

# 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?

*With regard to defining site size, Policy RUR6 of the Wycombe District Local Plan says (2b)i.) that required housing should be delivered on a range of small sites. Para. 5.5.44 provides more detailed advice on this issue, more specifically it 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."*

*The Wycombe District Local Plan was examined against the 2012 NPPF, which didn't include the para. 68 definition of small sites.*

*The development of 160 dwellings in the Parish (as referred to in part 1. of the Policy) was based on an 'initial assessment of the capacity of the landscape to accommodate development' (para. 5.541). In addition, the Housing and Economic Land Availability Assessment (HELAA) took into account wider sustainability criteria and this identified that it may be possible to accommodate up to 137 dwellings (i.e. once commitments and completions were taken into account) on three sites without significant harm to the character of the landscape and setting of the AONB.*

*The three sites identified in the HELAA were:*

*SRD0196 Kimble assessment parcel 7a – area of 3.2 hectares – 48 total potential dwellings*

*SRD0198 Kimble assessment parcel 5 - area of 3.40 hectares – 51 total potential dwellings*

*SRD0190 Kimble assessment parcel 1a – area of 2.41 hectares – 38 total potential dwellings*

*Two of the above HELAA sites were taken forward as proposed allocations in the GLKNP with SRD0196 being included as site 17a and SRD0190 being included as site 14. As these sites were specifically included in the evidence supporting Policy*

*RUR6 of the Local Plan, it is considered that they are appropriate in terms of scale and size.*

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).

*Princes Risborough is set to expand by around 2,500 homes over the next 20 years, along with infrastructure, schools and other facilities. A Supplementary Planning Document (SPD) is being produced to co-ordinate this expansion.*

*The SPD, which went out for consultation between 4<sup>th</sup> June and 21 July 2019 will, once it is finalised, set out– where, what, when and how the homes and the infrastructure are to be built. Table 4<sup>1</sup> in the SPD (section 5 delivery plan, page 180) shows the key infrastructure elements, with indicative timescales and phases.*

*As far as the Great and Little Kimble cum- Marsh Neighbourhood Plan is concerned, this table sets out an indicative timescale for the Grove Lane bridge and junction improvement (B4009/A4010) taking place in Phase 3 in approximately 2027 / 2028. However, this junction improvement is linked to the indicative delivery rates of homes (currently estimated to be around 1,400 dwellings with the proposed relief road phasing) rather than a specific date as such, as it is subject to the capacity of the highway network.*

*In terms of the proposed allocations in the GLKNP (other than site 15), only the front of site 1, Land at Grove Lane (West), could potentially be affected by the junction improvements to the Grove Lane Bridge.*

*In November 2019 **site 10, Land at the Laurels Marsh Road**, received outline planning permission<sup>2</sup>. The Buckinghamshire County Council highway comments relating to this application stated, "I would recommend a section 106 contribution for highway safety improvements between the site and regular forms of sustainable transport, so that the future situation and highway layout can be taken into account for the design of mitigation measures, once the future situation has been secured."*

*In conclusion, it is not considered (with the exception of Site 15), that the delivery of any of the other allocated sites in the GLKNP are dependent on the strategic infrastructure improvements being in place (or at least the details being finalised) prior to their delivery.*

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<sup>1</sup> <https://www.wycombe.gov.uk/uploads/public/documents/About-the-council/Have-your-say/Consultations/Princes-Risborough-Expansion/PRE-SPD-SECTION-5-DELIVERY-PLAN-Draft-JUNE-2019.pdf>.

<sup>2</sup> <https://councillors.wycombe.gov.uk/ieListDocuments.aspx?Cid=122&Mid=6149&Ver=4>.

**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?

*Policy RUR6 intended that the development of the 160 dwellings should take place throughout the Plan period and hence suggested that phasing should be included in the Neighbourhood Plan. It is the Council's view that the wording to this section of Policy KIM3 sets this out as its overall aim, and is therefore in accordance with Policy RUR6. It is the Council's view that this phasing is likely to occur naturally, without any further intervention, as it is unlikely that the 50 dwelling delivery threshold will be exceeded in the period up to the end of 2022/23 and the remaining housing sites will be phased naturally as a result of the infrastructure issues affecting sites 1, 10 and 15.*

*It is considered that the wording to this part of the policy is sufficiently flexible that, should it remain as it is, it will not present problems to Development Management officers considering planning applications on these allocated sites.*

