

Buckinghamshire Council Response to The Ivers Neighbourhood Plan Regulation 16 Consultation

General Comments

Ecology

It is welcomed to see the key objectives including the protection of the semi-rural environment and the Green Belt and the protection and improvement of the quality and connectivity of green infrastructure assets with an emphasis on the valued open and high quality landscapes as part of the Colne Valley Regional Park.

We welcome the statement about the Environment Act and Biodiversity Net Gain but there is no other specific information regarding new developments in the Parish and the minimum biodiversity net gain requirement.

It does not appear that protected and priority species and priority habitat records have been obtained from the Buckinghamshire and Milton Keynes Environmental Records Centre (BMERC) to be considered in this Neighbourhood Plan. There is no mention of protected and priority species found within the area.

Strategic Transport

We support the aspirations of the Iver Neighbourhood Plan to encourage more sustainable travel, improve air quality and discourage freight movements through Iver. The measures outlined are consistent with the following Council policies set out in Local Transport Plan 4:

- Policy 12: Encouraging Walking for short journeys
- Policy 13: Encouraging Cycling
- Policy 10: Improving our environment
- Policy 9: The role of Freight in Transport
- Policy 19: An effective approach to parking

It is considered that the sustainable travel improvements that are proposed within the Plan will support a move away from reliance on cars for short local journeys and local journeys to the station and will benefit air quality by reducing emissions from private vehicles and cutting congestion.

When looking at reductions in parking at the Station, please make sure to refer to the Parking Delivery Plan, specifically paragraph 7.3.1. Any parking changes at the station will need to carefully consider the potential impact on local street parking.

The Plan acknowledges the high number of Heavy Goods Vehicles (HGVs) which are routed through Iver, and alternative measures to the previously proposed Iver Relief Road are considered. These proposals are consistent with the objectives of the Buckinghamshire Freight Strategy (2018) in reducing the impact of HGVs on residents and are therefore supported.

Neighbourhood plan document sections where comments have been made

A Guide to Reading this Plan

This section doesn't appear to have been updated for the submission stage.

1. Introduction & Background - This section refers to the regulation 14 consultation whereas the consultation would have been regulation 16.

3. Planning Policy Context – this section refers to ‘the planning policies of South Bucks District Council, now operating as part of the unitary authority, Buckinghamshire Council.’ Given South Bucks Council has not now existed for two years it is considered that the paragraph would read better with the words ‘the former’ inserted between the words ‘of’ and ‘South’.

5. Vision, Objectives & Land Use Policies – references the fact that the policies are yet to be agreed this gives the impression that the submitted policies have not been agreed by the parish council or that it is intended to mean the policies have not been adopted as part of a ‘made’ neighbourhood plan. however, the real reason is that the wording has not been updated since draft plan stage.

Foreword

List of Policies

1. Introduction & Background

2. The Neighbourhood Area

It would be helpful if plan B had a key to identify what the different coloured shading relates to.

3. Planning Policy Context

Paras 3.13 to 3.16 – given the Chiltern and South Bucks Local Plan was formally withdrawn by Buckinghamshire Council it has no status in planning terms. As such it is considered unnecessary to describe its contents in the neighbourhood plan as it has no relevance.

Paras 3.3 and 3.18 - Once the First Homes Position Statement is published (anticipated before end April) the tenure mix of the affordable housing is likely to look like 25% First Homes and the remainder 2/3 rented, 1/3 intermediate. Whilst the neighbourhood Plan states it does not intend to deal with First Homes the parish may want to re-visit this in light of the forthcoming Position Statement. At least then they can seek the 'homes for keyworkers and those with a local connection to the parish' which might in some way satisfy an element of the 40% affordable at least by defining the local criteria for these. They would need to state whether they choose to follow the local criteria in the First Homes Position Statement or provide details of how they propose to define keyworker and/or local connection (e.g. to the parish boundary or name surrounding parishes). Prioritising other affordable homes to keyworkers and those with a parish connection would not otherwise be possible.

