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# **Report on Great and Little Kimble-cum-Marsh Neighbourhood Plan 2013-2033**

**An Examination undertaken for Wycombe District Council with the support of the Great and Little Kimble-cum-Marsh Parish Council on the submission version of the Plan, dated November 2019.**

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Date of Report: 1 April 2020

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## **Main Findings - Executive Summary**

From my examination of the Great and Little Kimble-cum-Marsh Neighbourhood Plan (the Plan/GLKNP) 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 Great and Little Kimble-cum-Marsh Parish Council;
- The Plan has been prepared for an area properly designated – the Neighbourhood Area as shown on Plan A of the Plan;
- The Plan specifies the period to which it is to take effect – 2013-2033; 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**

### *Great and Little Kimble-cum-Marsh Neighbourhood Plan 2013-2033*

- 1.1 The Parish of Great and Little Kimble-cum-Marsh lies between Princes Risborough to the south and Aylesbury to the north. I saw on my visit that the area is predominantly rural in character with small clusters of development, for example at Great Kimble, Little Kimble, Smokey Row and Marsh. There are a number of community facilities, including a primary school, churches, public house and village hall. The locality is served by bus routes, for example between Aylesbury, Princes Risborough and High Wycombe and there is a small unstaffed railway station with trains serving Aylesbury and Princes Risborough, with some through services to London Marylebone. There is currently no shop.
- 1.2 The Parish includes a small area of Green Belt land to the south-east and about 25% of the Parish lies within the Chilterns Area of Outstanding Natural Beauty (AONB). I saw that much of the land is used for arable farming and grazing.

- 1.3 The initial impetus to prepare the GLKNP stemmed from the fact that the adopted Wycombe District Local Plan (WDLP), in policy RUR6, requires 160 homes to be provided in the Parish between 2013 and 2033. There continue to be objections from local residents to this scale of proposed growth, but the Local Plan has been adopted and should be implemented. Consequently, in order to manage the proposed increase in housing, the decision to prepare a neighbourhood plan was taken by the Parish Council in January 2017. The first significant opportunity for local residents to contribute to the process was in the autumn of that year and a range of consultation events have taken place since then.<sup>1</sup>

#### *The Independent Examiner*

- 1.4 As the Plan has now reached the examination stage, I have been appointed as the examiner of the GLKNP by Wycombe District Council (WDC), with the agreement of the Great and Little Kimble-cum-Marsh Parish Council (GLKPC).
- 1.5 I am a chartered town planner and former government Planning Inspector, with extensive experience in the preparation and examination of development plans and other planning documents. 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:

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<sup>1</sup> See Consultation Statement Report November 2019.

- 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 making of the neighbourhood development plan does not breach the requirements of

## 2. Approach to the Examination

### *Planning Policy Context*

- 2.1 The Development Plan for this part of Wycombe District, not including documents relating to excluded minerals and waste development, is the Wycombe District Local Plan 2033 (WDLP), which was adopted on 19 August 2019, and the Delivery and Site Allocations Plan for Town Centres and Managing Development (DSA) (2013).
- 2.2 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. A revised NPPF was published on 19 February 2019, and all references in this report are to the February 2019 NPPF and its accompanying PPG.<sup>3</sup>

### *Submitted Documents*

- 2.3 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the draft submission GLKNP 2013-2033 (dated November 2019);
  - Plan A of the GLKNP, which identifies the area to which the proposed Neighbourhood Development Plan relates;
  - the Consultation Statement (dated November 2019);
  - the Basic Conditions Statement (dated November 2019);
  - all the representations that have been made in accordance with the Regulation 16 consultation;
  - the Habitats Regulations Assessment (dated April 2019);
  - the Sustainability Appraisal (dated September 2019);
  - the Site Assessment Report (dated November 2019); and
  - the request for additional clarification sought in my letter of 3 March 2020 and the responses dated 10 March 2020 (provided by GLKPC) and 12 March 2020 (provided by WDC).<sup>4</sup>

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<sup>2</sup> This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

<sup>3</sup> See paragraph 214 of the NPPF. The Plan was submitted under Regulation 15 to the local planning authority after 24 January 2019.

<sup>4</sup> View at: [The Council's website](#)

### *Site Visit*

- 2.4 I made an unaccompanied site visit to the Neighbourhood Plan Area on 10 March 2020, to familiarise myself with the locality, and visit relevant sites and areas referenced in the Plan and evidential documents.

