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Report on The Ivers Neighbourhood Development Plan 2021- 2040

An Examination undertaken for Buckinghamshire Council with the support of The Ivers Parish Council on the December 2021 submission version of the Plan.

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Date of Report: 26 September 2022

Contents

Main Findings - Executive Summary	4
1. Introduction and Background.....	5
The Ivers Neighbourhood Plan 2021-2040	5
The Independent Examiner	5
The Scope of the Examination	5
The Basic Conditions	6
2. Approach to the Examination	7
Planning Policy Context	7
Submitted Documents.....	7
Site Visit	8
Written Representations with or without Public Hearing.....	8
Modifications	10
3. Procedural Compliance and Human Rights.....	10
Qualifying Body and Neighbourhood Plan Area	10
Plan Period.....	10
Neighbourhood Plan Preparation and Consultation	10
Development and Use of Land.....	11
Excluded Development	11
Human Rights	11
4. Compliance with the Basic Conditions	11
EU Obligations	11
Main Issues.....	11
General Issues of Compliance of the Plan	12
National Policy, Sustainable Development and the Development Plan	12
Specific Issues of Compliance of the Plan's Policies	12
Introduction and Background (page 6).....	12
Policy IV1: Gaps between settlements (page 24)	13
Policy IV2: Design in Iver Heath (page 30)	13
Policy IV3: Design in Iver Village (page 32)	13
Policy IV4: Design in Richings Park (page 34).....	14
Policy IV5: Local Heritage Assets (page 37).....	14
Policy IV6: Sustainable Travel (page 37)	14
Policy IV7: Air Quality (page 39)	15
Policy IV8: Managing Traffic (page 41)	15

Policy IV9 Reducing Heavy Goods Vehicles (page 44)	15
Policy IV10: Community Facilities (page 46).....	16
Policy IV11: Village Centres (page 53)	16
Policy IV12: Local Green Spaces (page 56)	16
Policy IV13: Colne Valley Regional Park (page 60)	17
Policy IV14: PassivHaus Buildings (page 63)	17
Policy IV15: Thorney Business Park (page 66).....	17
Policy IV16: Link Park Heathrow and Thorney Mill Sidings (page 70)	19
Policy IV17: Pinewood Studios (page 71)	19
Implementation (page 72)	19
Monitoring	20
Policy Map and Insets (page 73).....	20
Appendices (page 78)	20
Factual and Minor Amendments	21
5. Conclusions.....	21
Summary.....	21
The Referendum and its Area	21
Overview	21
Appendix: Modifications.....	23

Main Findings - Executive Summary

From my examination of The Ivers Neighbourhood Plan and its supporting documentation including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – The Ivers Parish Council;
- The Plan has been prepared for an area properly designated – the Designated Area as identified on the plan on page 7 of the document;
- The Plan specifies the period to which it is to take effect – 2021 to 2040; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

1. Introduction and Background

The Ivers Neighbourhood Plan 2021-2040

- 1.1 The Parish of The Ivers includes three main settlements – namely Iver Heath, Iver Village and Richings Park. The Parish encompasses a wide range of characteristics and although many of the built-up areas are suburban in character, there are significant areas of woodland, paddocks and agricultural land. The proximity of London and the importance of associated transport infrastructure is clear. The main west of England rail line and the Grand Union canal pass through the south of the Parish and the M25 runs to the east of the area - the M4 and M40 are very close by. Heathrow Airport is only 2km to the south of the Parish.
- 1.2 I saw a wide range of community facilities and services on my visit, including schools, shops, churches and pubs and there appears to be a range of employment uses in the Parish. Whether or not it is as a consequence of those employment land uses, I saw on my visit a significant number of HGVs using the local road network, and at times causing a hazard to other road users (for example when travelling through Iver village).
- 1.3 The Consultation Statement records that work on The Ivers Neighbourhood Plan started in 2015 and a series of public meetings were arranged. Questionnaires were distributed and pop-up events were held in 2016. Further consultation continued between 2017 and 2018, with a pause in progress culminating in the new unitary authority's decision to withdraw the Chiltern and South Bucks Local Plan in October 2020. Following on from this, and with further work undertaken, Regulation 14 consultation commenced in May 2021.

The Independent Examiner

- 1.4 As the Plan has now reached the examination stage, I have been appointed as the examiner of The Ivers Neighbourhood Plan (TINP) by Buckinghamshire Council (BC), with the agreement of The Ivers Parish Council (TIPC).
- 1.5 I am a chartered town planner and former government Planning Inspector, with extensive experience in the preparation, examination and implementation of development plans and other planning policy documents. I am an independent examiner, and do not have an interest in any of the land that may be affected by the draft Plan.

The Scope of the Examination

- 1.6 As the independent examiner I am required to produce this report and recommend either:

- (a) that the neighbourhood plan is submitted to a referendum without changes; or
- (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
- (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.

1.7 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended)('the 1990 Act'). The examiner must consider:

- Whether the plan meets the Basic Conditions.
- Whether the plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
 - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
 - it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;
 - it does not include provisions and policies for “excluded development”; and
 - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area.
- Whether the referendum boundary should be extended beyond the designated area, should the plan proceed to referendum.
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended)('the 2012 Regulations').

