

# **DAWS HILL NEIGHBOURHOOD PLAN – PROCEEDING TO REFERENDUM**

Decision taker: Penelope Tollitt (Head of Planning and Sustainability) in consultation with Councillor David Johncock (Cabinet Member for Planning and Sustainability)<sup>1</sup>

Author: Simon Barlow (Infrastructure and Projects Officer)

## **Executive Summary**

Following the examination of the Daws Hill Neighbourhood Plan in July and August 2019, this Decision Statement sets out modifications to the Plan which have been proposed by the Examiner in the Examiner's report, the decision to proceed to referendum and the area for the referendum to be the Neighbourhood Area.

## **Detailed Report**

### **Introduction**

1. Under the Town and Country Planning Act 1990 (as amended) and the Neighbourhood Planning (General) Regulations 2012 (as amended), Neighbourhood Planning Act 2017 and all other relevant legislation, Wycombe District Council ("the Council") has a statutory duty to consider the Daws Hill Neighbourhood Plan following its examination. Pursuant to the Wycombe District Council constitution and in particular Part 2 subsection C, the Head of Planning and Sustainability in consultation with the Cabinet Member for Planning and Sustainability is authorised to make decisions on the Examiner's report recommendations.

### **Background**

2. The Daws Hill Neighbourhood Plan (the Neighbourhood Plan) relates to the Neighbourhood Area that was designated by Wycombe District Council on 25 September 2012.
3. On 25 September 2012 Wycombe District Council also designated the Daws Hill Neighbourhood Forum as the group empowered to lead the neighbourhood planning process in the neighbourhood area.

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<sup>1</sup> As per the scheme of delegation in the Council's constitution

4. Neighbourhood Forum designation expires after five years, leading to the Neighbourhood Forum being redesignated on 12 February 2018.
5. Neighbourhood Areas do not expire, therefore the Neighbourhood Area remained unaltered from the one designated in September 2012.
6. Daws Hill Neighbourhood Forum submitted a proposed neighbourhood plan to Wycombe District Council in early 2019, which was subject to a consultation between Wednesday 13 March and Friday 26 April 2019. Following this consultation the Plan was submitted for independent examination in July 2019.

### **Independent examination**

7. Wycombe District Council, with the agreement and consent of the Daws Hill Neighbourhood Forum, appointed Mr John Slater MRTPI to undertake the examination of the Daws Hill Neighbourhood Plan.
8. The Examiner decided to conduct the Neighbourhood Plan examination by written representations. He made a site visit on 29 July 2019.
9. The Examiner's report was received on 31 August 2019. The report concludes that, subject to making modifications recommended by the Examiner, the Plan meets the basic conditions set out in the Neighbourhood Planning regulations and should proceed to referendum. The Examiner also recommended that the referendum area should be based on the designated Daws Hill Neighbourhood Area.

### **Decision and reasons**

10. The Council has reviewed the Examiner's report and concludes that the modifications proposed by the Examiner are valid in that they meet the Basic Conditions.
11. Having considered each of the recommendations made by the Examiner in his report and the reasons for them, Wycombe District Council, with the consent of the Daws Hill Neighbourhood Forum, has decided to accept the Examiner's modifications to the Neighbourhood Plan.
12. Annex 1 below outlines the Plan Modifications made to the Plan under paragraph 12(6) of Schedule 4B to the 1990 Act (as applied by Section 38A of the 2004 Act) in response to each of the Examiner's recommendations and the justification for this. Annex 1 also identifies minor consequential changes to the Neighbourhood Plan as a result of implementing the Examiner's recommendations, such as the renumbering of paragraphs and policies.

13. Wycombe District Council is satisfied that subject to those modifications which it considers should be made to the Plan as set out in Annex 1 below, the Plan meets the Basic Conditions set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990, is compatible with the Convention Rights and complies with the provision made by or under 61E(2), 61J and 61L of the said Act .
14. As a result of the above, the Plan as modified must proceed to Referendum.
15. The referendum on the final Daws Hill Neighbourhood Plan will be based on the designated Daws Hill neighbourhood area.
16. The date for the referendum and further details will be publicised shortly once a date is set by the Returning Officer.

### **Financial implications**

17. The decision to proceed to referendum will incur a small cost for Wycombe District Council relating to the cost of booking and operating polling stations. These costs will be covered by the Neighbourhood Planning Grant. Wycombe District Council can claim grant up to £20,000 for running the referendum. If the costs exceed this, Wycombe District Council will not be able to recover this amount.
18. There will be no ongoing costs associated with the Neighbourhood Plan following the referendum.