### *Written Representations with or without Public Hearing*

- 2.5 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*

- 2.6 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 listed these modifications separately in the Appendix.

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

### *Qualifying Body and Neighbourhood Plan Area*

- 3.1 The GLKNP has been prepared and submitted for examination by GLKPC, which is a qualifying body for an area that was designated by WDC on 13 November 2017.
- 3.2 It is the only Neighbourhood Plan for the locality and does not relate to land and outside the designated Neighbourhood Plan Area.

### *Plan Period*

- 3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2013 to 2033.

### *Neighbourhood Plan Preparation and Consultation*

- 3.4 The Consultation Statement Report (and accompanying Appendices), dated November 2019, summarises the consultation that has taken place. Surveys have been undertaken, consultation exercises have taken place and public meetings have been held. Appropriate use has been made of the Parish Council web-site to engender interest.
- 3.5 The process has been sufficiently thorough, and I consider that the opportunity to contribute to the preparation of the GLKNP has been



available to all interested parties at the appropriate stages in the formulation of the Plan, including at both the Regulation 14 stage (9 May – 20 June 2019) and the Regulation 16 stage (8 January 2020 – 18 February 2020).

- 3.6 I note that the District Council considers that the consultation has been undertaken in line with the legislative requirements<sup>5</sup>, and overall I am satisfied that all the relevant statutory requirements in the 2012 Regulations have been met. I am also content that, in all respects, the approach taken towards the preparation of the GLKNP and the involvement of interested parties in consultation, has been conducted through a transparent, fair and inclusive process and regard has been had to the relevant national advice on plan preparation and engagement.

#### *Development and Use of Land*

- 3.7 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*

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

#### *Human Rights*

- 3.9 Neither WDC nor GLKPC has concluded that the Plan breaches Human Rights (within the meaning of the Human Rights Act 1998), and no representations have been made to this effect. From my independent assessment, I see no reason to disagree.

### **4. Compliance with the Basic Conditions**

#### *EU Obligations*

- 4.1 The Neighbourhood Plan was screened for Strategic Environmental Assessment (SEA) by WDC, which found that it was necessary for an SEA to be undertaken. This requirement is embedded within the production of the wider Sustainability Appraisal (SA), dated September 2019. Having read the Screening Opinion and the SA, I am satisfied that proper consideration has been given to EU obligations in this regard.
- 4.2 The GLKNP has also been subject to a Habitats Regulations Assessment (April 2019) which concludes that, in combination with the requirements of the adopted WLP, there would be no adverse impact on the three

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<sup>5</sup> See Council's response to my initial Questions.

identified European sites.<sup>6</sup> From my independent assessment of this matter, I have no reason to disagree, especially as there were no objections raised by Natural England or other interested parties in this regard.

### *Main Issues*

- 4.3 I have approached the assessment of whether or not the GLKNP complies with the Basic Conditions under two main headings:
- General issues of compliance of the Plan, as a whole; and
  - Specific issues of compliance of the Plan policies.

### *General Issues of Compliance of the Plan*

#### National Policy, Sustainable Development and the Development Plan

- 4.4 The policies in the GLKNP are set out in chapter 5 of the document and the accompanying Basic Conditions Statement (November 2019) satisfactorily sets out how the policies align with national and local policies and EU legislation. I am satisfied that an appropriate approach has been taken by GLKPC to ensure that the document does not unnecessarily repeat national or local planning policies.<sup>7</sup>
- 4.5 The Vision and Objectives for the area are succinctly and clearly set out in paragraphs 5.1 and 5.2 of the Plan and appear to broadly reflect the aspirations of the local community. There is strong emphasis on protecting the rural character and appearance of the area whilst at the same time seeking to secure viable new community services and encouraging the success of the existing schools and local businesses.
- 4.6 The need to achieve sustainable development is a key national objective and I am satisfied that all three dimensions to such development (economic, social and environmental) have been taken into account in the preparation of the GLKNP. Subject to the detailed comments on the individual policies that I set out below, I conclude that the GLKNP has had proper regard to national policy and guidance and would contribute to the achievement of sustainable development.
- 4.7 I conclude that the GLKNP is in general conformity with the strategic policies of the Wycombe Development Plan and that overall, the GLKNP provides an appropriate framework that will facilitate the achievement of the stated Vision and Objectives. Subject to the modifications that I recommend below, I conclude that the GLKNP meets the Basic conditions. I also consider that the policies (as amended) are supported by

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<sup>6</sup> Aston Rowant Special Area of Conservation (SAC), Burnham SAC and Chiltern Beechwoods SAC.