Para 3.22 Denham Neighbourhood plan has been Made. It was made by Buckinghamshire Council on 21st January 2022.

4. Community Views on Planning Issues

Para 4.3 first bullet point – it should be noted that currently there are no Green Belt areas proposed for development/release from Green Belt. suggest the word 'proposed' is changed to 'potential' and the specific area words '77 acres' are also removed.

Second bullet point - The statement that the roads are already classified over capacity is a statement that needs to be checked- are all the roads over capacity, has this been determined through modelling work? This statement should be fact checked before including it.

Fifth bullet point - Please see implementation section for a reminder of comments made at draft stage regarding justification required for secondary school provision.

5. Vision, Objectives & Land Use Policies

Para 5.25 while it is clearly an ambition of the parish Council that an Article 4 direction is made by Buckinghamshire council to control permitted development rights it is not considered that a neighbourhood plan can encourage or make reference to such an action. Buckinghamshire council would have to consider the merits of such a proposal alongside other demands on it. Buckinghamshire would have to consider the benefits and enforceability of such a direction if it was minded to proceed and the area it should cover. Given these constraints both in terms of an Article 4 direction's suitability and council resources to put a direction in place and suitably police it there is no certainty that such a direction would be made and hence reference to it in the neighbourhood plan is unnecessary.

Policy IV3: Design in Iver Village:

Paragraph 206 of the NPPF encourages opportunities for new development within conservation areas, to enhance or better reveal the significance of the conservation area. The aim is to encourage high quality design, consistent with design guidance such as the Townscape Character Guidelines, so that proposals for new development positively contribute to significance. It is suggested that the wording in IV3 A incorporates the aim of enhancement, in addition to preservation, of the significance of the Iver Conservation Area to strengthen the requirement for new, high quality design.

Policy IV5: Local Heritage Assets:

1. The test for considering the effect of an application on non-designated heritage assets in the NPPF para 203 goes only as far as "a balanced judgement will be required, having regard to the scale of any harm or loss and the significance of the heritage asset." Policy IV5 imposes a stricter assessment, whereby any harm or loss "will be resisted, unless it can be demonstrated that there is a public benefit that outweighs the harm or loss." It is suggested that consideration is given to amending the policy wording so that it is more closely aligned with para 203 of the NPPF and reflects making a balanced judgement in relation to the scale of harm arising from any proposals.

2. Policy IV5 only refers to Local Heritage Assets identified by the community. The policy could be broadened to include the wealth of designated and non-designated heritage assets and their settings located throughout the parish. The term 'Heritage asset', as defined in the NPPF, is used to include any building, monument, site, place, area or landscapes identified as having a degree of significance meriting consideration in planning decisions. This covers World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area

designated under the relevant legislation as well as assets identified by the local planning authority (e.g. local listing assets). Including both 'Local Heritage Assets' and 'Heritage Assets' and their settings within the policy would ensure that a much wider range of assets is addressed.

3. It would be helpful if it was clarified within the commentary associated with this policy that the Local Heritage Assets set out in Appendix D are heritage assets identified by the community and not statutorily designated heritage assets or Non-designated Heritage Assets (NDHAs) identified by the Council.

Policy IV7 Air Quality

Some requirements in this policy appear to be very detailed and it is therefore a concern that the policy will be workable. In particular clause c appears to require internal air quality levels to be worked out in advance of development for all dwellings whereas clause D only requests 10% of the built dwellings to be assessed. As written it would be open to the developer or by then the occupiers to choose 10 % of dwellings they knew would meet the tests rather than face additional costs of rectification.

Para 5.31 starts 'The primary sources of pollution in the South Bucks are transport....' It looks like a word is missing between the words 'the' and 'South' it is suggested the word 'former' is inserted between the two words and the word 'District' is added after the word 'Bucks' this is because South Bucks no longer exists as a district council.

Para 5.32 insert the words 'The former' before the word 'South' for clarity as South Bucks District Council no longer exists and for consistency with the changes suggested for para 5.31.