1.8 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

The Basic Conditions

1.9 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;

- contribute to the achievement of sustainable development;
 - be in general conformity with the strategic policies of the development plan for the area;
 - be compatible with and not breach European Union (EU) obligations (Note: the existing body of environmental regulation is retained in UK law); and
 - meet prescribed conditions and comply with prescribed matters.
- 1.10 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (“the 2017 Regulations”). This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

2. Approach to the Examination

Planning Policy Context

- 2.1 The Development Plan for this part of Buckinghamshire, not including documents relating to minerals and waste development, consists of the saved policies of the South Bucks District Local Plan (adopted March 1999 and consolidated in September 2007 and February 2011); and the Core Strategy adopted in February 2011.
- 2.2 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. A revised NPPF was published on 20 July 2021. All references in this report are to the 2021 NPPF and its accompanying PPG.
- 2.3 Work has commenced on the Local Plan for Buckinghamshire (LP4B). The plan’s preparation will need to take into account expected new legislation. An estimated timetable is currently being finalised and is expected to be published in the coming months.

Submitted Documents

- 2.4 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the draft of The Ivers Neighbourhood Plan 2021-2040, December 2021;

- the Plan on page 7 of the TINP which identifies the area to which the proposed Neighbourhood Development Plan relates;
- the undated Consultation Statement;
- the Basic Conditions Statement, December 2021;
- all the representations that have been made in accordance with the Regulation 16 consultation;
- the Strategic Environmental Assessment (SEA) Screening Opinion prepared by O'Neill Homer Ltd (February 2021); and
- the responses from both BC and TIPC to my initial Questions dated 19 May 2022 and to my further letter dated 23 May 2022 (see the paragraphs that follow).

These documents can be viewed at: [Neighbourhood plans | Buckinghamshire Council](#)

- 2.5 Unfortunately, I was initially not sent a copy of the Buckinghamshire Council Regulation 16 response and therefore my questions, at that time, were based on the Council's Regulation 14 response. This included references (under policy IV15) confirming that 'delivery of the Iver Relief Road remains Council policy, it has not been abandoned'. (See Appendix 7.4.20.3 of the Consultation Statement).
- 2.6 The situation, however, was clarified in the responses to my Questions and I was sent a copy of the Buckinghamshire Regulation 16 response. The situation regarding, in particular the Relief Road and the preparation of a Local Plan for Buckinghamshire, has now been made clear to me and I have based this Report on the most up-to-date information available.

Site Visit

- 2.7 I made an unaccompanied site visit to the Neighbourhood Plan Area on 7 June 2022 to familiarise myself with the locality, and visit relevant sites and areas referenced in the Plan and evidential documents.

Written Representations with or without Public Hearing

- 2.8 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum.
- 2.9 In the Legal Opinion submitted with the representation from David Wilson Homes (DWHS) it is advised that a hearing should be held in order that a full consideration can be given to 'the serious and fundamental concerns ... in particular regarding the Relief Road'.
- 2.10 Initially I shared those concerns regarding the provision of a Relief Road, particularly because at the time of my initial consideration of the matter I had not been sent a copy of the Regulation 16 Consultation response from

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Buckinghamshire Council. I consequently asked for clarification of the issue in my Question 2 to both TIPC and BC. I now benefit from responses from both Councils.

- 2.11 DWHS have an interest in land to the south of Iver village which currently lies within the Green Belt. The site could accommodate about 500 dwellings and if developed would include a relief road for Iver village. In the response on behalf of DWHS dated March 2022 (prepared by Carter Jonas), it is concluded in paragraph 2.30 (page 11) that ‘the only option for The Ivers is to consider a Relief Road’. It is the opinion of DWHS that the TINP fails to meet Basic conditions a (national policy and advice), d (sustainable development) and e (general conformity) - see paragraph 1.9 above - and it is requested that the issue be considered by way of a hearing.
- 2.12 Whilst a route for a relief road is identified in Figure 8 of the Carter Jonas response, this would only provide a level of traffic relief for the village of Iver itself. There is no indication of the consequences of such a route on the remainder of the road network in the Parish.
- 2.13 Having considered all the evidence it is clear to me that there is currently insufficient justification for including a proposal in the TINP for a relief road. There is no clearly justified route for such a road; I am not aware of any detailed consideration having been given to the implications of a relief road (for example on other highway infrastructure); I have not seen any detailed costings for a new road; there is no substantive evidence that the necessary funding would be available; and, although the Transport and Air Quality Technical Report (prepared for DWHS by Stantec in March 2022) does refer to three route options, it is not clear to me what other options are currently available or have been considered (both in terms of alternative routes for a relief road and other traffic management measures that could be adopted). Perhaps, more importantly, there is currently no commitment from BC to providing a relief road and I note that BC, in response to my Question 2, do not object to the fact that the relief road is not a proposal in the TINP.
- 2.14 Against that background, I am also aware that the development proposed by DWHS is within the Green Belt and currently such development would be contrary to government guidance. The release of land from the Green Belt would be an issue to be addressed as part of the preparation of the Buckinghamshire Local Plan and would be a strategic matter which is beyond the scope of the TINP.
- 2.15 Having assessed all the evidence before me, I conclude that I have sufficient information to address the issue of the relief road and that, bearing in mind the summary of the situation that I give in the previous paragraphs, it is not necessary for my consideration to hold a hearing session to discuss the issue further.
- 2.16 I am satisfied that the approach taken at this stage by the TIPC in relation to the omission of a proposal for a relief road is reasonable, and has regard to

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national policies, is in conformity with the strategic policies of the development plan and meets the other Basic Conditions.

