

INDEPENDENT EXAMINATION OF THE IVERS NEIGHBOURHOOD PLAN

Examiner: David Hogger BA MSc MRTPI MCIHT

Examination Ref: 01/DH/TINP

Ciarán Beary
Chair of Neighbourhood Plan Group

Rachael Riach
Buckinghamshire Council

Via email

19 May 2022

Dear Councillor Beary and Ms Riach

The Ivers Neighbourhood Plan Examination

Following the submission for examination of The Ivers Neighbourhood Plan (the Plan/TINP), I would like to clarify several initial procedural matters. I also have a number of preliminary questions for The Ivers Parish Council (TIPC) as Qualifying Body, a smaller number for Buckinghamshire Council (BC) and some that request a joint response from both Councils. These are attached as an Annex to this letter and I would like to receive a written response **by 15 June 2022**.

Examination Documentation

I can confirm that I am satisfied that I have received a complete submission of the Plan and accompanying documentation, including the Basic Conditions Statement, the Consultation Statement, the Pre-Submission Sustainability Statement and the Regulation 16 representations, to enable me to undertake the examination.

Subject to my detailed assessment of the Plan, I have not at this initial stage identified any very significant and obvious flaws in the Plan that might lead me to advise that the examination should not proceed, albeit I do have some initial concerns in relation to the consideration of the Iver Relief Road (the Annex refers) which I hope can be resolved.

Site Visit

I intend to undertake a site visit to the neighbourhood plan area during the week commencing 31 May 2022. This will assist in my assessment of the Plan, including the issues identified in the representations.

The 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.

I may have some additional questions, following my site visit, which I will set out in writing should I require any further clarification.

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.

Further Clarification

I have a number of initial questions seeking further clarification, from both TIPC and BC. I have set these questions out in the Annex to this letter. I would be grateful if a written response could be provided by **15 June 2022**.

Examination Timetable

As you will be aware, the intention is to examine the Plan (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 Plan.

As I have raised a number of questions, I must provide you with sufficient opportunity to reply. Consequentially, the examination timetable will be extended. Please be assured that I will endeavour to 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 process 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 respective responses are placed on the Parish Council and Buckinghamshire Council websites.

Thank you in advance for your assistance.

Your sincerely

David Hogger

Examiner

Annex

From my initial reading of the submission draft of The Ivers Neighbourhood Plan and the supporting evidence, I have 6 questions to which I require a joint response from both Councils; a further 4 questions for Buckinghamshire Council; and 12 questions for The Ivers Parish Council. These questions all relate to information required to assist in my determination of whether the Plan meets the Basic Conditions and other legal requirements. I have requested the submission of a response(s) by **15 June 2022**.

Questions for both Buckinghamshire Council and The Ivers Parish Council (6)

I would prefer a joint response to these 6 questions but if that cannot be successfully achieved then independent responses should be submitted by the two Councils.

1. Reference ID: 41-009-20190509 of the Planning Practice Guidance on Neighbourhood Planning, advises that 'where a neighbourhood plan is brought forward before an up-to-date local plan (i.e. the Buckinghamshire Local Plan) is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in the emerging neighbourhood plan, the emerging local plan and the adopted development plan'. Could the Councils confirm that such discussions have taken place and summarise the conclusions that were drawn?

2. Bearing in mind the references in Question 1 above, regarding the relationship between Plans, I have concerns regarding the consideration of the Iver Relief Road. Paragraph 5.43 of the TINP clearly states that the Iver Relief Road project has been abandoned and there are other similar references in the document, for example in paragraphs 3.12 and 5.71. Paragraph 5.40, however, does introduce an element of doubt by introducing the phrase 'if it is not possible to deliver a relief road'.

However, Buckinghamshire Council, as Highway Authority, in its Regulation 14 submission, confirms (under policy IV15), that the 'delivery of the Iver Relief Road remains Council policy, it has not been abandoned. Further design work is currently underway'. I assume that this is still the position of BC, as I have seen no substantive evidence to the contrary.

The concept of a relief road appears to have the support of the Highway Authority and, although I have yet to draw any conclusions on the matter, I note that the Regulation 16 representation on behalf of David Wilson Homes Southern (having an interest in the land) asserts that 'a Relief Road is deliverable, in full, within the site'. The representation includes relatively comprehensive evidence regarding land south of Iver Village. The Vision document dated July 2019 includes, at figure 9, an Illustrative Framework Masterplan which identifies a route for the Relief Road.