<sup>7</sup> NPPF, paragraph 16 f).

appropriate evidence, are sufficiently clear and unambiguous and that they can be applied consistently and with confidence.<sup>8</sup>

### *Specific Issues of Compliance of the Plan Policies*

#### Introduction and Background

- 4.8 The introductory paragraphs identify the settlements within the Parish and explain the purpose of the Neighbourhood Plan and the conditions that apply to the formulation of its content. Reference is made to the pre-submission Plan, the Sustainability Appraisal and the Habitats Regulations.

#### The Neighbourhood Area

- 4.9 Section 2 of the GLKNP briefly describes the characteristics of the Parish and has sub-sections relating to land use, amenities, roads, pedestrian amenities, railway, listed buildings and historic sites, employment, population, housing stock, drainage and communications/services. This section provides a sufficiently detailed assessment of the Parish and its characteristics and appropriately sets the scene for the more detailed policies that are to follow.

#### Planning Policy Context and Community Views

- 4.10 Section 3 of the document clearly identifies the existing planning policy framework for the area (at national and strategic level) and in particular provides a clear and helpful summary of the policies in the Wycombe Development Plan which are relevant to the Parish. This includes policy RUR6, entitled 'Great and Little Kimble-cum-Marsh Parish', which sets out the requirement for 160 homes to be accommodated within the Parish and the factors that will need to be taken into account in the distribution of that growth.
- 4.11 Among the other Local Plan policies that are referred to are Policy CP8, which seeks to afford protection to the Green Belt and policy CP10, which seeks to protect the Chilterns AONB.
- 4.12 Section 4 summarises the way that local people were invited to comment on the potential housing sites and confirms that the results of this consultation were used by the Parish Council to assist in ranking the sites, thus informing the final choice of site allocations.

#### Vision and Objectives

- 4.13 The Vision for the area is one where the rural characteristics of the Parish are retained, with all new development being located and designed to a high quality, thus ensuring that it assimilates well into the existing fabric of the community and in particular does not harm the character of the

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<sup>8</sup> PPG Reference ID: 41-041-20140306.

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AONB. The gap between the 'new' edge of Princes Risborough and Great Kimble will have been protected, thus retaining the separation between the town and the village.

- 4.14 It is anticipated that traffic management measures will be implemented to reduce the effects of increased road use and that there will be an increase in the use of buses and trains. Schools and local businesses should be thriving.
- 4.15 The achievement of this Vision is then succinctly translated into a list of 6 Objectives which I consider to be appropriate and justified and reflective of the aspirations of the local community.

#### *KIM1 Settlement Boundaries*

- 4.16 The settlement boundaries of Great Kimble (including Smokey Row) and Little Kimble are clearly defined on the submission inset map (page 32 of GLKNP) and follow the discernible settlement edge. There are small pockets of development that remain outside the boundaries, but I am satisfied that their exclusion is fully justified in order to ensure that the intrinsically rural character of this locality is retained.
- 4.17 Policy KIM1 does make allowance for some appropriate development in the countryside but correctly directs most new building to within the settlement boundaries. The approach being taken is clear and I am satisfied that the delineated settlement boundaries, as shown on the plan on page 32, are justified. Policy KIM1 meets the Basic Conditions.

#### *KIM2 Design Principles*

- 4.18 It is clear that the Parish Council has taken on board the views of local residents and has placed considerable emphasis on the need to achieve high quality sustainable design in all new development. Such an approach accords with the advice in chapter 12 of the NPPF, which confirms that plans should 'set out a clear design vision and expectations' and that they should be 'developed with local communities so they reflect local aspirations'.
- 4.19 In the interests of consistency, the first bullet point in KIM2 should also refer to 'preserving' heritage assets<sup>9</sup> and the reference to 'where practical' should be deleted (**PM1**) because it is not clear how a decision maker would measure 'practicality'. In the third bullet point the word 'affect' should be replaced by 'effect' (**PM2**).
- 4.20 In the fourth bullet point, it is not clear how a decision maker would decide which existing views from a site should be maintained. It could be interpreted as meaning that all views to the open countryside should be protected. This would not be reasonable and therefore consideration

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<sup>9</sup> To accord with the Planning (Listed Buildings and Conservation Areas) Act 1990.  
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should be given only to those views whose protection is justified. Similarly, with regard to the landscape buffers, it should be clarified that such areas should be reasonable and justified and the bullet point should be amended accordingly (**PM3**).