Modifications

- 2.17 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 TINP has been prepared and submitted for examination by the Parish Council, which is the qualifying body for an area that was originally designated by the former South Bucks District Council (SBDC) in November 2016. On 1 April 2020, SBDC was replaced by Buckinghamshire Council, which carries over the statutory designation.
- 3.2 It is the only neighbourhood plan for the Parish and does not relate to land outside the designated Neighbourhood Plan Area.

Plan Period

- 3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2021 to 2040.

Neighbourhood Plan Preparation and Consultation

- 3.4 The undated Consultation Statement clearly explains the processes and procedures that have been followed during the preparation of the TINP. Since the start of the process in 2015, it is clear that considerable effort has been placed in seeking the views of residents and other interested parties. A wide range of issues have been raised and the Parish Council has provided clear responses to those matters. Consultation continued between 2017 and 2018, with a pause leading up to the withdrawal of the Chiltern and South Bucks Local Plan in 2020, and then pre submission Regulation 14 consultation being undertaken in 2021.
- 3.5 An appropriate range of consultation methods were used, and the Consultation Statement clearly demonstrates that significant effort has been placed on undertaking the consultations and assessing the responses that were submitted. I can fully appreciate the final comment in the Statement that 'it has been very hard work for a very long time'.

- 3.6 I am able to conclude that the opportunity to contribute towards the preparation of the Plan has been available to all interested parties at the relevant stages, including at both the Regulation 14 stage (24 May 2021 to 17 July 2021) and the Regulation 16 stage (10 February 2022 to 24 March 2022). I am satisfied that all the relevant requirements in the 2012 Regulations have been met. I also consider that, overall, the approach taken towards the preparation of the TINP has been conducted in a fair, proportionate and inclusive manner. The relevant advice on plan making and community engagement (for example, PPG Reference ID: 61-030-20180913) has been heeded and I consider the legal requirements have been met.

Development and Use of Land

- 3.7 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

Excluded Development

- 3.8 The Plan does not include provisions and policies for 'excluded development'.

Human Rights

- 3.9 I have seen no evidence that the Plan breaches Human Rights (within the meaning of the Human Rights Act 1998), and it is not a matter that has been raised by any of the respondents, including BC.

4. Compliance with the Basic Conditions

EU Obligations

- 4.1 The SEA Screening Opinion, prepared by O'Neill Homer Ltd, (February 2021) concludes that an SEA is not required. It is also confirmed that a Habitats Regulations Assessment is unlikely to be necessary. Having read the document and the representations submitted from interested parties, including Natural England, I support these conclusions.

Main Issues

- 4.2 I have approached the assessment of compliance with the Basic Conditions of The Ivers Neighbourhood Plan as two main matters:
- General issues of compliance of the Plan, as a whole; and
 - Specific issues of compliance of the Plan policies.

General Issues of Compliance of the Plan

National Policy, Sustainable Development and the Development Plan

- 4.3 There are 6 chapters in the TINP, which are the Introduction and Background; The Neighbourhood Area; Planning Policy Context; Community Views on Planning Issues; Vision, Objectives and Land Use Policies; and Implementation. The Basic Conditions Statement (December 2021) seeks to explain how the TINP has met the legal requirements; taken into account national policies; and not breached EU and sustainability obligations.
- 4.4 Subject to the detailed comments that I set out below, I conclude that the TINP has had proper regard to national policy and guidance. I also conclude that, subject to the recommendations that I make:
- The TINP is in general conformity with the strategic policies of the adopted Development Plan for the area, and that overall, the document provides an appropriate framework that will ensure that the Parish Council's vision for the area, as set out on page 23, will be achieved; and
 - That the policies as modified, are supported by appropriate evidence, are sufficiently clear and unambiguous and that they can be applied with confidence (PPG Reference ID: 41-041-20140306).

Specific Issues of Compliance of the Plan's Policies

Introduction and Background (page 6)

- 4.5 Chapter 1 establishes the context within which the TINP has been prepared. Paragraph 1.3 states that the Buckinghamshire Local Plan will run to 2040. Whilst this may currently be the aspiration, circumstances may change and therefore I recommend, in **PM1**, that the wording be modified.
- 4.6 The Neighbourhood Area is clearly described in Chapter 2 and the paragraphs that relate to the three main settlements provide the reader with a helpful summary of the area's characteristics. In the interests of clarity, Plan B should incorporate a key, and this is recommended in **PM2**.
- 4.7 The Planning Policy Context is summarised in Chapter 3. There are a number of corrections and up-dates to the text that are required. Paragraph 3.4 should refer to the saved Local Plan policies and paragraph 3.22 should confirm that Denham Neighbourhood Plan has been made (**PM3** and **PM4**). BC suggested that paragraphs 3.13 to 3.18 regarding the withdrawn Chiltern and South Bucks Local Plan should be deleted. Whilst it is the case that the Local Plan has been withdrawn, I consider that the text provides an aid to the understanding of the evolution of planning policy in the area. The commitment in paragraph 3.18 to undertake 'an early review of the Plan to deal with the matter of housing growth' is to be welcomed.

4.8 Chapter 4 summarises the views of the community on planning issues and identifies the key issues to be addressed. Chapter 5 addresses the vision and objectives for the Parish, which are clear and justified. It then goes on to set out the land use policies for the area.