From my initial assessment of the situation this appears to me to be a significant issue which should be addressed in the TINP, especially bearing in mind the emphasis that has been placed by the Parish Council (and others) on the need to reduce HGV traffic through the area.

I am particularly concerned that in paragraph 5.71 of the TINP, it is stated that 'The decision to abandon the Relief Road undermines previous spatial policy in seeing the Parish as a suitable location for economic growth'. If, as would appear to be the case, the Relief Road has not been abandoned, then inevitably this may have significant consequences in terms of the approach taken by the Parish Council towards further growth, bearing in mind the desire for an alignment of approach between both BC and TIPC and the need for the Plan to contribute to the achievement of sustainable development.

In summary, I am concerned that, bearing in mind the wider support for a relief road, the TINP makes no substantive reference to the proposed road, to the potential benefits that such a proposal could bring, particularly in terms of sustainability, or to the consequences in terms of development provision that the construction of the proposed road could enable. There is nothing in the TINP that would enable a decision-maker to take a reasoned approach, should such a proposal be submitted as part of a planning application. Even if it was concluded that a policy regarding the construction of a relief road would be strategic in nature, I would still expect the TINP to address the matter, in particular any consequent non-strategic implications.

On that basis could a joint response be prepared which clearly indicates an agreed way forward in addressing this issue?

I would ask both Councils to consider the implications of any potential changes to the TINP to ensure that the Plan meets the Basic Conditions, particularly in terms of: having regard to national policies and advice; the achievement of sustainable development; and the need for general conformity with the strategic policies for the area. I will need to give very careful consideration to the extent and substance of any proposed changes and whether these can be recommended as examiner modifications within the scope of the examination at this advanced stage.

3. Paragraph 138 of the NPPF confirms that the Green Belt serves five purposes, including to check the unrestricted sprawl of large built-up areas, to prevent neighbouring towns merging into one another and to assist in safeguarding the countryside from encroachment.

Paragraphs 5.9 and 5.10 of the TINP confirm that all the proposed local gaps and 'corridors of significance' that are identified in policy IV1 lie within the Green Belt. Bearing in mind the purposes of the Green Belt (as referred to above) it is not clear to me what is the justification for, in effect, duplicating national policy? Could TIPC please direct me to the evidence that reasonably justifies this approach? I would also welcome comments from BC with regard to the validity of the Parish Council's approach.

4. Policy IV15 B (page 66) includes a list of very special circumstances which would justify inappropriate development in the Green Belt at Thorney Business Park.

NPPF paragraph 147 confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Those circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Firstly, is there agreement between the two Councils regarding the release of Green Belt land at the Business Park? What are the very special circumstances in this case and where is the reasoned justification that the potential harm to the Green Belt is clearly outweighed by other considerations?

Secondly, could both Councils address whether or not there are any implications for potential development at Thorney Business Park as a consequence of the fact that the Relief Road has not been abandoned as asserted in paragraph 5.71 of the TINP?

5. A revised version of the National Planning Policy Framework was published by the Government on 20th July 2021, alongside a final version of the National Model Design Code and the National Design Guide. I would be grateful if the Councils could confirm that the submission draft of the TINP adequately reflects the national policies and advice in these documents and, if necessary, provide additional/modified wording.

6. Reference ID: 41-041-20140306 of the Planning Practice Guidance on Neighbourhood Planning advises, 'A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence'.

For the Parish Council: Policy IV14 on page 63 (PassivHaus buildings) lacks clarity and uses terms that may not be familiar to applicants or decision-makers, for example what is meant by 'zero carbon ready by design' (A); what is a 'character area' (B); who will do the 'testing' and when (C); who will undertake the Post Occupancy Evaluation Report and when (C); how is 'major development' defined (D); who will undertake the Energy Statement (E); what is meant by 'maximised' (E); and what are the consequences if opportunities to reduce energy use intensity have not been achieved? Can consideration be given to improving/securing the clarity of policy IV14?

For BC: Is policy IV14 compatible with the approach being taken elsewhere in Buckinghamshire?