- 4.21 The fifth bullet point draws on the advice in the District Council's Residential Design Guidance (June 2017) but it is unduly specific and the Parish Council's aspirations regarding levels of privacy and outlook would be better served by a more over-arching requirement. I therefore recommend (**PM4**).
- 4.22 With regard to bullet point 6, there should be increased clarity regarding the mechanics of open space provision and a reference to the need to agree the timescale for the implementation of any maintenance agreement and therefore **PM5** is recommended.
- 4.23 The seventh bullet point lacks clarity regarding the definition of 'similar but not closer' and therefore **PM6** is recommended. Similarly, bullet point 9 requires 'tightening up' with regard to the need to justify such improvements and therefore I recommend **PM7**.
- 4.24 In the tenth bullet point there should be an 's' at the end of 'owner' (in the third line)<sup>10</sup> and it should be made clearer that the driveways should be within the plot and I recommend accordingly in **PM8**. It would be clearer for the policy to confirm that garages will be treated as a car parking space if they meet the minimum size in the Buckinghamshire County Council parking guidance (or any successor document) and **PM9** is therefore recommended.
- 4.25 For purposes of clarity I recommend, in **PM10**, that the word 'garden' (space) in the fourteenth bullet point be replaced by 'amenity', so that all eventualities are covered.
- 4.26 To clarify more accurately what is required, in terms of housing quality, I recommend that bullet point 15 is replaced as set out in **PM11**.
- 4.27 Design is an important factor to be considered and I am satisfied that the GLKNP (in association with the WDLP) establishes a clear framework in this regard and that policy KIM2 (as modified) meets the Basic Conditions.

### *KIM3 Housing Site Allocations*

- 4.28 Policy RUR6 of the WDLP requires 160 homes to be developed in the Parish between 2013 and 2033. The GLKNP allocates four sites for housing and there is a further site which is described in paragraph 5.17 as being a reserve site (site 15). In total, the four proposed sites would accommodate about 110 new homes. A total of 36 dwellings have already

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<sup>10</sup> Paragraph 10(3)(e) of Schedule 4B to the 1990 Act provides for the making of modifications to correct errors.

been granted planning permission in the Parish since 2013. This leaves a shortfall of 14 dwellings, which the Parish Council anticipate would be provided on windfall sites. If monitoring the housing provision identifies a likely shortfall before 2033, then the opportunity to 'release' site 15 would be considered (see paragraphs 4.59 and 4.60 of this report).

- 4.29 Concerns were raised by respondents regarding whether or not sites 14 and 17a should have been included because they are over 1ha in size and therefore may not be compatible with the advice in paragraph 68 of the NPPF which states that at least 10% of the Council's housing requirement should be identified on sites no larger than one hectare. However, the WDLP, in paragraph 5.5.44 states that 'whether sites are small or not will be assessed against how much they expand the village to which they are adjacent and the extent to which they are compatible with the existing structure of the landscape'.
- 4.30 Having visited the sites and bearing in mind the advice in the adopted WDLP, I am satisfied that the size and scale of all the allocation sites is appropriate and that the character of the Parish and the quality of the surrounding landscape will not be unduly harmed. I note that the District Council considers all the allocation sites to be appropriate in terms of scale and size.<sup>11</sup>
- 4.31 For ease of reference I consider each site independently in the following paragraphs.

#### Site 1: Land at Grove Lane (West)

- 4.32 This is a relatively 'central' site which could accommodate about 11 dwellings. The policy correctly refers to the need to take into account the potential re-aligning of Grove Road and the possible widening of the railway. The other criteria appear to be fully justified and I am satisfied that the policy meets the Basic Conditions.
- 4.33 I refer to the provision of a shop in the Parish in paragraphs 4.46 and 4.47 of this report.

#### Site 10: Land at the Laurels, Marsh Road

- 4.34 This site could accommodate about 14 dwellings. I consider it would be unduly restrictive to require that all new buildings front on to Marsh Road (fourth bullet point) and indeed having visited the site I do not consider that this could be achieved successfully. Whilst I agree that development should reflect the rural character of the area, that could be achieved without requiring all new buildings to front on to Marsh Road. I recommend that bullet point 4 be amended accordingly (**PM12**).

