

INDEPENDENT EXAMINATION OF THE IVERS NEIGHBOURHOOD PLAN

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Examination Ref: 01/DH/TINP

Buckinghamshire Council Response to Examiner's Clarification Questions

Buckinghamshire Councils response to questions are set out in red following the applicable question. For ease of use the examiners commentary and questions have been left as written in the document below.

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? –

The current position in Buckinghamshire is that while the Council is required to produce a new County Wide Local Plan the uncertainties caused by the Government's proposed changes to the Local Plan system mean the council has not commenced work on the detail of the emerging Buckinghamshire Local Plan. Given this there are no emerging policies or even content at this stage that council officers could have discussed with the Iver Neighbourhood plan group.

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?

At the time the Iver Neighbourhood Plan draft was published and Buckinghamshire Council was consulted, it is true the Iver Relief Road remained a Buckinghamshire Council project. It is also true that work had been commissioned to establish the costs of the project and its feasibility. However, the prospects of funding a full relief road as desired by Iver Parish would have involved crossing of a canal and a number of other features, roundabout, junctions etc all of these were making the realistic cost of the proposed road far outside the availability of possible funding. There were thoughts that funding could have been taken from the redevelopment of

the Thorney Lane Iver site – a Chiltern and South Bucks Local Plan allocation but this local plan was withdrawn. Also funding was thought to be possible via contributions from Network Rail as part of the Western Rail Link to Heathrow proposal – now on hold. Given the rising costs it seemed unlikely that any proposals for a relief road would be forthcoming in the near future and as such after discussions with the parish council on their desire to retain the relief road scheme it was decided that the Buckinghamshire Council would not object to the omission of the Iver Relief Road from the neighbourhood plan. As such the agreed approach is that the neighbourhood plan as submitted and as worded in relation to the lack of provision for a relief road can proceed.

In relation to the David Wilson Homes representations it should be pointed out that their provision of a relief road is dependent on them getting planning permission for a housing development to the South of Iver Village. Any road created as part of this scheme would provide relief to the Iver village High Street only and not the wider area as desired by the parish. The development of the David Wilson Homes site would be contrary to the development plan and would entail development in the Green Belt contrary to government guidance as set out in the NPPF. The neighbourhood plan has no option to consider such sites for Green Belt release as sites of this size would be a strategic matter for the new Buckinghamshire Local Plan which at this time does not exist even in draft form.

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.

Whilst it is agreed all the local gaps and corridors of significance are covered by Green Belt and this subject to national government Green Belt policy and guidance it is clear that the parish through their neighbourhood plan is seeking to highlight those areas of Green Belt which they consider to be of particular importance. While Green Belt policy as set by national government will give protection to these areas it could be argued that in any situation where a developer is seeking to promote development in an identified gap or corridor by means of very special circumstances the identification of the area through a locally determined neighbourhood plan

passed at referendum may give additional legitimacy to those seeking to resist a developer.

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?

There is no agreement for the release of Green Belt. As mentioned before there is no strategic plan in place to indicate changes to the Green Belt will be made or that the neighbourhood plan could alter Green Belt boundaries. While the Withdrawn Chiltern and South Bucks Local Plan did suggest some changes to Green Belt boundaries based on the Local Plan evidence these were not the precise area being promoted by the neighbourhood plan. As set out in the examiners questions very special circumstances cannot be defined as they are individual to the location and development being considered as such Buckinghamshire Council does not agree that the neighbourhood plan policy can or should define very special circumstances.

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?

As set out above the Relief Road project is unlikely to proceed and even if it does it may not follow a route through the Thorney Business Park. The route of the road has not been safeguarded as such there would be nothing to prevent the owner of the site seeking to re-develop it without preserving space for a future road.

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.

The NPPF guidance states that Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development, the guidance implies that design codes can be developed at a neighbourhood level and that such design guidance can be defined at a local scale. The parish have chosen to set design guidance for key parts of their area. given this reflects local choice and design guidance at a neighbourhood level it seems like the plan is in line with the government guidance and doesn't need additional 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?

There is no policy in place across Buckinghamshire which is so demanding on potential developers. Also see comments on Buckinghamshire Council Regulation 16 response.

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?

A response from Buckinghamshire Council was made at Submission stage – Unfortunately this was omitted from the responses originally forwarded to the Examiner. The Buckinghamshire response has now been supplied to the Examiner. The Council's response would identify any policies that were considered not to meet the basic conditions.

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?

The Development Plan for the Ivers consists of the following documents, South Bucks District Local Plan Adopted March 1999 Consolidated September 2007 and February 2011; the Core Strategy Adopted February 2011 and the Buckinghamshire

Minerals and Waste Local Plan 2016-2036 Adopted July 2019.

The strategic Local Plan policies are contained within the Core Strategy, under the local development framework process at the time the Core Strategy was intended to be the strategic document with more detailed non-strategic policies contained in one or more delivery development plan documents. As such there was no requirement for the Core Strategy document to identify strategic policies. Due to changes in legislation the lower tier plan(s) was/were never produced and the former district elements of the development plan were intended to be replaced by a new joint Local Plan being produced by the then South Bucks and Chiltern District Councils. However, the replacement plan was withdrawn following the creation of the new Buckinghamshire Council meaning that the former District elements of the development plan remain relevant for the South Bucks and thus Iver area.

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?

This question is partially answered by the response to question 1 above. However, due to uncertainties caused by the much heralded changes to the Local Plan system recently set out in the queen's speech and subsequent levelling up Bill. The council members have been reluctant to progress the Local Plan based either on the existing system or in anticipation of the new system in case work is undertaken which then has to be abandoned or significantly altered to meet the new system or any transitional arrangements. As such there is no currently revised timetable for production of the Buckinghamshire Local Plan.

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?

Yes, it is the intention that the new Buckinghamshire Local Plan will supersede the policies contained in the former District planning policy documents.

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.