

# INDEPENDENT EXAMINATION OF GREAT AND LITTLE KIMBLE-CUM-MARSH VILLAGE NEIGHBOURHOOD PLAN

EXAMINER: David Hogger BA MSc MRTPI MCIHT

James Good  
Great & Little Kimble cum Marsh Parish Council

Judith Orr  
Wycombe District Council

Examination Ref: 01/DH/GLK

Via email

3 March 2020

Dear Mr Good and Ms Orr

## GREAT AND LITTLE KIMBLE-CUM-MARSH NEIGHBOURHOOD PLAN EXAMINATION

Following the submission of the Great and Little Kimble-cum-Marsh Village Neighbourhood Plan (GLKNP) for examination, I would like to clarify several initial procedural matters. I also have a number of preliminary questions for the Great and Little Kimble-cum-Marsh Parish Council (GLKPC) as Qualifying Body and a smaller number for Wycombe District Council (WDC). These are attached as an Annex to this letter.

### 1. Examination Documentation

I can confirm that I am satisfied that I have received a complete copy of the submission GLKNP and accompanying documentation, including the Basic Conditions Statement, the Consultation Statement, the Habitats Regulations Assessment, the Sustainability Appraisal, the Site Assessment Report and the Regulation 16 representations, to enable me to undertake the examination.

Subject to my detailed assessment of the submission GLKNP, I have not identified any very significant and obvious flaws that might lead me to advise that the examination should not proceed.

### 2. Site Visit

I intend to undertake a site visit to the neighbourhood plan area during the week commencing Monday 9<sup>th</sup> March 2020. This will assist in my assessment of the draft Plan, including the issues identified in the representations.

The site visit will be undertaken unaccompanied. It is very important that I am not approached to discuss any aspects of the Plan or the neighbourhood area, as this

may be perceived to prejudice my independence and risk compromising the fairness of the examination process.

### 3. Written Representations

At this stage, I consider the examination can be conducted solely by the written representations procedure, without the need for a hearing. However, I will reserve the option to convene a hearing should a matter(s) come to light where I consider that a hearing is necessary to ensure the adequate examination of an issue, or to ensure that a person has a fair chance to put a case.

### 4. Further Clarification

I have a number of initial questions seeking further clarification from both the District and Parish Councils. I have set these questions out in the Annex to this letter. I would be grateful if a written response could be provided within **two weeks** of receipt of this letter.

### 5. Examination Timetable

As you will be aware, the intention is to examine the GLKNP (including conduct of the site visit) with a view to providing a draft report (for 'fact checking') within 4-6 weeks of submission of the draft Plan. However, as I have raised a number of questions, I must provide the opportunity for an appropriate response to be prepared. Consequently, the examination timetable will be extended but please be assured that I will seek mitigate any delay as far as is practicable. The IPe office team will seek to keep you updated on the anticipated delivery date of the draft report.

If you have any questions related to the conduct of the examination, which you would like me to address, please do not hesitate to contact the office team in the first instance.

In the interests of transparency, may I prevail upon you to ensure a copy of this letter and any subsequent response, are placed on the websites of the Parish Council and the District Council.

Thank you in advance for your assistance.

Your sincerely

*David Hogger*

Examiner

## ANNEX

From my initial reading of the submission draft Great and Little Kimble-cum-Marsh Neighbourhood Plan (GLKNP) and the supporting evidence, I have 4 questions for Wycombe District Council and 8 questions for the Great and Little Kimble-cum-Marsh Parish Council. I have requested the submission of a response within **two weeks** of receipt of this letter.

### **Questions for Wycombe District Council (4)**

1. It is suggested by a number of respondents (for example the facebook action group) that a small site should be defined as being less than 1ha in size (or less than 20 dwellings) and that if that were the case, it would accord with the advice in paragraph 68 of the National Planning Policy Framework (NPPF), which states that at least 10% of the Council's housing requirement should be on sites of no larger than one hectare. Two sites, 14 and 17a, are larger than 1ha. Are the District Council satisfied that all the sites identified in the Neighbourhood Plan are appropriate in terms of scale and size and that sufficient consideration has been given to the requirements of local plan policy RUR6 in this respect?

2. Paragraph 2.6 of the Neighbourhood Plan refers to a number of infrastructure improvements, including 'improvements' to the railway bridge and the junctions between the B4009, the A4040 and Marsh Road. The Parish Council suggest widening Marsh Road and providing a route for pedestrians, cyclists and horse riders along the road. As far as I am aware the District and County Councils have not objected to these aspirations of the Parish Council. Could the District Council confirm the current status of the more strategic infrastructure improvements, indicate when these improvements may be implemented and confirm that the proposed allocations (with the exception of Site 15) are not dependent on such infrastructure being in place (or at least the details being finalised).

3. There is a reference to 'phasing' in the emboldened text beneath paragraph 5.16 of the GLKNP which lacks clarity. I surmise that it is intended to aid implementation of policy RUR6 of the Wycombe District Local Plan which states that 'development should be phased to be delivered over the lifetime of the local plan'. Bearing in mind it is the District Council that will be taking decisions on any planning applications that come forward on the allocated sites, how does the District Council envisage that satisfactory phasing of development can be achieved?

4. Concerns have been expressed regarding the public consultation carried out on the GLKNP. Could the District Council confirm that it considers the consultation to have been undertaken appropriately?