### **Other information:**

The Independent Examiner's Report and the Daws Hill Neighbourhood Plan and supporting documents can be viewed on the Council's website:

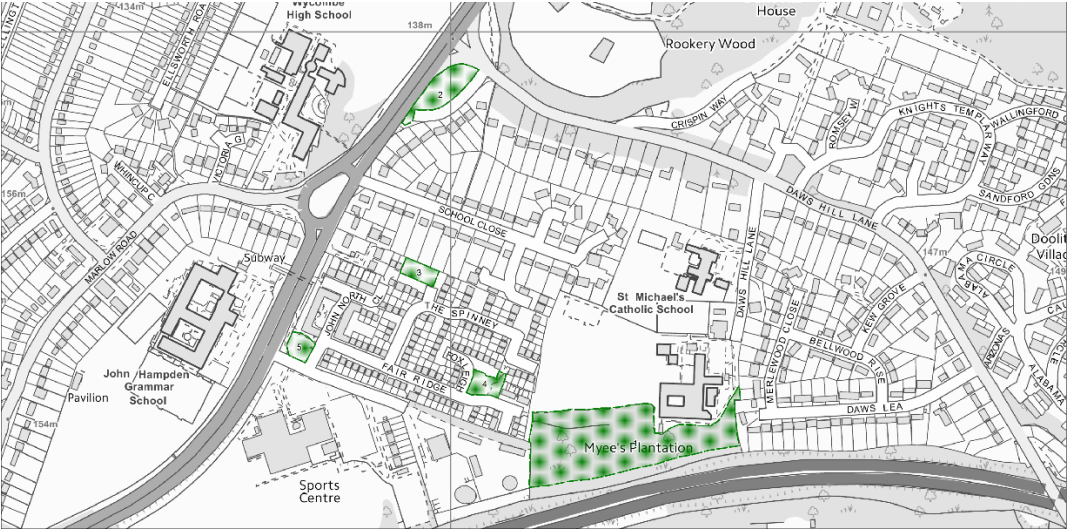
<https://www.wycombe.gov.uk/pages/Planning-and-building-control/Neighbourhood-planning/Daws-Hill-neighbourhood-plan.aspx>

Paper copies can be viewed during normal opening times at: Wycombe District Council, Council Offices, Queen Victoria Road, High Wycombe, HP11 1BB Buckinghamshire.

## Annex 1: Schedule of proposed Plan Modifications and WDC decision

Page no./ other reference	Modification	WDC decision / justification
Policy 1 Page 15	<p>Policy 1: Protection and Improvement of the Natural Environment</p> <p><b>Applicants for development which are identified as having the potential to impact on the biodiversity or habitat interest of a site, must demonstrate the specific measures which will be taken to avoid, minimise, mitigate or compensate for any significant harm arising from the development.</b> Applicants for development must undertake an ecological assessment of the development site and submit a statement describing any impacts and specifying measures to avoid, mitigate or compensate for any losses of habitat or biodiversity.</p> <p>Impacts that cannot be avoided should be mitigated for on-site through habitat preservation and enhancement, or creation within the green infrastructure of the site. Where this cannot be fully achieved on-site, compensation for the loss of biodiversity or habitat may be compensated for off-site through contributions to improving biodiversity in local green spaces. A biodiversity net gain for the NA will be expected whenever possible, in line with the NPPF Paragraph 109.</p>	Accept Examiner's recommendation and justification.
Policy 2 Page 16	<p>5.2.3 Policy 2: Trees, Hedgerows and Woodlands</p> <p>5.2.3.1 Development proposals in the Plan area will be <b>expected</b> required to retain existing trees and hedgerows and not to put at risk their future retention. Where this does not prove to be possible, development proposals will be permitted if it can be demonstrated through provision of a landscape scheme and management plan that the <b>application site</b> overall development will gain an equivalent or greater benefit from the provision of alternate and suitable indigenous replacement trees, planted in proportions and locations that maintain the woodland character of the area.</p> <p>5.2.3.2 Development proposals in the Plan area will be required to retain existing woodland and not to put at risk its future retention. Where this does not prove to be possible, removal or fragmentation of non-ancient woodland would only be permitted in exceptional circumstances and where it can be demonstrated that new woodland can be provided of at least an equal</p>	Accept Examiner's recommendation and justification.