Policy IV1: Gaps between settlements (page 24)

4.9 The protection of the semi-rural environment and the protection of valued green space are clear objectives which have the support of the local communities.

4.10 In my Question 3 to BC, I raised the fact that the all the local gaps and corridors of significance, identified in policy IV1, lie within the Green Belt. I have assessed national guidance (e.g. Chapter 13 of the NPPF) and it is clear that whilst the Green Belt may provide a nationally implementable policy framework in this regard, there may be specific features or areas at a local level, which should be identified and taken into account, for example in the determination of planning applications for development that is being proposed 'in very special circumstances' (NPPF paragraph 147).

4.11 I assessed the gaps and corridors on my visit to the Parish and concluded that the areas identified in policy IV1 are appropriate. To that end, I am satisfied that the identification of specific local gaps and corridors of significance (which are of particular value to the local community) is justified. I am also mindful that the policy does advise on how to interpret the policy in terms of 'development proposals that lie within a defined Local Gap' and proposals 'within a defined corridor'. The policy does not place an embargo on development in these areas.

4.12 In the interests of clarity I recommend that the policy title be modified to refer to Corridors of Significance (**PM5**).

Policy IV2: Design in Iver Heath (page 30)

4.13 As I saw on my visit, Iver Heath displays a number of attractive characteristics and I am satisfied that the wording of policy IV2 is appropriate in order to ensure that those valued characteristics are retained and the Basic Conditions are met.

Policy IV3: Design in Iver Village (page 32)

4.14 Policy IV3 establishes the approach to design in Iver Village, including in the Conservation Area and I am satisfied that the approach taken by the Parish Council, in seeking to retain the character of the area, meets the Basic Conditions.

Policy IV4: Design in Richings Park (page 34)

- 4.15 Having visited the area I am satisfied that the proposed requirements for development in Richings Park are justified, especially bearing in mind the contents of the Townscape Character Studies. I am also satisfied that the identification of The Ridings Area of Special Character is appropriate. Although there have been a small number of alterations to some of the buildings, The Ridings still makes a positive contribution to the character of the locality, which is worthy of retention.
- 4.16 Paragraph 5.25 refers to the 'encouragement' of BC to make an Article 4 Direction (relating to design at Richings Park). The TIPC has agreed to modify this paragraph and I agree that the proposed wording is a clearer summary of the TIPC's intended approach and I recommend accordingly (**PM6**). In this way it will be clear that national advice has been followed and that all the other Basic Conditions have been met.
- 4.17 I have considered whether or not specific reference should be made to 'enhancement' in the three design policies, but I am satisfied that NPPF Chapter 12 on Achieving well-designed places, provides sufficient advice.

Policy IV5: Local Heritage Assets (page 37)

- 4.18 Policy IV5 seeks to protect the local heritage assets which are listed in Appendix D of the document. Concerns were expressed by some residents regarding the inclusion of residential properties on the list. However, I am satisfied that due regard was given to all the representations received on this matter and that the contents of the list is justified. I note the Parish Council's response to my Question 12 indicates that it is proposed to hold further meetings with interested parties to give further explanation about the matter.
- 4.19 Buckinghamshire Council, in its Regulation 16 response, refers to the need for a 'balanced judgement' to be made regarding the harm to a heritage asset caused by a proposed development. The policy states that the harm to, or unnecessary loss of a heritage asset will be resisted unless there is a public benefit that outweighs the harm or loss. This requirement is excessive when compared to advice in the NPPF where a balanced approach is sought (paragraph 203). Therefore, I recommend an appropriate modification to Policy IV5, which would enable it then to meet the Basic Conditions (**PM7**).
- 4.20 In the interests of clarity an additional sentence regarding the status of the heritage assets should be added to paragraph 5.26 and I recommend accordingly in **PM7**.

Policy IV6: Sustainable Travel (page 37)

- 4.21 Policy IV6 relates to the identified Active Travel Network and opportunities to improve the Network are identified. I am satisfied that the approach being

promoted accords with the advice in Chapter 9 of the NPPF regarding the promotion of sustainable transport and that the Basic Conditions are met.

Policy IV7: Air Quality (page 39)

- 4.22 Policy IV7 and its supporting text is very detailed but the policy includes two requirements which have not been sufficiently justified. In clause B, there is insufficient reason to include the third sentence that refers to only justifying an increase in air pollution in ‘exceptional circumstances’. It is not clear what would constitute such circumstances and I am mindful that the NPPF only refers to ‘unacceptable risk’. I therefore recommend in **PM8** that the aforementioned third sentence be deleted. Secondly, I consider that clause D of policy IV7, regarding indoor air quality, lacks sufficient clarity and consequently may be difficult to satisfactorily implement. In any event, there is appropriate advice on ventilation and air quality standards in the Building Regulations Approved Document F (June 2022). I therefore recommend the deletion of clause D (**PM9**). The subsequent clauses will have to be re-lettered (see paragraph 4.56 below). There are also a small number of modifications required to the supporting text, in the interests of clarity (paragraphs 5.31, 5.32 and 5.36) and these are set out in **PM10**, **PM11**, and **PM12**.