### **Questions for Great and Little Kimble-cum-Marsh Parish Council (8)**

1. Policy RUR6 of the adopted Wycombe District Local Plan establishes the framework for the more detailed policies in the Neighbourhood Plan.

Firstly, one of the requirements of the policy is for an assessment of the capacity of the landscape to accommodate development without having a major impact on the

setting of the Chilterns Area of Outstanding Natural Beauty. I would be grateful if the Parish Could advise whether this assessment has been undertaken for all the proposed sites, where are the 'results' recorded and why is there no section on 'Landscape' in Section 2 of the GLKNP?

Secondly, please provide further advice as regards the assessment of the relationship between the potential housing sites and public transport services, including the capacity of such services to support improvements? Can the Parish Council confirm that the traffic implications/highway safety consequences of the proposed allocations have been properly considered, including in terms of pedestrian and equestrian movements?

2. There are various references to the twin tracking of the local railway line but no reference to it in the section on page 9 entitled 'Railway'. Would it be possible to indicate the current status of this infrastructure improvement and highlight any potential consequences for the contents of the GLKNP. If insufficient detail is currently known, then reference could be made as to when the matter is expected to be considered in more detail.

3. The policies for two sites, 1 and 17A, refer to the provision of a Village shop. Firstly, what is the evidence that a shop in the village would be viable; secondly what work has been done to establish which location would be most appropriate for a shop (what sites have been considered?); and thirdly why are contributions towards the provision of a shop only required from 2 of the allocated housing sites? I note that the District Council state that, in its opinion, site 14 is the best location for a shop. Can the Parish Council explain its approach, bearing in mind there is currently a lack of clarity and certainty?

4. With regard to policy KIM2:

- In the 4<sup>th</sup> bullet point how will the decision maker know which views to the open countryside should be maintained and what size any landscape buffers should be?
- The 5<sup>th</sup> bullet point lacks clarity and it is not clear to me what is the justification for the reference to 'no more than 15 metres .... measured at an angle of 45 degrees upwards from the lower point'? Could the Parish Council explain the justification for this requirement?
- The requirement, regarding open space maintenance, in the 6<sup>th</sup> bullet point is unclear. Has consideration been given to the use of a Management Company, or indeed could the Parish Council become responsible for such maintenance, subject to a contribution towards maintenance being secured from the developer?
- In the 7<sup>th</sup> bullet point, how would a 'nearby' property be defined?
- In the 9<sup>th</sup> bullet point, are there any specific walking, cycling and horse-riding facilities/improvements that have been identified for implementation? Would every form of new development in the Parish be expected to contribute towards their provision?
- Does bullet point 10 accurately reflect the guidance in the Buckinghamshire County Council parking guidance?
- How would a decision-taker know what is 'appropriate private garden space' (14<sup>th</sup> bullet point)?

**5. With regard to policy KIM3:**

- The second paragraph of the policy refers to ‘a package of public transport, footpath and highway improvements’. There is a reference in paragraph 5.11 to upgrading Grove Lane and twin tracking the railway line but no reference to public transport or footpath improvements. Please could you explain what is the status of these ‘improvements’ and has any timetable for their implementation been agreed?
- What is the justification for requiring financial contributions to fund infrastructure improvements from only two of the proposed housing sites – Grove Lane (site 1) and Doe Hill Farm (site 17A)?
- The 4<sup>th</sup> bullet point regarding the Laurels, Marsh Road (site 10) requires all new buildings to front on to Marsh Road. What is the justification for this approach and would it result in the most appropriate form of development for the site?
- With regard to land off Kimblewick Road (site 14) the last bullet point requires the provision of a single access to the site and yet the fifth bullet point proposes that all new development should front either Kimblewick Road and/or Grove Road. Could the Parish Council please clarify what would be expected and why having more than one vehicular access to the site would be harmful?
- There are a number of issues that would need to be addressed before land south of Grove Lane (site 15) could be developed and paragraph 5.15 makes it clear that the site would not be released until details of infrastructure improvements are finalised. Why is this strong impediment to the early development of this site not set out within the policy itself? Has consideration been given to identifying the land as a reserve site?
- Bearing in mind the constraining issues raised in the bullet point above regarding site 15, why was further consideration not given to site 20 (rear of The Chequers), especially as I understand that planning permission has been granted for development on the adjacent site (The Orchards), which would include access from the main road to the boundary of The Chequers site.

**6.** Is the emboldened section of text after paragraph 5.16 intended to be a separate policy or part of KIM3? The paragraph includes what I would describe as a ‘loose’ phasing mechanism. Is there any preliminary indication as to when the various infrastructure improvements will be implemented in order that the commitment to phasing, as required by policy RUR6 of the Wycombe District Local Plan, can be strengthened? As it stands, you will appreciate it would be difficult for the decision taker to understand how the ‘policy’ should be interpreted and implemented.

**7.** Policy KIM8 affords protection to International Habitats but there is no reference to matters of national and more local biodiversity. Chapter 15 of the NPPF requires policies to contribute to and enhance the natural and local environment. Is the Parish Council satisfied that such recognition and protection is provided through the relevant policies of the Wycombe District Local Plan (Aug 2019)?

**8.** The monitoring and review of Plans is an important component in the plan-making process, in order to ascertain whether or not the policies are effective. There is currently no mention in the GLKNP of monitoring or the future role of the Parish Council in this process, working with the District Council. Does the Parish Council have a view on this?