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<sup>11</sup> See Council's response to my Questions.

- 4.35 It would be unreasonable to expect all off-site water and drainage issues to be addressed by the development of this site. Only issues arising from the development should be tackled and therefore I recommend **PM13**.

#### Site 14: Land off Kimblewick Road

- 4.36 This site could deliver about 45 homes and on my visit, I could see no significant impediment to its successful development. In the interests of consistency, the reference to '0.5 acres' should be transposed into hectares and I recommend accordingly in **PM14**. In the same bullet point, greater clarity is required regarding the management of the proposed open space and therefore **PM15** is recommended.
- 4.37 Bullet point 5 refers to all new buildings fronting on to either Kimblewick Road and/or Grove Road and I am not satisfied that such a requirement is essential. I agree that good design and layout is a paramount consideration but there may be other ways that such a requirement could be achieved. I therefore recommend that bullet point 5 be amended accordingly (**PM16**).
- 4.38 The seventh bullet point requires only one access to the site (from Kimblewick Road). It is not clear to me why a site of this size should only be served from one access point. I agree that the quality of the design and layout of the site (including highway safety) is an important consideration but it is for the developer to demonstrate how this objective can best be achieved. Consequently, I recommend that bullet point be amended by removing reference to 'a single access point' and by improving the clarity of the wording (**PM17**).

#### Site 15: Land South of Grove Lane

- 4.39 Paragraph 5.15 of the GLKNP confirms that site 15 should not be released for development until infrastructure improvements are finalised and it has been confirmed that the site is required to meet the housing target of policy RUR6 of the WDLP. Greater emphasis should be placed on confirming the status of this site and therefore **PM18** is recommended.

#### Site 17A: Land at Doe Hill Farm (Lower)

- 4.40 It is anticipated that this site could accommodate about 40 dwellings. Bullet point 8 refers to the possibility of the site accommodating a small retail unit and I deal with the issue of the proposed shop below in paragraphs 4.46 and 4.47.

#### Phasing Delivery

- 4.41 The policy continues after the text in paragraph 5.16 and addresses the matter of delivery. In order to aid clarity, this part of policy KIM3 should have a sub-title: 'Phasing Delivery' and I recommend accordingly (**PM19**).

Also, in the interests of clarity, the last part of the phasing policy should be amended as set out in **PM20**.

#### Conclusion on Housing Allocations (Policy KIM3)

4.42 I am satisfied that the housing allocation policies are in general conformity with the strategic policies of the Development Plan for the area, have regard to national policies and in all other regards meet the Basic Conditions.

#### Potential Housing Sites that are not Allocated

4.43 There are four potential housing allocations which were assessed in the Sustainability Appraisal (SA) but which have not been allocated in the GLKNP (sites 4, 7, 17b and 20). I have carefully considered the findings of the SA, the Site Assessment Report, the submissions of the interested parties in respect to those sites and the opinions of local residents (including the ranking of potential sites as set out on page 36 of the Consultation Statement Appendix, dated November 2019). I also viewed the sites (as far as is possible) from adjacent roads, when I undertook the site visit.

4.44 I agree with the conclusion in paragraph 3.6 of the Site Assessment Report which concludes that 'there is no stark difference between any of the sites assessed; none stand out as having either significant positive effects or adverse effects to the extent that the site selection choice is obvious'.

4.45 There has been criticism of the Parish Council's approach but bearing in mind there is little to differentiate between a number of the sites, I conclude that in the circumstances the GLKPC has taken a reasonable and justified approach towards site selection and has attached appropriate emphasis on the site selection choices of local residents. In circumstances such as this I consider it to be reasonable for the GLKPC to place emphasis on the results of the public consultation and in particular the ranking of potential allocation sites. There is no substantive evidence that would lead me to conclude that there has been a significant change in the views of the local community with regard to site selection. I acknowledge that over time, circumstances regarding a particular site might change but this should be identified and acted upon through the monitoring process, to which the Parish Council is now committed (see paragraphs 4.59 and 4.60 below).

#### The Potential Retail Unit

4.46 Neither the Vision nor the Objectives (as set out on page 16 of the Plan) refer specifically to the provision of a shop in the Parish. The only two references to such provision are in the allocations at Grove Lane West (site 1) and Land at Doe Hill Farm (site 17a), but in both cases the provision of a shop is not a specific requirement – both references start



with the words: 'If the development includes a proposal for a small shop ....'.

