

## **Longwick-cum-Ilmer NEIGHBOURHOOD PLAN DECISION STATEMENT – 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: Charlotte Morris (Principal Planning Policy Officer)

### **Executive summary**

Following the examination of the Longwick-cum-Ilmer Neighbourhood Plan in December 2017, this Decision Statement sets out modifications to the Plan which have been proposed by the Examiner in the Examiner’s report, further modifications made by WDC, the decision to proceed to referendum and the area for the referendum.

### **1. Introduction**

1.1. Under the Town and Country Planning Act 1990 (as amended) and the Neighbourhood Planning (General) Regulations 2012 (as amended) and all other relevant legislation, Wycombe District Council (“the Council”) has a statutory duty to consider the Longwick-cum-Ilmer 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.

### **2. Background**

2.1. The Longwick-cum-Ilmer Neighbourhood Plan (the Neighbourhood Plan) relates to the Neighbourhood Area that was designated by the Council on

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

2<sup>nd</sup> March 2015. This area is coterminous with the Longwick-cum-Ilmer Parish boundary and is entirely within the Local Planning Authority Area. Longwick-cum-Ilmer Parish is the designated qualifying body for the Plan.

2.2. Longwick-cum-Ilmer Parish Council submitted a proposed neighbourhood plan to the Council in June 2015, which was subject to a consultation between 8 June and 21 July 2015. Following this consultation, the plan was submitted for independent examination in December 2015.

2.3. The examiner, Mr Nigel McGurk, made recommendations which removed the 2015 neighbourhood plan's limit to development outside of the settlement boundary and restricted the ability to control where and how development should take place.

2.4. The view was taken that these recommendations, if accepted, would not achieve sustainable development. For this reason, at their meeting on 24 February 2016, Longwick-cum-Ilmer Parish Council withdrew the 2015 version of their Neighbourhood Plan.

2.5. Longwick-cum-Ilmer Parish Council made further changes to the plan and resubmitted the Longwick-cum-Ilmer Neighbourhood Plan to Wycombe District Council, along with supporting documents. The Council publicised the Neighbourhood Plan for a six-week period on Friday 25 August 2017 and representations were invited in accordance with regulation 16. The consultation ended on Monday 9 October 2017.

### **3. Independent examination**

3.1. The Council, with the consent of Longwick-cum-Ilmer Parish Council, appointed Ms Jill Kingaby to undertake the examination of the Longwick-cum-Ilmer Neighbourhood Plan and to prepare a report of the independent examination.

3.2. The Examiner decided to deal with the Neighbourhood Plan via written representations and made a site visit of the Parish on 1 November 2017.

3.3. The Examiner's report was received on 14 December 2017. The report concludes that, subject to making the modifications recommended by the Examiner, the Plan meets the basic conditions set out in the legislation and should proceed to a Neighbourhood Planning Referendum. The Examiner also recommended that the referendum area should be based on the Neighbourhood Area designated by the Council, which is the Longwick-cum-Ilmer Parish.

#### **4. Decision and reasons**

4.1. 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. The Council has also identified minor modifications for the purpose of finalising the plan, such as removing 'draft'.

4.2. The Council is not recommending that part of PM1 is accepted as this relates to a legal challenge which has now been concluded and as such is no longer relevant.

4.3. The Neighbourhood Planning (General) Regulations 2012 (as amended) requires in Regulation 18 for the Local Planning Authority to outline what action to take in response to the recommendations of an Examiner made in a report under paragraph 10 of Schedule 4A to the 1990 Act (as applied by Section 38A of the 2004 Act) in relation to a Neighbourhood Plan. The Regulations (13) provide that where the Council disagrees with the Examiner's decision made in his report to re-consult, however this provision is not engaged in this instance for the reasons set out in Annex 1.

4.4. Having considered each of the recommendations made by the Examiner in his report and the reasons for them, the Council, with the consent of Longwick-cum-Ilmer Parish Council, has decided to accept the Examiner's modifications to the Neighbourhood Plan. On 1 January 2018 an Extraordinary Meeting of Longwick-cum-Ilmer Parish Council took place. The

Councillors accepted the Neighbourhood Plan (submission version August 2017) as modified by the independent Examiner's recommendations.

4.5. 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.

4.6. The 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 .

4.7. As a result of the above, the Plan as modified must proceed to Referendum.

4.8. The referendum on the final Longwick-cum-Ilmer Neighbourhood Plan will be based on the designated Longwick-cum-Ilmer Parish neighbourhood area.