Page no./ other reference	Modification	WDC decision / justification
	<p><del>area that can in the long term provide multiple benefits for local residents, the landscape, biodiversity and other environmental factors. New woodland must comprise native species, 20% of which should be non-timber species.</del></p>	
<p>Policy 3 Page 17</p>	<p>5.3.5 Policy 3: Local Green Spaces</p> <p>5.3.5.1 The following Local Green Spaces are designated and shown on Figure 3</p> <ul style="list-style-type: none"> <li>• the area of woodland, Myees Plantation, adjoining the M40 motorway (LGS1)</li> <li>• the area of grassland on the south side of the junction of Marlow Hill and Daws Hill Lane (LGS 2)</li> <li>• the area of land off The Spinney (LGS 3)</li> <li>• the area of land on Fair Ridge adjacent to Foxleigh (LGS 4)</li> <li>• <del>the area of grassland on the north side of the junction of Marlow Hill and Daws Hill Lane (LGS 5)</del></li> <li>• the area of land bordered by Fair Ridge, Marlow Hill and Fair Ridge access road (LGS 5<del>6</del>).</li> </ul> <p><b>Development will not be permitted in the areas designated unless it can be shown that very special circumstances exist.</b></p>	<p>Accept Examiner's recommendation and justification.</p>

Page no./ other reference	Modification	WDC decision / justification
Figure 3 Page 17	<p><i>Replace existing figure with the following figure, to reflect the deletion of LGS 5.</i></p> 	Accept Examiner's recommendation and justification.
Policy 4 Page 18	<p>Policy to be deleted.</p> <p><b>5.4.2 Policy 4: Recreation and Open Spaces</b></p> <p><del>5.4.2.1 The loss of existing formal open space, or open space with a recreational value, within the Plan area will not be supported unless:</del></p> <ul style="list-style-type: none"> <li><del><input type="checkbox"/> it can be demonstrated that there is no longer a community need for the land.</del></li> <li><del><input type="checkbox"/> the space to be lost is replaced by an equivalent or better level of provision within easy access of residents of the NA.</del></li> <li><del><input type="checkbox"/> the development is for alternative sports and recreation</del></li> </ul>	Accept Examiner's recommendation and justification.

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Para 5.4.1 Page 18	<p><i>Consequential change – paragraph to be deleted:</i></p> <p><del>5.4 Recreation and Open Spaces</del>  <del>5.4.1 Apart from the Local Green Spaces identified in Policy 3 above, St. Michael's School playing fields are the only spaces in the NA available for sporting and recreational use. It is important, therefore, that these areas are preserved for current use unless community demand for such facilities ceases to exist or alternative local areas are made available.</del></p>	This section should be deleted as it corresponds with a deleted policy.
Para 5.5.1 and following	<p><i>Paragraphs and policies to be renumbered as a result of the deletion of paragraph 5.4.1 and policy 4.</i></p>	To ensure the internal consistency of the Neighbourhood Plan
Policy 5 Page 19	<p>5.5.5 Policy 5: Backland Development</p> <p>5.5.5.1 <b>New residential development</b> Development proposals which result in uncharacteristic plot sizes and shapes, irregular spacing between buildings, or erodes the green and wooded character of the <b>immediate locality</b> Neighbourhood Area will be resisted.</p> <p>5.5.5.2 There will be a presumption against <b>new houses which are proposed to be development</b> within rear domestic gardens to respect and maintain the existing local character of Daws Hill and to protect the biodiversity, amenity, and flood and climate change mitigation value of these private green spaces. Backland development will only be supported where it can be demonstrated that there will be no adverse impact upon the following:</p> <ul style="list-style-type: none"> <li>• Local character—Building plots should be of similar size and shape to existing plots in the immediate locality, and buildings should be spaced and arranged in a manner which is consistent with that of the Character Zone within which they are located (as detailed within the Daws Hill Neighbourhood Area Character Assessment, 2016). Development should not result in the loss of roadside green features such as grass verges, hedgerows or trees.</li> <li>• Biodiversity and amenity value—Rear garden land which contributes either individually or as part of a larger stretch of green infrastructure to the amenity of residents or provides wildlife habitats should be retained.</li> </ul>	Accept Examiner's recommendation and justification.