- 4.47 This approach does not provide certainty to the decision-maker, but I acknowledge that in current circumstances such 'certainty' may be difficult to achieve, particularly in terms of viability and highway implications. The Parish Council is aware of the viability issues but suggests that if a community group could be set up to operate the facility, then this would support the needs of a growing community in a sustainable way. Having considered the alternatives, I conclude that the Parish Council is justified in taking the approach that it has and that reliance will need to be placed on the information that is available at the time any decision on the provision of a shop is made.

#### *KIM4 Schools*

- 4.48 It is clear that the two schools within the Parish (a Church of England Primary School and a private junior school with nursery provision) are of significant value to local residents and policy KIM4 seeks to support appropriate improvements to the facilities available. Such an approach is consistent with paragraph 94(a) of the NPPF, which confirms that great weight should be given 'to the need to create, expand or alter schools' and on that basis policy KIM4 meets the Basic Conditions.

#### *KIM5 Landscape Buffer*

- 4.49 The WDLP identifies a Strategic Buffer up to the southern boundary of the Parish – this policy just extends that Buffer up to the proposed settlement boundary of Great Kimble.
- 4.50 I saw on my visit the proximity of the Parish to Monks Risborough and the adjacent Princes Risborough, where I understand significant growth is proposed. It is clear to me that local residents are keen to protect the character of what is described as a 'countryside parish' and bearing in mind the proximity of the Chilterns AONB I agree that this is a valid objective. Therefore, the identification of the landscape buffer would afford an appropriate level of protection to this land, whilst not preventing appropriate small-scale development and I conclude that such an approach, as embodied in policy KIM5, meets the Basic Conditions

#### *KIM6 Employment*

- 4.51 There are a small number of established business sites within the Parish and policy KIM6 provides support for their appropriate extension and/or intensification. Such an approach is compatible with national advice and with policy DM28 of the WDLP.
- 4.52 The fourth bullet point in the policy refers only to the access to the site but there may be implications on the wider highway network, and this

should be acknowledged in the policy, and I recommend accordingly (**PM21**).

- 4.53 It is possible that some of the existing site boundaries, as referred to in bullet point 8, would not be conducive to use as a habitat corridor and therefore the requirement should only be imposed where the provision of such a corridor is justified and can be successfully achieved (**PM22**). With these amendments, policy KIM6 meets the Basic Conditions.

#### *KIM7 Community and Leisure Uses*

- 4.54 Policy KIM7 provides qualified support for improving existing community or leisure facilities or providing appropriate new facilities. Such an approach is consistent with advice in chapter 8 the NPPF<sup>12</sup> and the policy meets the Basic Conditions.

#### *KIM8 Protecting International Habitats*

- 4.55 Conserving and enhancing the natural environment is a key element of national policy<sup>13</sup> and policy KIM8 affords protection to the Chiltern Beechwoods SAC (which covers much of the southern half of the Parish) and other European sites.
- 4.56 There is no reference to matters of national and more local biodiversity within the GLKNP and it has been suggested by Natural England that, for example, specific protection should be given to Sites of Special Scientific Interest, Local Wildlife Sites and habitats of national importance. However, the Parish Council has confirmed that it is satisfied that such issues are appropriately covered by the WDLP and having read, for example, policies CP10 and DM34 of the adopted Local Plan, I have no reason to disagree with the Parish Council. Those local plan policies afford protection to assets of local importance, seek to improve their management and require new development to protect and enhance biodiversity both on and off site. I conclude that there would be no significant value in repeating existing policies.
- 4.57 In the interests of clarity and consistency, the two references to 'where practical' should be deleted from the second sentence (**PM23**).

#### *KIM9 Section 106 Agreements*

- 4.58 Policy KIM9 requires development proposals to include, where appropriate, a financial contribution towards the costs of improving movement through the Parish and the maintenance of open space and community facilities. However, the need for financial contributions is only referred to in the policies for sites 1 and 17a. It is important that a consistent approach to Agreements is required and therefore I

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<sup>12</sup> Promoting healthy and safe communities.

<sup>13</sup> NPPF chapter 15.

recommend that reference to financial contributions is made in all the other allocation policies (**PM24**). In this way, the GLKNP will meet the Basis Conditions.