Policy IV8: Managing Traffic (page 41)

- 4.23 The issue of traffic types and levels is clearly of significant concern to local residents and policy IV8 seeks to ensure the appropriate management of traffic. Clause B of the policy lacks clarity as to what is meant by ‘those tests’ and I have recommended in **PM13** the deletion of that reference because it adds confusion to the policy.
- 4.24 The policy does not make specific reference to the planning obligation tests (NPPF paragraph 57), although there is an oblique reference at the end of clause B. Whilst I acknowledge that these tests are to be found in other documentation, I consider it would secure the necessary clarity and value of the policy if there was a brief reference to the tests in the policy and I recommend accordingly in **PM14** an addition to clause C.
- 4.25 Subject to the recommended modifications, I am satisfied that policy IV8 will contribute to the achievement of sustainable development and meet the other Basic Conditions.

Policy IV9 Reducing Heavy Goods Vehicles (page 44)

- 4.26 On my site visit I noted a significant number of heavy goods vehicles using the roads through the Parish and I note that the first objective on page 23 of the Plan is to ‘reduce significantly or remove HGV traffic from sites that generate that traffic in the Parish ...’. The emphasis that is placed on the need to reduce HGV movements is justified.

- 4.27 The policy refers to ‘other commercial vehicle movements’ but this would encompass a wide range of movements from vehicles smaller than an HGV. Bearing in mind such movements may not have significant environmental consequences, I recommend that these references are deleted and that therefore the policy ‘concentrates’ on HGV movements.
- 4.28 The policy also includes references to ‘new facilities’ and ‘existing facilities’. In the interests of clarity, I recommend, that the word ‘business’ replaces ‘facilities’.
- 4.29 Both these modifications are set out in **PM15**, and their fulfilment will ensure that the Basic Conditions are met.

Policy IV10: Community Facilities (page 46)

- 4.30 Policy IV10 identifies community facilities which, in essence, are to be protected. This approach accords with the advice in Chapter 8 of the NPPF. I am not aware of any objections to the content of the list and consider the policy meets the Basic Conditions.

Policy IV11: Village Centres (page 53)

- 4.31 Two village centres are identified, namely Iver High Street and Bathurst Walk (Richings Park). Reference is made in the supporting text to the ‘hope’ that Buckinghamshire Council will make an Article 4 Direction for both centres, and BC has objected to that reference. However, it is not a policy of the NP, rather an aspiration of the Parish Council and as such there is no substantive reason why the reference should not be made. The policy meets the Basic Conditions.

Policy IV12: Local Green Spaces (page 56)

- 4.32 Eighteen areas of Local Green Space (LGS) are identified in policy IV12. The Local Green Spaces Report (November 2021) provides detail about the process of designation and assesses each site independently. I am satisfied that all interested parties have had the opportunity to comment, including the owners of the land.
- 4.33 As explained in the NPPF paragraph 102, LGS designation should only be used where the green space is: a) in reasonably close proximity to the community it serves; b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and c) local in character and is not an extensive tract of land. LGS should also be capable of enduring beyond the end of the Plan period (paragraph 101). Having visited each LGS on the site visit, I consider that they all meet the criteria for designation outlined in the NPPF.

- 4.34 On a further point, I note that the policy states ‘Proposals for development in a Local Green Space will only be supported in exceptional circumstances’. NPPF paragraph 147 refers to ‘very special circumstances’ not exceptional circumstances and this also does not accord with NPPF paragraph 103, which states that policies for managing development within a Local Green Space ‘should be consistent with those for Green Belts’. In addition to development demonstrating very special circumstances, national policy would allow for developments that are ‘not inappropriate’ or which are identified as exceptions. I therefore recommend in **PM16** a revision to Policy IV12 to achieve the necessary regard to national policy.

Policy IV13: Colne Valley Regional Park (page 60)

- 4.35 Policy IV13 sets out the criteria for the consideration of development within the Regional Park. Bearing in mind the size, value and quality of the Park (which includes all the Parish of Iver), I am satisfied that the requirements of policy IV13 are broadly justified and meet the Basic Conditions, subject to the clarification of the last sentence of clause A (**PM17**).

Policy IV14: PassivHaus Buildings (page 63)

- 4.36 This is generally a clearly worded policy but in the interests of accuracy I recommend a small number of modifications, namely to policy IV14 A (**PM18**); policy IV14 D (**PM19**); and paragraph 5.65 (**PM20**). I note that BC suggests that the reference should be to all *new* development in order to encompass situations where achieving high energy performance would conflict with preserving the significance of a building. However, I don’t consider that such an amendment would add clarity because work on, for example, an existing building could still be classified as ‘new’ development. However, I note that criteria B and C include the word ‘should’ rather than ‘must’ (as in criterion A). In order to introduce a degree of flexibility (taking into account the point made by BC regarding the potential for a conflict between energy performance and the preservation of buildings of heritage significance), I recommend the replacement of ‘must’ in criterion A, by the word ‘should’ (**PM21**).

- 4.37 Clause C of the policy refers to a Post Occupancy Evaluation Report, but it is not clear what that entails. It is therefore recommended (with the support of the Parish Council) that a new Appendix E is attached to the Plan which explains what is expected (**PM22**). In this way, regard to national policies and advice will be demonstrated and the other Basic Conditions will be met. As a consequence, the existing Appendix E should be re-lettered to become Appendix F (see paragraph 4.56 below).

Policy IV15: Thorney Business Park (page 66)

- 4.38 Part A of policy IV15 relates to land inset from the Green Belt and establishes the criteria that have to be met in the consideration of any proposals for the land at Thorney Business Park. This is a reasonable approach but in the

interests of clarity for the decision maker, the first sentence of the policy should state that it is previously developed land (**PM23**).