4.9. The date for the referendum and further details will be publicised shortly once a date is set by the Returning Officer.

**Other information:**

The Independent Examiner's Report and the Longwick-cum-Ilmer 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/Longwick-cum-Ilmer-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.

**Signed:**

**Penelope Tollitt**

**Councillor David Johncock**

**Penelope Tollitt  
Head of Planning and Sustainability**

**Councillor David Johncock  
Cabinet Member for Planning and  
Sustainability**

**Dated: 15 January 2018**

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

Proposed modification number (PM)	Page no./ other reference	Modification	WDC decision / justification
PM1	Pages 12, 13	<p><b>3.7 Recent Development, Applications and Site Promotions</b></p> <p>Last paragraph on Page 12:</p> <p>In the period between the Neighbourhood Plan's withdrawal ....<del>two</del><b>three</b> large housing planning applications ..... and WDC is minded to approve the third subject to agreement on planning obligations. These housing sites ... to the village. An application for nine homes at Ivy Farm..... was refused, but this decision has since been appealed <b>allowed on appeal. As WDC has submitted a claim for Judicial Review of the Inspector's decision, there remains uncertainty over the site's development. It is not allocated for development in this Plan.</b></p>	<p>Partially Accept Examiner's recommendation and justification.</p> <p>For the purpose of correcting errors, text (highlighted in grey) relating to the legal challenge should not be incorporated into the plan as the Council lost the petition to have a judicial review heard on the Ivy Farm site.</p>
PM2	Page 24	<p><b>Policy A1: Development at Longwick Village</b></p> <p>The settlement boundary is shown on <del>Proposals</del><b>Policy</b> Maps 1 and 2.</p> <p>JUSTIFICATION:</p> <p>(penultimate paragraph)</p> <p>The design and layout of new housing .....basis for their study. <b>Regard should be had for the history of the area and the relationship of new development to designated and non-designated heritage assets. Buckinghamshire Historic</b></p>	<p>Accept Examiner's recommendation and justification.</p>

Proposed modification number (PM)	Page no./ other reference	Modification	WDC decision / justification
		<b><i>Landscape Characterisation, Buckinghamshire Historic Environment Record, and Wycombe Local Heritage List provide useful reference information.</i></b>	
PM3	Pages 26, 27	<p><b>Policy Maps 1 and 2</b></p> <p>Add <b>Longwick Settlement Boundary</b> to the keys to both maps.</p> <p>Adjust the boundary for the rural green gap (Policy A3) on both maps, so that it is the same as the boundary for the Lower Icknield Green Buffer, in Figure 26-Concept Plan in the emerging Wycombe District Local Plan.</p> <p>Add Local Green Space (Policy A4) to both maps, at Longwick Playing Field to align with Figure 3: Policy 2 layout plan.</p>	Accept Examiner's recommendation and justification.
PM4	Pages 28, 29	<p><b>Policy A2: New Housing Allocations</b></p> <p>The following sites ....</p> <p>On these sites, development is required, <b><i>subject to viability and meeting the tests for planning obligations and conditions</i></b>, to make financial contributions ...</p> <p>JUSTIFICATION:</p> <p>(second paragraph Page 29)</p> <p>The first group of sites are the large housing planning applications .....<del>and another</del> which WDC is 'minded to approve'.</p>	Accept Examiner's recommendation and justification.

Proposed modification number (PM)	Page no./ other reference	Modification	WDC decision / justification
		<p>....</p> <ul style="list-style-type: none"> <li>• The land at Rose Farm (south) – 65 homes <b>approved by</b> WDC <del>‘minded to approve’</del>.</li> </ul> <p>(final paragraph)</p> <p>It is recognised ...funding available from BCC, <b>and the need to meet the tests for planning conditions and obligations.</b></p>	
PM5	Page 30	<p><b>Policy A3</b></p> <p>JUSTIFICATION:</p> <p>Second paragraph:</p> <p>The Parish boundary ....It is therefore important that <del>no</del><b>any</b> further development <del>occurs</del> on the south side of ..... junction eastwards <b>is limited.</b></p> <p>Delete third paragraph and substitute:</p> <p><b><i>The Draft Wycombe District Local Plan expects a green buffer to be retained south of Lower Icknield Way to function as a separation between the Main Expansion Area proposed for Princes Risborough and the village of Longwick. Draft Policy PR5 states that open space uses and essential infrastructure to support the expansion of Princes Risborough will be permitted outside the settlement boundary within the strategic buffer. Other development there is required to be of small scale to protect the rural character of the land.</i></b></p> <p>Final paragraph:</p>	Accept Examiner’s recommendation and justification.