Para 5.36 – obviously the neighbourhood plan was being produced during the Covid 19 pandemic. However, the plan is intended to cover a longer timeframe and in theory we are told the country has passed through the pandemic and indeed restrictions on free movement are currently suspended. Therefore, it is suggested the wording is amended slightly so that the plan will stand the test of time. The first sentence currently reads 'People typically spend about 90% of their time indoors, this average is compounded even further by the Covid-19 pandemic' suggested the word 'is' is changed to 'was' and the word 'by' is changed to 'during'.

Policy IV8 managing traffic

As written the policy almost seems to encourage Green Belt development via exceptional or very special circumstances if it provides road and public realm improvements. Is this the intention of the policy? Both exceptional and very special circumstances would have to be considered on a case by case basis and the policy as worded could imply development proposed in the Green Belt would be permitted if it provided road or public realm improvements. There is currently no strategic policy basis for suggesting Green Belt releases may occur via exceptional circumstances in the former Chiltern and South Bucks areas, as such reference to the possibility of exceptional circumstances could be considered misleading and premature.

We support a policy which helps that aims to secure mitigations where possible and sets out potential mitigation schemes to secure funding against. However, we are concerned there is conflict with this policy and the NPPF and it would not be possible to secure mitigation as stated in the policy. Rather than securing mitigation for 'any development, it is likely a relatively small proportion of development proposals will generate significant traffic/sufficient traffic that would justify a requirement for traffic mitigation. Also any mitigation will need to directly relate to the development impact so we cannot state for certain that clause C of the policy will be feasible in all situations due to the planning obligation tests however appreciate the desire to achieve mitigation in key locations wherever possible. The planning obligation tests are as follows:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

Policy IV9 Reducing Heavy Goods Vehicles

IV9 (A) Operations within the wider use class

This wording seems to undermine the intention – are they trying to restrict changes within the use class? See para 5.42.

IV9 (B) Reference to other commercial vehicle movements could undermine proposals by pubs and shops for smaller scale extensions, etc – is this the intention of the policy?

We are in support of the plan to encourage land use changes that will lead to a reduction in HGV's however, have concerns over Policy IV9 and its statement to not support development should any number of new movements be generated. Para 111 of the NPPF

states, Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The Policy positions are different, and it is difficult to see how the Neighbourhood Plan draft policies have due regard for the NPPF. If the Neighbourhood Plan policy proposals referred to an unacceptable/significant level of HGV's or an unacceptable/severe impact this would bring the neighbourhood plan policies in closer in line with the National policy specifically relating to transport impacts. Buckinghamshire's concern is if this policy is adopted is how the council would respond to an application which proposed a small increase in HGV's as this could be acceptable in terms of the NPPF and its traffic impact on the network given the negligible highway impact.

A small increase any number of HGV's is not likely to present harm on highways safety or capacity grounds and so it would be difficult to defend the policy in appeal situation. I cannot comment on how this policy sits with the National Policies on air quality or any other planning policies.

Para 5.41 – last sentence reads ‘. The Iver's Traffic and Transport Study from 2016 led to HGV generating sites being identified and is shown on the Policies Maps.’ This would read better if the word ‘is’ is replaced with the words ‘these are’.

Para 5.42 A reduction of 10% of movements against what? - the baseline is not clear.

Policy IV10 Community Facilities

Pleased to see that the plan now includes larger scale maps of the community facilities to be protected which should remove any doubt as to the area of the community facility to be protected by the policy.

Policy IV11 Village Centres.

Despite raising concerns about the scale of the mapping used to show the village centres and their functional use, no changes have been made to the maps since draft stage. As such the councils concerns about the maps remain.

Buckinghamshire Council has concerns over the extension of permitted development rights and the impact that allowing a change to residential will have on high streets across Buckinghamshire generally. It is agreed that residential has a role to play in town centres but any change of use should take into account factors such as commercial demand, wider town centre plans and ambitions etc. It is not clear however, what the corporate stance is on this and whether there are any plans for Article 4 directives? The specific reference to

the hope that Bucks Council will make an Article 4 direction is not appropriate and not relevant to the neighbourhood plan whilst this is an aim of the parish this is something they should raise with Buckinghamshire Council directly and not through words in the neighbourhood plan.