- 4.39 Sub-clause i (under A) would prevent all HGV movements, except for construction purposes but I have seen no specific evidence that this is a reasonable requirement in this instance and therefore I recommend in **PM24**, that the reference is made to not generating a significant number of such movements.
- 4.40 Sub-clause ii (under A) refers to minimising the visual impact of any new buildings in long views. This objective is justified but the wording should be clarified, and reference should be made to providing a landscape and visual impact assessment alongside any planning application. Modified text is recommended in **PM25**.
- 4.41 Part B of the policy sets out the 'very special circumstances' that would justify inappropriate development in Area B. There has been no agreement for the release of this land and the land is not included in any strategic documents. On that basis I can find no justification for the inclusion of part B of policy IV15 as it stands. Whilst I understand the wish of the Parish Council to be one step ahead with regards to the future of this land, the Green Belt covers other parts of Buckinghamshire and I consider that a co-ordinated Buckinghamshire Council-wide approach to the future of Green Belt land should be taken and that there is no justification, at this time, for setting out the 'special circumstances justifying inappropriate development in the Green Belt'.
- 4.42 I raised this issue with the Parish Council in my Question 4 and it responded by providing modified wording but this still includes reference to the 'very special circumstances' test. Whilst such an approach clearly sets out the expectations of the Parish Council, it disregards any strategic consequences that may arise. NPPF Chapter 13 makes it clear that issues involving the Green Belt should be addressed at a strategic level. The responsibility falls to the strategic policy-making authorities and as such I conclude that part B of the policy is not sufficiently justified and should be deleted. **PM26** is therefore recommended.
- 4.43 The TIPC also suggested changes to the introductory clauses by including references to the Thorney Business Park Sketch Framework Plan. I found a copy of the Framework Plan in the Agenda for 7 December 2021 on the Parish Council website and it succinctly sets out the Parish's Objectives for the site and the Principles for Development. On that basis I am satisfied that a reference to the document, in clause A, would be appropriate and recommend accordingly. This recommendation is set out in **PM27**.
- 4.44 Both Savills and Turley (on behalf of interested parties) suggest a small number of modifications to the policy. The suggested classification of the sub-clauses as 'guidelines' would inevitably reduce the ability of the decision maker to draw a firm conclusion. The interpretation of policies should be clear to the decision maker. The policy does not preclude the provision of a car

park, rather it supports such provision. I can see no value in re-naming the 'design code' a 'design framework' but if considered necessary by TIPC and BC this could be agreed under paragraph 4.56 of this Report.

- 4.45 The Parish Council suggests a minor change in paragraph 5.72 (deletion of the word 'As') but this change could also be made under paragraph 4.56 of this Report, if there is agreement between the two Councils.
- 4.46 With these modifications, policy IV15 will have regard to national policies and advice and meet the Basic Conditions.

Policy IV16: Link Park Heathrow and Thorney Mill Sidings (page 70)

- 4.47 Policy IV16 clearly sets out the expectations of TINP with regard to redevelopment of this land. Clause i refers to eliminating HGV movements 'from the outset' but it is not clear to me what this means. The TIPC has suggested a definition of what is meant, and I agree that this would secure the necessary clarity in the policy and recommend the inclusion of a footnote explaining the term (**PM28**). In this way, all the Basic Conditions will be met.

Policy IV17: Pinewood Studios (page 71)

- 4.48 Pinewood Studios is a nationally important film, media and television complex. Saved Policy E2 of the South Bucks Local Plan 1999 establishes the parameters for development on the site (as identified in that Plan). It is proposed by TIPC to strengthen the achievement of saved Policy E2 through the inclusion (in TINP policy IV17) of references to transport and environmental impacts. However, I consider that there are other consequences of development, for example in wider economic terms, that would also need to be addressed. Development at Pinewood would have wider implications, than just at the Parish level, and that consequently any policy for the site should be considered at a strategic level. NPPF paragraph 20 makes it clear that strategic policies should address 'an overall strategy', including in terms of employment, leisure and other commercial development. As a strategic matter, it will be within the purview of Buckinghamshire Council, in its preparation of the Buckinghamshire Local Plan, to consider issues at Pinewood. Until that time, saved Policy E2 (and national advice in the NPPF) provide a sufficient framework for the consideration of proposed development at Pinewood. On that basis I recommend, in **PM29**, the deletion of Policy IV17 and supporting paragraph 5.77.

Implementation (page 72)

- 4.49 Chapter 6 relates to the implementation of the TINP, and this is an important aspect of the Plan preparation process. In paragraph 6.4 there is a reference to 'Secondary School provision' but BC has confirmed that there is currently no justification for such provision and therefore I recommend, in **PM30**, the deletion of that reference in the list in paragraph 6.4.

Monitoring

- 4.50 There is no reference to the monitoring of the TINP and I consider this to be an important component in the Plan-making process. The TIPC accepts that this would be a helpful addition to the document and has suggested appropriate wording which I consider should be included in the document and therefore recommend accordingly in **PM31**.

