a disproportionate addition or a replacement dwelling that is materially larger than the one it replaces. The creation of new rules does indeed appear to be an aim of the Plan, as I note that in the *Housing Development Task Group Final Report* (page 7) reference is made to 'relaxing the rules' insofar as they limit extensions and replacements in Green Belt.

5.35 I have not, however, seen any substantial evidence as to why the long established national policy towards extensions alterations and replacements in the Green Belt should be relaxed in this particular parish, particularly where some sustainable design features, double height spaces for example, could add considerably to the bulk of a building. It would be difficult to justify leaving this out of an assessment of whether something is a 'disproportionate' addition or 'materially larger than the one it replaces' as this could have an effect on the openness of Green Belt and the purposes of including land within it.

5.36 The second clause of Policy 7 as drafted does not meet the Basic Conditions in that it does not have regard to national policy on Green Belt. However, given that the aim of Policy 7 is consistent with national policy on the mitigation of climate change I do not consider that this clause need be deleted. However, I consider that the categorical statement that sustainable design features will not be taken into account needs to be removed and replaced with a statement to the effect that they could be taken into account.

5.37 I recommend **(PM4)** that the second clause of Policy 7 be deleted and replaced with the following: ***'When assessing whether a proposed***

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<sup>17</sup> NPPF Paragraph 95



***development is disproportionate or materially larger consideration will be given to excluding passive design elements included in such proposals which demonstrably allow for the building, and its inhabitants, to mitigate and respond to the impacts of climate change.'***

5.38 It is suggested by respondents that as all Green Belt land in the parish is also in the AONB, Policy 7 should refer to the AONB. However, the fact that the policy is silent on the matter of the AONB does not alter the fact that national policy<sup>18</sup> and development plan policy<sup>19</sup> and indeed Policy 10 of the Plan which applies specifically to the AONB will continue to apply. There is no requirement for them to be repeated in this policy. What I do accept, however, is that where the Plan does refer to AONB it should do so in a manner that is consistent with national policy. For that reason I recommend **(PM5)** that the words '**...there should be due regard for..**' in paragraph 5.36 of the Plan **should be deleted and replaced with '**...great weight should be given to...****'.

#### *Policy 8*

5.39 Policy 8 has two aspects. It deals with the re-use of existing buildings in the countryside and with new dwellings in the countryside. As far as the first aspect is concerned this is consistent with national policy and development plan policies<sup>20</sup> aimed at promoting a strong rural economy.

5.40 As for the second aspect, new dwellings, uses the term '*in harmony with the landscape (in terms of its design and setting)*' rather than the wording in national policy<sup>21</sup> which refers to design of '*... exceptional quality and innovative nature...*'. However, there is nothing in this part of Policy 8 which cuts across or reinterprets national policy in any significant way and, as the policy specifically states that all other planning policies, which will include national policy, will continue to apply I see no reason to change it. This policy meets the Basic Conditions.

#### *Policy 9*

5.41 Policy 9 supports employment uses in settlements subject to a number of conditions. The terms of this policy are broadly consistent with national policy<sup>22</sup> and development plan policies<sup>23</sup> insofar as they seek to protect existing retail uses and support a prosperous rural economy. This policy will contribute to the achievement of sustainable development and thus meets the Basic Conditions.

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<sup>18</sup> NPPF paragraph 115

<sup>19</sup> Policies L1 and CS17

<sup>20</sup> NPPF paragraph 28 and Policies CS7, C6, C7, C8

<sup>21</sup> NPPF paragraph 55

<sup>22</sup> NPPF paragraphs 23 and 28

<sup>23</sup> Policies CS11, CS16 and DMS 5

### *Policy 10*

5.42 Policy 10 seeks to safeguard various designated environmental and landscape assets and accords generally with national<sup>24</sup> and development plan policy in this respect<sup>25</sup>. In order to meet the Basic Conditions there is no requirement for a lengthier policy, indeed brevity in policy formulation is to be commended. Reference is made by respondents to the model policy produced by the Chilterns Conservation board along with local planning authority officers. This policy has its merits but there is no need to replicate it in the Plan in order to meet the Basic Conditions. Policy 10 as drafted meets the Basic Conditions.

### *Policies 11 and 12*

5.43 These seek to safeguard community facilities, unless these prove to be unviable or capable of locating elsewhere, and to allow for the expansion of Bledlow Ridge School without compromising highway safety. These policies are consistent with national policy insofar as they support the retention and development of local services<sup>26</sup> and the expansion of schools<sup>27</sup> and with the development plan policy that seeks the retention of community facilities<sup>28</sup>. These policies meet the Basic Conditions.