Policy IV12 Local Green Spaces

We remain concerned that all the areas chosen meet the criterion for designation as local green spaces. However, accepting the parish have sought to retain them all the small size of some areas and the scale of mapping used to identify the areas means the precise boundaries will be hard to decipher. So to aid usage of the plan and to stop any possible conflict it is suggested larger scale plans of the Local Green Space areas are provided in the plan, either in the main body of the text or as an appendix.

Policy IV13: Colne Valley Regional Park

This policy that sets green infrastructure, biodiversity net gain and local nature recovery provisions in the Colne Valley Regional Park (in which the entire Parish lies) is welcomed however there is no specific information of what net gain entails.

We welcome the statement “Conserve and enhance biodiversity within the Park through the protection and management of its species, habitats and geological features and enhancement of habitat connectivity”. Some more explanation can be provided relating to this statement so it can set the principles for new developments.

Under 5.56 it is stated “Where proposals include provision for landscaping, new means of access or new layouts, there may be an opportunity to relate the land better to the Park, for example in complementing existing biodiversity value through the design of the landscape scheme.” More information can be included on how new development will complement existing biodiversity value through the design of the landscape scheme e.g. retaining and enhancing existing habitat within development site, habitat creation targets, provision of biodiversity enhancements such as installation of bat and bird boxes (e.g. swift boxes) etc.

Plan U: Existing Green Infrastructure Network and opportunities for its enhancement

The green hashed areas are welcomed as target areas to enhance landscape/wildlife value/create public open space.

In these areas native plant species should be used of local provenance (native species that are sourced locally).

The main blue hashed area as opportunity area to enhance waterscape/watercourse may be extended to the north as other four waterbodies exist to include a larger waterscape area.

It is not clear if the existing Priority Habitats - Habitats of Principal Importance within the Parish have been considered in this plan, such as Traditional Orchards. There are several small parcels of Priority Habitat Traditional Orchard in the Parish.

Policy IV14: PassivHaus Buildings:

The goal to improve energy performance in new and refurbished buildings is welcomed. The policy appears to relate predominantly to new development, although refurbishment is also referred to. In terms of designated heritage assets, there may be situations where achieving high energy performance conflicts with preserving the significance of a building. It would be helpful to clarify this, perhaps by referring to "All new development..." throughout the policy wording or by providing some level of flexibility where there may be a conflict between energy performance and the preservation of heritage significance.

Policy IV15: Thorney Business Park

Part B of the policy

Whilst it is appreciated that the wording of this policy has been altered since the draft policy version the policy is still hinting at the neighbourhood plan being supportive of Green Belt boundary changes. It is therefore worth repeating that NPPF para 140 indicates that Green Belt boundaries can only be altered through the plan making process and where exceptional circumstances can be fully evidenced and justified. It further indicates that detailed Green Belt boundary changes can only occur in a neighbourhood plan where strategic policies justify a change to the Green Belt is required. Given the withdrawal of the Chiltern and South Bucks Local Plan and before the adoption of the replacement Buckinghamshire Local Plan there is no strategic policy basis for the neighbourhood plan to consider Green Belt changes. Indeed, para 141 of the NPPF indicates that before concluding changes to the Green Belt boundary are required the Strategic Planning Authority (Buckinghamshire Council) should be able to show it has looked at all possible alternatives to accommodate its development needs. As this work across Buckinghamshire will form part of the work on the emerging Buckinghamshire Local Plan it is by no means certain that Green Belt changes will be required or in the Thorney lane area. given this it is not considered appropriate for the neighbourhood plan to be promoting development of Green Belt land which would be inappropriate and only possible if very special circumstances can be demonstrated.

A landscape and biodiversity strategy is welcomed but again there is no specific information of what will be included e.g. target habitat creation/enhancement and target species enhancements.