**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?

*The Consultation Statement for the Neighbourhood Plan sets out (on page 3) all of the Consultation that has taken place on the Neighbourhood Plan. This meets, and indeed goes beyond, all of the statutory requirements with regard to public consultation.*

*In addition, the NP Working Group has put regular updates on its website setting out progress on the Neighbourhood Plan; has put a number of articles in the Parish newsletter and held a drop in session presenting the results to its neighbourhood plan survey and a consultation event at the start of its 6 week consultation period.*

*The District Council therefore considers that the consultation that has been undertaken is in line with the legislative requirements.*

### **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?



*The Parish Council has relied upon the initial landscape assessment carried out by WDC in September 2017 which covers a number of the sites, and its own Site Assessment Report. The PC working group carried out inspections of all the sites, both from adjoining public roads/footpaths and from the nearby Chilterns to consider the potential impact of development on the landscape. The LPA document is attached for information.*

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?

*Public transport is limited within the parish with train services from Little Kimble train station and the bus services on the A4010. The sites have been considered in relation to their accessibility to these services based on advice from Bucks CC – see attached. The key issue of safe pedestrian access to sustainable transport is acknowledged for each of the sites, particularly the lack of footpath/ cyclepath/ bridlepath under the bridge at the junction of the A4010/B4009.*

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.

*The Parish Council are unable to ascertain any further information on the timing or detail of the potential twin-tracking of the railway line.*

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?

*A village shop is an aspiration of the community following the village survey. It is acknowledged that this may not be viable and is subject to market demand. However, if the facilities are constructed and available for minimal cost to an operator, or perhaps, a community group, this facility could be viable and support the needs of a growing community in a sustainable manner. Only sites (1 and 17a) that have offered this facility have been considered for this use and either would have the prominence to suit retail premises. In respect of Site 14, a shop has not been offered by the land promoter and the site is not considered to have sufficient main road frontage.*

#### 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 ambition is to maintain the current open and rural nature of the parish, and any landscape buffers between new and existing properties should be judged against the distances involved and be reasonable and proportionate.*

- 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?

*This policy is taken from the WDC residential design guide and the "no" should be deleted – this is an error.*

- 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?

*Either option would be considered and the Parish Council is open minded but does not wish to be obliged to take responsibility.*

- In the 7<sup>th</sup> bullet point, how would a 'nearby' property be defined?

*As a minimum the adjoining properties, or in accordance with LPA guidance.*

- 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?

*These have been identified at para 6.5 of the plan (Note: Marsh Lane should read Marsh Road at 6.5 i). In addition, the key issues are access under the railway bridge as part of the B4009 re-alignment proposals (WDC policy PR3) and crossing of the B4009 close to the junction of Bridge Street by The Swan PH.*

- Does bullet point 10 accurately reflect the guidance in the Buckinghamshire County Council parking guidance?

*We believe so.*

- How would a decision-taker know what is 'appropriate private garden space' (14<sup>th</sup> bullet point)?

*Developments should meet the minimum LPA standards on private amenity space and we would encourage improvement on this given the rural nature of the parish.*

#### 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?

*There is no available information on the timing of these improvements.*

- 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)?

*This only relates to such a site not providing the retail unit. All sites are expected to contribute towards CIL and required infrastructure contributions, where the law requires such contributions.*

- 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?

*The aim is to ensure an attractive streetscape that relates well to the character of the road. It is acknowledged that this policy can only apply to units fronting the road, and not units to the rear of 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?

*The policy should refer only to Kimblewick Road. The aim is to minimise removal of existing hedgerows for individual driveways and minimise the impact of the development on the streetscape.*

- 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?

*We have no issue with the site being defined as a “reserve site” if this more appropriate.*

- 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.

*There is a reasonable prospect that site 15 (or site 20 for that matter) will not be required if the level of windfall units consented over the plan period is maintained. The current consent on The Orchards does not include access or permit access to Site 20. Please also refer to the community feedback in the consultation document and the Site Assessment Report*

**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.

*This text is intended to be part of policy KIM3 in respect of phasing, although it is acknowledged that phasing is difficult to control. In respect of timing, there is no known information relating to the twin tracking, and the Grove Lane re-alignment is projected to be no earlier than 2027 under the LPA Local Plan projections of the expansion of Princes Risborough.*

**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)?

*We believe this is correct. However, we have been led by WDC regarding this aspect, and the Parish Council appointed Aecom to complete the HRA in 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?

*The Parish Council is happy to commit to a regular monitoring process.*