Questions for Buckinghamshire Council (4)

7. Buckinghamshire Council (BC) did not submit a representation at the Regulation 16 stage. However, I note that BC did submit a representation at the Regulation 14 stage. Could the Council confirm whether or not, in its view, the policies in the submitted TINP meet the Basic Conditions, particularly in relation to general conformity with the strategic policies of its Development Plan. If there are examples where, in the view of the Council, those conditions are not met, could the Council suggest proposed modifications to the text and policies that would adequately address any concerns that it has identified?

8. Can the Council confirm:

- what constitutes the Development Plan as it relates to The Ivers, and
- which policies in the Development Plan are classified as strategic?

The NPPF, in paragraph 21, states that 'Plans should make it explicit which policies are strategic policies' and that such policies 'should not extend to detailed matters

that are more appropriately dealt with through Neighbourhood Plans or other non-strategic policies'. Is the Council satisfied that the TINP includes appropriate policies for the development and use of land?

9. According to the Local Development Scheme the Buckinghamshire Local Plan is to be prepared between 2022 and 2024, with the Examination in late 2023 into 2024. Could the Council confirm what progress has been made on this document and whether or not a more detailed timetable for its preparation has been agreed?

10. I have looked at the Joint Chiltern and South Bucks Areas Monitoring Report (2019 – 2020 dated March 2021) but could find no significant reference to the review of existing saved policies. Is it anticipated that these will all be superseded by the Buckinghamshire Local Plan?

Questions for The Ivers Parish Council (12)

11. Appendix D of the TINP (page 90) is a list of local heritage assets, but it is not clear to me what criteria have been used to assess the value of the assets. Paragraph 5.26 (page 37) refers to 'the contribution that they make to the special character of the Parish' and that the features have a 'local interest'. Could the Parish Council confirm who undertook the survey of the assets and their qualifications in this field; what criteria were used in that assessment; and explain why the assets, which are protected by the specific policy IV5 (page 37), are not identified on the Policies Map?

12. A number of objections were submitted regarding the designation of heritage assets e.g. see paragraph 7.6 of the Consultation Statement. However, it is not clear to me what consideration was given to these objections. Could the Parish Council explain how the objections were addressed? The representation from Mr and Mrs Barrett states that 'there has never been any prior consultation' (on the designation of the assets) and that 'a majority were against the Heritage Asset list proposals'. Please provide further clarification.

13. The representation from Savills includes a number of suggested modifications which would overcome their objections to policy IV15. Could the Parish Council provide a considered response to this element of Savill's representation?

14. The representation from Turley includes a small number of suggested changes to the text and policies of the TINP. Can the Parish Council comment on the appropriateness, or otherwise, of the suggestions?

15. The representation from Thames Water proposes the inclusion of additional text with regard to proposed water/waste-water infrastructure and surface water drainage. What are the views of the Parish Council on such a modification?

16. Policies IV2 (page 30), IV3 (page 32) and IV4 (page 34) refer to a number of specific buildings but I could not see them identified on the accompanying plans. A decision maker would need to know where these buildings are and therefore is there any reason the plans cannot be up-dated to convey this information?

17. Are requirements D and G of policy IV7 (page 39) regarding the provision of indoor air quality information and electric vehicle charging points, consistent with any advice published by Buckinghamshire Council?

18. In policy IV8 B (page 41), what is meant by 'those tests'?
19. In policy IV9 B (page 44), what is meant by 'new facilities' and 'existing facilities'?
20. The Basic Conditions Statement (page 12) confirms that the owners of land which it is proposed to designate as Local Green Space (LGS), under policy IV12 (page 56), have been consulted and the Consultation Statement in paragraph 7.2.3 includes a copy of the letter sent to landowners (which I assume was sent to the owners of proposed LGS). Paragraph 7.6 of the Consultation Statement refers to the responses received. However, none of the responses appear to directly relate to specific areas of LGS. Could the Parish Council confirm that all the owners of the proposed LGS were advised of the proposed designations and that no objections were received?
21. In policy IV16 i (page 70), what is meant by 'from the outset'? Does it include preventing HGV movements during the demolition and construction phases?
22. 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. I could find no reference in the TINP to the monitoring of the policies or to the future role of the Parish Council in this process. I would welcome the views of the TIPC as to why this issue has not been addressed in the TINP.