While the land north of Iver Station area was allocated in the withdrawn Local Plan one of the benefits of this site was the potential for satellite office development based on the Crossrail/Elizabeth Line link to London? It is considered that a mixed use development, that generates some employment (particularly that which is not reliant on HGV movements) would be our preference.

It is a concern about what happens to the businesses located on the existing business park if this is redeveloped as the neighbourhood plan desires? It is accepted there are issues with HGV traffic, but this is a site that provides employment. We should be looking for a balance between housing and employment and if residential is to increase, should thought not also be given to where these residents might be able to work?

Clause B ii. a.

It is suggested the text is clarified to indicate whether at least 40% 'affordable' homes and homes for keyworkers and those with a local connection means 40% affordable housing as per the core strategy and then additionally other homes for keyworkers and those with a parish connection, or including.

Para 5.72 the NPPF reference is incorrect it should now be para 148 and not 144 as written.

Policy IV16 Link Park Heathrow & Thorney Mill Sidings

As with policy IV15 above, what happens with the existing businesses on the site?

IV17: Pinewood Studios

A number of significant planning applications have been made on the Pinewood Studios site in recent years including on areas of land adjacent which fall outside of the Local Plan site designation. Thus whilst the aim of the Neighbourhood plan is supported it's likely that the major developments proposed on the Pinewood studios site will be reliant on whatever planning conditions were applied to the proposals to control traffic movement rather than the neighbourhood plan being able to limit car use. Because the policy makes reference to the adopted Local Plan policy E2 its not immediately clear to the reader if the policy map reference is to the Local Plan policies map allocated E2 area or the more extensive area identified as Pinewood Studios in the Neighbourhood Plan inset policy map. Additionally, as written the policy would only control development which occurs within the designated area of the Pinewood Studios site and not any development beyond the currently defined area. Therefore, the neighbourhood plan policy needs to clearly indicate the area to which it is

applicable and should allow for future expansion of the pinewood studios beyond whichever policies map boundary is identified as the area covered by the policy.

This is probably addressed in the Section 106 with Pinewood and may already be covered in the wording about not worsening traffic and air quality, but from an economic view as well as mitigation measures, it's also about trying to maximise local benefits from the expansion (jobs, training etc)

6. Implementation

Local Infrastructure Improvement

Para 6.4 makes reference to community Infrastructure levy or section 106 money being used to fund a secondary school as explained in detail at draft plan stage there is currently no justification in terms of pupil numbers for an additional secondary school in the area unless significant additional housing development is proposed in the area the existing spare school place capacity is considered likely to meet future demand for school places.

Policies Map & Insets

Policies map - as stated at draft plan stage although inset maps have been provided these still seem to be shown at too small a scale for the many proposed designations to be clearly identified by the users of the Neighbourhood plan. Policies maps or inserts to them have to be at a useable scale so that developers and landowners can see all the applicable policies that may apply to their site in one place.

Appendix A: Landscape Appraisal: Local Gaps and Corridors of Significance

Para 2.02 refers to the London Borough of Cowley. There is no such borough.

Appendix B: Iver Heath Area of Special Character Design Code

Appendix C: The Ridings Area of Special Character Design Code

Appendix D: Local Heritage Assets Analysis

This schedule provides detailed information about the identified Local Heritage Assets within the parish. It is welcomed as a valuable resource for the local community, applicants and decision makers.

The Heritage Team would encourage the Ivers Parish Council to share this schedule of Local Heritage Assets for inclusion in the Buckinghamshire Council Local List of heritage assets of local or historic interest. We are asking for members of the public to nominate candidate sites for the Local Heritage List. These candidate sites will be assessed against Historic England criteria for inclusion in the Local Heritage List. They would then be categorised as a NDHA and taken into consideration in the planning process. For those assets in that Appendix D Schedule of Local Heritage Assets that are already nominated or included within the Local List, the information set out in the schedule would assist the Local List project team in enriching the list.

Please see the [Local Heritage List Project](#) or contact our Local Listed project Officer for further information: localheritagelist@buckinghamshire.gov.uk

[Appendix E: Schedule of Evidence](#)