### *Policy 13*

5.44 Policy 13 supports the provision of superfast broadband in the parish, provided any above ground network installations reflect the character of the local area. It requires that ducting be provided in any new development that can accommodate fibre cables and requires the provision of a 'Connectivity Statement' to show how any development will contribute to and be compatible with existing broadband provision. This policy seeks to meet a widely recognised local need to improve broadband connections in this rural parish where increasing numbers of people work from home.

5.45 Policy 13 reflects the recognition in national policy of the need to support the expansion of high speed broadband,<sup>29</sup> it is broadly consistent with the development plan policy on telecommunications<sup>30</sup> and it contributes to the achievement of sustainable development. It meets, therefore, the Basic Conditions.

### *Policy 14*

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<sup>24</sup> NPPF paragraphs 115 and 118

<sup>25</sup> Policies L1, CS17, G10, G11, DM12, DM13 and DM14

<sup>26</sup> NPPF paragraphs 28 and 70

<sup>27</sup> NPPF paragraph 72

<sup>28</sup> Policy CS15

<sup>29</sup> NPPF paragraph 43

<sup>30</sup> Policy G28

5.46 This policy provides support for small scale renewable energy generation and the use of low carbon technologies for heat and power providing that this does not detract from the landscape in the parish (including the AONB), from the Bledlow Conservation Area or from the amenities of residents. The policy is expressed in broad terms which to my mind cover matters of possible glint and glare from PV solar panels and the traffic and smells associated with farm scale anaerobic digestion facilities. It does not refer to retaining any features of architectural or historic merit but it does not need to for the reasons set out in paragraph 5.9 of this report.

## **6. Conclusions**

### *Summary*

6.1 The Bledlow-cum-Saunderton 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.

6.2 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*

6.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The Bledlow-cum-Saunderton Neighbourhood Plan, as modified, has no policy or proposals which I consider significant enough to have an impact beyond the designated neighbourhood plan boundary, which would require 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.

6.4 The Parish Council and its Neighbourhood Plan Working Group have produced a professionally presented, readable and meticulously researched plan which reflects the opinion of the community on a range of local matters of local significance. It is a plan which seeks to provide for modest amounts of development while safeguarding the character and appearance of settlements and the wider landscape. It grapples with a wide range of issues including the retention of community facilities, the provision of superfast broadband and the provision of small scale renewable energy generation facilities. It contains a suite of policies which will influence development management policies over the coming years and will help ensure the provision of sustainable development. The Parish Council and its Working Group are to be commended.

*R J Yuille*

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Examiner

## Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Page 13	<p>Policy 3 (1)</p> <p>Modify by deleting the existing text and replace it with the following</p> <p><b><i>'Proposals for the redevelopment of the former Molins site will be supported provided that it is confined to the extent of the previously developed land shown on Inset Plan 1 and does not have a greater effect on the openness of the Green Belt and the purposes of including land within it than the existing development. The existing development consists of the buildings on the site (a former canteen/ballroom, a security building and an office building all fronting onto Haw Lane) together with the slab on which they stand and the hard standing to the south.'</i></b></p>
PM2	Page 14	<p>Policy 3 (2) and associated text:</p> <p>Delete</p> <p><b><i>Policy 3(2)(iii), along with rest of Policy 3(2), that being Policy3(2)(i), 3(2)(ii) and 3(2)(iv)</i></b></p> <p><b><i>Paragraphs 5.39 to 5.49 and Plan F should be deleted</i></b></p> <p><b><i>The reference in Paragraph 5.38 to the data centre 'no longer being viable and not being delivered' should be deleted</i></b></p>
PM3	Page 15	<p>Policy 7, clause 1</p> <p>Delete the first clause of Policy 7 and replace with the following:</p> <p><b><i>'Proposals for extensions or alterations to a building within the Green Belt shall not be disproportionate over and above</i></b></p>

		<b><i>the size of the original building. Proposals for a replacement building within the Green Belt for the same use shall not be materially larger than the one it replaces. In order to encourage designs that have a minimal impact on the environment and landscape:....'</i></b>
PM4	Page 16	<p>Policy 7, clause 2</p> <p>Delete the second clause of Policy 7 and replace with the following:</p> <p><b><i>' When assessing whether a proposed development is disproportionate or materially larger consideration will be given to excluding passive design elements included in such proposals which demonstrably allow for the building, and its inhabitants, to mitigate and respond to the impacts of climate change.'</i></b></p>
PM5	Page 17	<p>Paragraph 5.36</p> <p>Delete '<b><i>...there should be due regard for..'</i></b> in paragraph 5.36 of the plan and replace this with '<b><i>...great weight should be given to...'</i></b>.</p>