Page no./ other reference	Modification	WDC decision / justification
Policy 6 Page 20	<p>5.6.5 Policy 6: Flooding and Drainage</p> <p>5.6.5.1 All developments will be expected to avoid increasing surface water run-off from the periphery of the site, or to avoid increasing surface water entering existing sewers. <del>Attention must be paid to all existing guidance documents such as Buckinghamshire County Council's Surface Water Management Plan, the Sustainable Urban Drainage Systems, and Natural England's advice.</del></p> <p><del>5.6.5.2 Developers need to consider the net increase in water and waste water demand to serve their developments and also any impact the development may have off-site further down the network if no/low water pressure and internal/external sewage flooding of property is to be avoided.</del></p>	Accept Examiner's recommendation and justification.
Paragraph 5.6.3 Page 19	<p><i>Insert new paragraph after paragraph 5.6.3:</i></p> <p><b>Attention must be paid to all existing guidance documents such as Buckinghamshire County Council's Surface Water Management Plan, the Sustainable Urban Drainage Systems, and DEFRA 's Technical Advice on Surface Water Flooding and Sustainable Urban drainage Systems,</b></p>	To bring effect to the Examiner's recommendation of moving the second half of paragraph 5.6.5.1 into the main text of the Neighbourhood Plan
Paragraph 5.6.4 Page 20	<p><i>Insert new paragraph after paragraph 5.6.4:</i></p> <p><b>Developers need to consider the net increase in water and waste water demand to serve their developments and also any impact the development may have off-site further down the network if no/low water pressure and internal/external sewage flooding of property is to be avoided.</b></p>	To bring effect to the Examiner's recommendation of moving paragraph 5.6.5.2 into the main text of the Neighbourhood Plan
Policy 7	5.7.6 Policy 7: Quality design	Accept Examiner's recommendation and justification.



Page no./ other reference	Modification	WDC decision / justification
	<p>5.7.6.1 Proposals for new development within the Plan area must seek to preserve and enhance the special character of the Daws Hill Neighbourhood Plan area, as detailed in the Daws Hill Neighbourhood Character Assessment, 2016 by:</p> <ul style="list-style-type: none"> <li>• recognising and reinforcing the distinct local character in relation to building heights, massing, spacing, positioning, layout, orientation, and materials.</li> <li>• <b>where it is appropriate</b>, incorporating high quality landscaping to mitigate the visual impact of the development and to ensure that proposals merge into the existing green and wooded context. Where appropriate, landscaping schemes should seek to include native species.</li> <li>• <del>retaining existing trees and planting, integrating these into the proposed development, and ensuring that the development results in a biodiversity net gain for the NA wherever possible in compliance with the NPPF paragraph 109.</del></li> <li>• [...]</li> </ul>	
Policy 8	<p>5.8.3 Policy 8: New Shops</p> <p>5.8.3.1 Proposals for new <b>shop(s)</b> <del>or renovated shop frontages</del> in the Plan area must:</p> <ul style="list-style-type: none"> <li>• <b>demonstrate that the impacts/effects on the residential community in terms of public transport, parking arrangements and buildings/facilities are properly considered and mitigated by appropriate measures.</b></li> <li>• <b>any shop front should</b> be of a high-quality design and where possible improve the character of their local environment. The design of frontages must complement the architectural design of the rest of the building where that building has historic or architectural merit. Signs for shop fronts must be well-designed at a suitable scale and if illuminated should be lit appropriately and discreetly.</li> <li>• <del>demonstrate that the impacts/effects on the residential community in terms of public transport, parking arrangements and buildings/facilities are properly considered and mitigated by appropriate measures.</del></li> </ul>	<p>The Examiner's justification is accepted; for clarity the alteration to the text is amended so that the new first bullet point follows on from paragraph 5.8.3.1. The second bullet point will be renumbered as a new paragraph, 5.8.3.2. This variation is typographical only and does not change the sense of the examiner's recommendation.</p>

Page no./ other reference	Modification	WDC decision / justification
Policy 9	<p>5.9.3Policy 9: Scale of Local Non-Residential and HMO Development</p> <p>5.9.3.1Proposals for non-residential and HMO development in the Plan area, including leisure, health and education facilities, will be supported where:</p> <ul style="list-style-type: none"> <li>• <del>they primarily seek to serve a local catchment. They must be</del> <b>particularly where they are</b> easily accessible via a variety of modes of sustainable transport and must not give rise to significant additional trips by private car. Accordingly, any proposal must demonstrate how it would not impact adversely on existing on-street parking or local highway safety.</li> <li>• commercial and business uses and HMOs are small in scale, <del>accessible via a variety of modes of sustainable transport,</del> and should not create a new focal point in the Plan area that would encourage greater levels of commercial activity or significant traffic movements in future. They should also be able to demonstrate that they will not impact adversely on existing residential amenity.</li> </ul>	<p>The Examiner's justification is accepted. For clarity the text is altered to delete the words "particularly where" from the first bullet point and insert the word "particularly" between "supported" and "where" at the end of paragraph 5.9.3.1. This variation is typographical only and does not change the sense of the examiner's recommendation.</p>
Numerous	<p>Minor modifications to reflect changes in the text as a consequence of the Examiner's recommendations, to correct typographical errors, and updating the date of the neighbourhood plan to September 2019 for the making of the neighbourhood plan.</p>	<p>To ensure the plan reads as a final document, ready for the referendum stage.</p>