Policy Map and Insets (page 73)

- 4.51 BC refer to the difficulty in interpreting many of the maps and plans included within the document (including the Policies Map) and I agree that many of them are difficult to accurately decipher. It is important that the content of the document is clear (in particular for decision makers) and therefore I recommend that all the plans in the document are presented in a clear and unambiguous manner (**PM32**). I also suggest that where appropriate (for example under policy IV1: Gaps between settlements) there should be a specific cross-reference to the page on which the relevant Policies Map can be found, thus making it easier for the decision maker to navigate through the content of the document (see paragraph 4.56 below).
- 4.52 Policies IV2 (page 30); IV3 (page 32); and IV4 (page 34) refer to a number of specific buildings but they are not identified on any of the plans. The TIPC agrees that these should be included on the Policies Map, and I recommend accordingly in **PM33**.

Appendices (page 78)

- 4.53 Appendix A is a relatively detailed Landscape Appraisal of local gaps and corridors of significance, and it provides a clear indication of their features and characteristics. It is confirmed in paragraph 4.09 of the Appendix that the proposed policy does not wholly exclude development within the identified areas.
- 4.54 Appendix B is a Design Code for The Parkway, Longstone Road, Church Road (north side) and Ashford Road, Iver Heath and Appendix C is a Design Code for The Ridings, Richings Park. They clearly establish the expectations of the Parish Council.
- 4.55 Appendix D is a list of local heritage assets, but it is not clear what evidence has been used to justify their identification as an asset. The Parish Council suggested the inclusion of some clarifying text in its response to my Question 11 and I agree that this would aid the decision maker and recommend accordingly (**PM34**).

Factual and Minor Amendments

- 4.56 Minor amendments to the text can be made consequential to the recommended modifications, alongside any other minor non-material changes, updates or corrections in agreement between the Parish Council and Buckinghamshire Council. (PPG Reference ID: 41-106-20190509). I noted that Buckinghamshire Council, in its Regulation 16 response, suggested a number of minor changes that could improve the clarity of the TINP.

5. Conclusions

Summary

- 5.1 The Ivers Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the Neighbourhood Plan, and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates.
- 5.4 The Ivers Neighbourhood Plan as modified has no policy or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

Overview

- 5.5 The Ivers is a Parish with diverse characteristics and with significant pressures caused by the proximity of London and the motorway network. However, despite those pressures the Parish has retained undeveloped areas and parts of the locality, which are within the Green Belt, are almost rural in character. Nonetheless, those rural characteristics appear to be under threat and on my visit, I particularly noted the detrimental impact caused by the high level of traffic (particularly but not exclusively, HGVs).

- 5.6 The Parish Council has produced a comprehensive well-structured document which will contribute towards ensuring that each of the three main settlements within the Parish retain their independent character. It is a document which appears to have the support of many local residents and if made the Plan will provide an important component in the Development Plan, especially as work on the Buckinghamshire Local Plan is currently paused. The Plan will ensure that the characteristics that are important to local residents will, on the whole, be retained and that their quality of life will be improved.

David Hogger

Examiner

Appendix: Modifications

PM means Proposed Modification.

Page references are to those in the submitted draft The Ivers Neighbourhood Plan.

Additions are shown in bold and deletions with ~~strikethrough~~.

PM1

Page 6 Paragraph 1.3

Modify the last sentence of paragraph 1.3 to read:

The Local Plan and Core Strategy policies will eventually be replaced by the first Bucks Local Plan, which **it is currently anticipated** will also run to 2040.

PM2

Page 10 Plan B

Insert a key to Plan B which explains what the plan shows.

PM3

Page 15 Paragraph 3.4

Modify the middle of the first sentence to read:

... which primarily comprises the **saved** policies of the South Bucks District Local Plan ...

PM4

Page 20 Paragraph 3.22

Delete the last sentence of paragraph 3.22 and replace it with:

There is a made Neighbourhood Plan for Denham in Bucks and others are being prepared, most notably for the adjacent parishes of Fulmer and Gerrards Cross and for Ickenham in the adjacent London Borough of Hillingdon.

PM5

Page 24 Policy IV1

Modify the title of the policy to read:

Gaps between settlements **and Corridors of significance.**

PM6

Page 36 Paragraph 5.25

Delete all of paragraph 5.25 and replace it with:

The Parish Council will use the evidence supporting the policy to submit a formal request to Bucks Council for an Article 4 Direction removing permitted development rights that would otherwise enable alterations to be carried out. This would prevent any further deterioration of the essential character of the Area of Special Character.

PM7

Page 37 Policy IV5

Delete the second sentence and replace it with:

In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Page 37 Paragraph 5.26

Insert a new sentence to paragraph 5.26 to read:

The Local Heritage Assets set out in Appendix D are regarded as ‘non-designated’ heritage assets by the community and not statutorily designated heritage assets or Non-designated Heritage Assets (NDHAs) identified by Buckinghamshire Council.

PM8

Page 39 Policy IV7

Delete the third sentence in clause B:

~~Development proposals that result in an increase in air pollution will only be justified in exceptional circumstances.~~

PM9

Page 39 Policy IV7

Delete clause D in its entirety.

PM10

Page 40 Paragraph 5.31

Modify the start of paragraph 5.31 to read:

The primary sources of pollution in **the former** South Bucks **District** are ...

PM11

Page 40 Paragraph 5.32

Insert the word 'former' at the start of the sentence:

The **former** South Bucks District Council ...

PM12

Page 41 Paragraph 5.36

Modify the first sentence to read:

People typically spend around 90% of their time indoors, this average ~~is~~ **was** compounded even further ~~by~~ **during** the Covid-19 pandemic ..