### *Implementation and Monitoring*

- 4.59 Chapter 6, entitled Implementation, explains the role of the Parish Council in the consideration of planning applications and lists potential infrastructure improvements for which developers' contributions could be sought. In this list, the reference in (i) should be to Marsh Road (not Lane) and I recommend accordingly (**PM25**). However, there is no reference to the monitoring of the GLKNP. Although the District Council is committed to the monitoring of the WDLP (chapter 7), there is an onus on the Parish Council to ensure that the policies in the Neighbourhood Plan remain relevant and are being implemented in a consistent and justified manner. It is important to be able to demonstrate that the policies are effective. In particular, monitoring will enable the Parish Council to decide whether or not the development of the reserve site (site 15) should be supported.
- 4.60 To this end the Parish Council has confirmed<sup>14</sup> that it would commit to a regular monitoring process and therefore I recommend **PM26** which proposes the inclusion of a brief reference to the need for monitoring to be undertaken by the Parish Council.

## **5. Conclusions**

### *Summary*

- 5.1 The GLKNP 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.
- 5.4 The Great and Little Kimble-cum-Marsh Neighbourhood Plan as modified has no policy or proposals which I consider significant enough to have an

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<sup>14</sup> See response to Examiner's Questions.

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*

- 5.5 There has been significant community involvement in the preparation of the GLKNP and the Parish Council has addressed some difficult issues. The allocation of housing sites inevitably raises the concerns of some local residents but I am satisfied that the Parish Council has tackled the issues in a fair and inclusive way and that the submitted document is a reasonable reflection of the views of local people. The efforts of the Parish Council in this regard should be acknowledged and I am confident that the Plan, if made, will become a valuable element in the planning policy framework for the locality.

*David Hogger*

Examiner

## **Appendix: Modifications (26)**

<b>Proposed modification number (PM)</b>	<b>Page no./ other reference</b>	<b>Modification</b>
PM1	Policy KIM2 Page 18	Amend the first bullet point to read:  Any new development must <del>protect</del> <b>preserve</b> and where practical enhance heritage assets .....
PM2	Policy KIM2 Page 18	In the third bullet point replace affect by <b>effect</b> .
PM3	Policy KIM2 Page 18	Revise the fourth bullet point to read:  Where appropriate, any new development should <del>maintain</del> <b>incorporate</b> views <b>towards</b> the open countryside and <del>incorporate</del> <b>include reasonable and justified</b> landscape buffers between the site and any adjoining existing residential property.
PM4	Policy KIM2 Page 18	Amend the fifth bullet point as follows:  The building design of any new residential dwelling should avoid overlooking or being overlooked by any other (new or existing) dwelling <b>and appropriate levels of privacy, together with a good outlook, should be achieved.</b> <del>Where a front or rear window in a habitable room faces a blank wall whose height exceeds the highest point of the window, there should be no more than 15 metres between the highest point of the window and the top of the wall measured at an angle of 45 degrees upwards from the lower point.</del>

PM5	Policy KIM2 Page 18	Add the following to the sixth bullet point:  <b>The details regarding the maintenance, management, implementation timescale and costs associated with open space provision must be clearly set out and accompany any relevant planning application.</b>
PM6	Policy KIM2 Page 18	Amend the seventh bullet point to read:  Setbacks from the highway in any new development should be <del>similar to but not closer to the highway than</del> <b>compatible, in terms of appearance, with those of any nearby properties.</b>
PM7	Policy KIM2 Page 18	Amend the start of the ninth bullet point as follows:  Where <del>practical</del> <b>justified</b> , a new development ....
PM8	Policy KIM2 Pages 18 and 19	In the tenth bullet point it should be car owners at the end of the first sentence.  The third sentence of the tenth bullet point should read:  Car spaces should be provided on driveways <del>adjoining a new</del> <b>within the dwelling plot</b> , with car parks ....

PM9	Policy KIM2 Page 19	Amend the last sentence of the tenth bullet point to read:  Garages should be treated as a car parking space only if <del>large enough both to accommodate cars and to provides general storage unless appropriate storage is provided elsewhere within the curtilage</del> <b>they meet the minimum size in the Buckinghamshire County Council Parking Guidance (or any successor document).</b>
PM10	Policy KIM2 Page 19	Replace the word <b>garden</b> (space) in the fourteenth bullet point with <b>amenity</b> .
PM11	Policy KIM2 Page 19	Delete bullet point 15 and replace it with a clarified requirement:  <del>Any new development should not differentiate between private ownership and other forms of tenure in a manner that endangers the overall quality of the new buildings</del>  <b>There should be no discernible difference between the private and affordable housing in terms of the quality of the design and the appearance of the dwellings.</b>
PM12	Policy KIM3 Land at The Laurels, Marsh Road (Site 10) Page 21	Amend the fourth bullet point to read:  The development should provide that all new buildings are set back from <del>and front on to</del> Marsh Road and are of a form and scale that reflect the rural village character of the local area.