Proposed modification number (PM)	Page no./ other reference	Modification	WDC decision / justification
		The potential future growth ...character and amenity of this rural area <del>is</del> <b>are</b> minimised, as it is within the 'rural ....	
PM6	Page 31	<p><b>Policy A4: Local Green Space Designations</b></p> <p>JUSTIFICATION:</p> <p>(Third paragraph)</p> <p>Owlswick playing field is privately owned ....NPPF policy above. <del>As a</del><b>While currently</b> a privately-owned public space ....the village green <del>also</del> has huge potential .....Chapel opposite. <del>Nevertheless,</del><b>The green is vital .....</b></p>	Accept Examiner's recommendation and justification.
PM7	Page 33	<p><b>Policy A6: Shoulder of Mutton Public House</b></p> <p>Delete the existing policy and substitute:</p> <p><b>The retention of the Shoulder of Mutton in Owlswick as a community facility will be supported. Residential development of the site, including conversion of the public house, will be supported providing that:</b></p> <ul style="list-style-type: none"> <li>• <b>Marketing for at least a 6 month period has demonstrated that use as a public house would not be viable;</b></li> <li>• <b>Proposed development would be no greater than the footprint of the existing buildings, and ridge heights would not be higher than those of the public house;</b></li> <li>• <b>Proposed development would respect the character and appearance of the Conservation Area and its setting; and</b></li> <li>• <b>Where possible, public access to the adjacent village green would be increased.</b></li> </ul>	Accept Examiner's recommendation and justification.

Proposed modification number (PM)	Page no./ other reference	Modification	WDC decision / justification
PM8	Page 35	<p><b>Policy L1: Site Allocation on the eastern side of Thame Road, leading around to Bar Lane</b></p> <p>The development of Site L1 (2.46ha) is required, <i>subject to viability and meeting the tests for planning obligations and conditions</i>, to: .....</p>	Accept Examiner's recommendation and justification.
PM9	Page 38	<p><b>Policy L2: Site Allocation of land at Boxer Road/Barn Road</b></p> <p>The development of Site L2 (6.73ha) is required, <i>subject to viability and meeting the tests for planning obligations and conditions</i>, to: .....</p>	Accept Examiner's recommendation and justification.
PM10	Page 41	<p><b>Policy L3: Site Allocation on Land on Thame Road east of Chestnut Way junction</b></p> <p>The development of Site L3 (1ha) is required, <i>subject to viability and meeting the tests for planning obligations and conditions</i>, to: .....</p>	Accept Examiner's recommendation and justification.
PM11	Page 43	<p><b>Policies L4a and L4b: Site Allocation of land at Rose Farm frontage and South</b></p> <p>The development of Site L4a (0.5ha) and Site L4b (3ha) is required, <i>subject to viability and meeting the tests for planning obligations and conditions</i>, to: .....</p> <p>ACCESS</p> <p>4.Create pedestrian and cycle access point on <del>point on</del> <b>from</b> Thame Road, <b>well</b> and positioned to align with for a potential new pedestrian road crossing over Thame Road.</p>	Accept Examiner's recommendation and justification.

Proposed modification number (PM)	Page no./ other reference	Modification	WDC decision / justification
PM12	Page 48	<p><b>Policy L5: Site Allocation of land adjacent to Red House Farm</b></p> <p>The development of Site L5 (0.55ha) is required, <b><i>subject to viability and meeting the tests for planning obligations and conditions</i></b>, to: .....</p>	Accept Examiner's recommendation and justification.
PM13	Page 49	<p><b>Policy L6: Site Allocation of land adjacent to Anderdon's Farm</b></p> <p>The development of Site L6 (0.26ha) is required, <b><i>subject to viability and meeting the tests for planning obligations and conditions</i></b>, to: .....</p>	Accept Examiner's recommendation and justification.
PM14	Pages 51, 52	<p><b>7 Implementation</b></p> <p>7.3 Infrastructure Projects</p> <p>1. <del>Essential</del> Improvements required <del>sought</del> with new development</p> <p>....</p> <p>E. New open space in Site L2 off Boxer Road, a <del>multi-games-use area (MUGA)</del>, and open space in L2 around the proposed drainage .....</p>	Accept Examiner's recommendation and justification.
/	Numerous	Minor modifications for typos and changing 'draft' to 'final' for making of the neighbourhood plan.	To ensure the plan reads as a final document, ready for the referendum stage.