PM13

Page 41 Policy IV8

Modify clause B to read:

It will be essential to every future case made for either exceptional circumstances to release Green Belt land in the Parish for strategic development or for very special circumstances to justify inappropriate development in the Green Belt in the Parish, that the development proposal will make a direct and proportionate contribution to delivering improvements **to** ~~in~~ highways infrastructure. ~~alongside meeting the requirements of these tests.~~

PM14

Page 41 Policy IV8

Modify clause C to read:

Any development proposal that will generate an increase in traffic in the Richings Park, Thorney, Shreding Green, Wood Lane, Iver Village, Iver Lane and Iver Heath areas will be required to contribute to public realm improvements and traffic

mitigation measures, ~~at key locations~~ **provided they directly relate to the impact of the proposed development. It will have to be demonstrated that the measures are necessary to make the development acceptable in planning terms, that they are directly related to the development and that they are fairly and reasonably related in scale and kind to the development.**

PM15

Page 44 Policy IV9

Modify the policy to read:

- A. Proposals for the redevelopment or change of use of land that will lead to a significant reduction in the number of heavy goods vehicles ~~and other commercial vehicle~~ movements to and/or from existing key sites as shown on the Policies Map, will be supported. Where consented, planning conditions will be attached to the permission to restrict it to the prescribed use and operations within the wider use class.
- B. Proposals for the development of new ~~facilities~~ **businesses**, or the intensification of existing ~~facilities~~ **businesses**, that will lead to an increase in HGV ~~or other commercial vehicle~~ traffic movements **that would have an unacceptable impact on highway safety, or which would result in a severe cumulative impact on the road network** will not be supported.

PM16

Page 56 Policy IV12

Modify clause B to read:

- B. Proposals for development in a Local Green Space ~~will only be supported in exceptional circumstances~~ **will be managed in accordance with Green Belt policies.**

PM17

Page 60 Policy IV13

Modify the last sentence of clause A to read:

Development that fails to demonstrate the above requirements will be refused unless the context of the proposed development means that **any of** the above factors are not relevant.

PM18

Page 63 Policy IV14

Modify the first sentence of clause A to read:

All development must be 'zero carbon ready' by design' to minimise

PM19

Page 63 Policy IV14

Include a footnote after major development in clause D to read:

Major development is defined in Annex 2 of the NPPF.

PM20

Page 64 Paragraph 5.65

Add a sentence to paragraph 5.65 to read:

Further guidance on the purpose and operation of clause C is contained in appendix E of this document.

PM21

Page 63 Policy IV14

Modify the start of clause A to read:

All development ~~must~~ **should** be

PM22

Page 104

Insert a new Appendix E entitled **Post Occupancy Evaluation Guidance**.

The wording of the new Appendix can be found on page 16 of the Parish Council Response to the Examiner's Questions.

PM23

Page 66 Policy IV15

In the first paragraph of the policy, modify the middle of the first sentence to read:

... comprising **previously developed** land inset from the Green Belt ... land

PM24

Page 66 Policy IV15

Modify sub-clause Ai to read:

They comprise a data centre (sui generis) use **that will not generate a significant number of HGV movements**; ~~result in no HGV movements other than for construction purposes;~~

PM25

Page 66 Policy IV15

Modify the last part of sub-clause Aii to read:

... ancillary or other buildings ~~minimise their visual impact in the long views across the site from Policy Area B and from Iwer Village and Richings Park~~ **will seek to minimise their visual impact in longer distance views from and to the site, with any planning application supported by a landscape and visual impact assessment.**

PM26

Page 66 Policy IV15

Delete clause B in its entirety.

PM27

Page 66 Policy IV15

Modify the introductory sentence in clause A to read:

Proposals for the redevelopment of Policy Area A will be supported provided **the scheme is in accordance with the vision and objectives of the Thorney Business Park Sketch Framework Plan and has regard to the following guidelines:**

PM28

Page 70 Policy IV16

Add a footnote after 'from the outset' in clause i, to read:

This is the date at which a new use and operation starts after any demolition and construction phases.

PM29

Page 71 Policy IV17

Delete Policy IV17 and supporting paragraph 5.77 in their entirety.

PM30

Page 72 Paragraph 6.4

Delete the second bullet point:

~~Secondary School provision~~

PM31

Page 72

Add a new paragraph after 6.1 to read:

The Parish Council will monitor the effectiveness of policies in the implementation of the Neighbourhood Plan against the objectives set out in paragraph 5.2 above. The data for some of these measures is collected by Buckinghamshire Council in its planning and air quality reports. In other cases, the Parish Council will endeavour to collect data and report on the progress of the plan. The Parish Council is likely to commit to an early review of the Neighbourhood Plan as set out in paragraph 3.18 above and it will also be informed by the monitoring activity in considering if and how to up-date the policies.

PM32

All plans

Ensure that all the plans in the document are clear and unambiguous.

PM33

Pages 30-36 Policies IV2, IV3 and IV4

These policies refer to a number of specific buildings which are not identified on any plan. Their location should be established on an appropriate map(s).

PM34

Page 90 Appendix D

Include a new second sentence to read:

In identifying candidates for inclusion in this Schedule, the following sources of information have been used:

- **The Buckinghamshire Historic Environment Record**
- **The Draft Iver Conservation Area Appraisal (March 2016)**
- **The Chiltern and South Bucks Townscape Character Study (November 2017)**
- **The South Bucks Townscape Character Study (March 2010); and**
- **The History of the Richings Park and notably the developer brochure of the 1920s.**