PM13	Policy KIM3 Land at the Laurels, Marsh Road (site 10)  Page 21	Amend the last bullet point to read:  The development should include provision for the satisfactory mitigation of surface water run-off and foul water drainage <del>in all affected areas, both within and outside the site</del> <b>arising from the development.</b>
PM14	Policy KIM3 Land off Kimblewick Road (site 14)  Page 22	In the fourth bullet point change the reference to <b>0.2 hectares</b> <del>0.5 acres.</del>
PM15	Policy KIM3 Land off Kimblewick Road (site 14)  Page 22	Replace all of the fourth bullet point with:  <b>The public open space should include a new landscaped public park (level grassed area of not less than 0.2 hectares) with a utilities service point. Details about the Management of the space (including any financial implications) should accompany any planning application for the site unless the satisfactory transfer of these responsibilities to a third party has been agreed beforehand.</b>
PM16	Policy KIM3 Land off Kimblewick Road (site 14)  Page 22	Amend bullet point 5 to read:  The development <del>provides</del> <b>should include</b> , as far as reasonably <del>practical,</del> that all new buildings <b>that</b> front on to either Kimblewick Road and/or Grove Road and <del>(ii)</del> the public open space should include green links of a form and scale that reflect the local village character.

PM17	Policy KIM3 Land off Kimblewick Road (site 14)  Page 22	Amend bullet point 7 to read:  The development should be accessed from Kimblewick Road. <del>using a single access point at a location that minimises</del> <b>Additional</b> traffic movements along Kimblewick Road should be minimised and <b>highway safety</b> <del>maximises safety,</del> including for animals and individuals not using vehicular transport <b>should be maximised.</b>
PM18	Policy KIM3 Land South of Grove Road (site 15)  Page 22	The title of this policy should read:  <b>Reserve Site:</b> Land South of Grove Lane (Ref: No 15)  And the first bullet point should be extended as follows:  ... and is held in reserve <b>until a decision is taken on the railway twin-tracking proposal, the details of the Grove Lane infrastructure improvements are agreed and the monitoring of housing provision clearly demonstrates that there is a need to release this site for development.</b>
PM19	Policy KIM3  Page 24	In the interests of clarity, the emboldened text which follows paragraph 5.16 should have a sub-title: <b>Phasing Delivery.</b>
PM20	Phasing policy  Page 24	The last part of the last sentence of the policy (currently located below paragraph 5.16) should read:  ... with the possibility that the required new homes will <b>not</b> be delivered in <b>accordance with a clear and structured phasing schedule.</b> <del>a somewhat haphazard manner over the full plan period.</del>

PM21	Policy KIM6 Employment Page 26	Amend bullet point 4 to read:  The existing vehicular access <b>and the nature of the existing highway network that would be used</b> , is capable of ...
PM22	Policy KIM6 Employment Page 26	At the start of bullet point 8 insert the words: <b>Where justified</b> the landscape ...
PM23	Policy KIM8 Protecting International Habitats Page 27	Amend second sentence to read:  Proposals should also seek to minimise their impact on, and <del>where practical</del> deliver net gains for biodiversity, including <del>where practical</del> realising opportunities to establish coherent ecological networks.
PM24	Policy KIM3 Housing site allocations 10 (page 21); 14 (page 22); and 15 (page 22)	Add an additional criterion to each of these three allocation policies to read:  <b>An appropriate financial contribution to fund infrastructure improvements in the Parish is included within a S106 Agreement.</b>
PM25	Paragraph 6.5 Page 29	In (i) the reference should be to Marsh <b>Road</b> <del>Lane</del> .

PM26	Implementation Page 30	<p>Add an additional paragraph under the heading <b>Monitoring</b> to read:</p> <p><b>In order to ensure that the Vision and Objectives of the local community are achieved (as set out on page 16) it is important that the implementation of the policies in this Plan are monitored. To that end the Parish Council will commit to undertake an annual assessment in order to consider whether or not the policies remain relevant and effective and if not, what action to take.</b></p>
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