

Cuddington Neighbourhood Development Plan 2017-2033

**A report to Buckinghamshire Council on the
Cuddington Neighbourhood Development Plan**

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Executive Summary

- 1 I was appointed by Buckinghamshire Council in February 2022 to carry out the independent examination of the Cuddington Neighbourhood Plan.
- 2 The examination was undertaken by way of written representations. I visited the neighbourhood area on 4 March 2022.
- 3 The Plan is a good example of a neighbourhood plan. It includes a variety of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on two specific matters. The first is ensuring that the design of new development takes account of the character of the parish in general, and of the village of Cuddington in particular. The second is the proposed identification of a series of Important Views.
- 4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report, I have concluded that the Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
8 April 2022

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Cuddington Neighbourhood Development Plan 2017-2033 ('the Plan').
- 1.2 The Plan was submitted to Buckinghamshire Council (BC) by Cuddington Parish Council (CPC) in its capacity as the qualifying body responsible for preparing the neighbourhood plan. The neighbourhood area was designated in 2016 by Aylesbury Vale District Council (AVDC). AVDC is now incorporated into Buckinghamshire Council which came into effect on 1 April 2020.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) in 2012, 2018, 2019 and 2021. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope and can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted Plan has been designed to be distinctive in general terms, and to be complementary to the existing development plan in particular. It seeks to provide a context in which the neighbourhood area can maintain its attractive historic character.
- 1.6 Within the context set out above, this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the neighbourhood area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by BC, with the consent of CPC, to conduct the examination of the Plan and to prepare this report. I am independent of both BC and CPC. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral System.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan as submitted should proceed to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 2.5 The outcome of the examination is set out in Section 8 of this report.

Other examination matters

- 2.6 In examining the Plan, I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
 - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.7 I have addressed the matters identified in paragraph 2.6 of this report and am satisfied that they have been met.

3 Procedural Matters

- 3.1 In undertaking this examination I have considered the following documents:
- the submitted Plan.
 - the Basic Conditions Statement.
 - the Consultation Statement.
 - the six appendices (A-F).
 - the initial SEA/HRA Screening report (December 2018).
 - the Buckinghamshire Council SEA/HRA Screening report (April 2022).
 - the representations made to the Plan.
 - CPC's responses to the clarification note.
 - the adopted Vale of Aylesbury Local Plan (2017-2033).
 - the National Planning Policy Framework (July 2021).
 - Planning Practice Guidance.
 - relevant Ministerial Statements.
- 3.2 I visited the neighbourhood area on 4 March 2022. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular.
- 3.3 The NPPF was revised in July 2021 at the time that the Plan was being finalised and submitted. Shortly thereafter the Vale of Aylesbury Local Plan was adopted. The Basic Conditions Statement refers to the 2019 version of the NPPF and to the saved policies of the Aylesbury Vale Local Plan. These are matters beyond the control of CPC. Where necessary I comment on the update planning policies in this report.
- 3.4 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I concluded that the Plan could be examined by way of written representations. I was assisted in this process by the comprehensive nature of many of the representations and the professional way in which the Plan has been developed.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012, CPC prepared a Consultation Statement. It is proportionate to the neighbourhood area and its policies. It is a good example of a Statement of this type. In particular it sets out key findings in a concise report which is underpinned with a series of more detailed tables and appendices.
- 4.3 The Statement records the various activities that were held to engage the local community and the feedback from each event. It also provides specific details on the consultation processes that took place on the pre-submission version of the Plan (October to December 2020). It provides the details of the ways in which the Plan was refined as a result of this process in Table 2. This analysis contributes significantly to the legibility of the relevant information and helps to describe how the Plan has progressed to the submission stage.
- 4.4 The Statement sets out details of the range of consultation events that were carried out in relation to the initial stages of the Plan which included:
- the initial workshop (May 2018);
 - the first Village Survey (July – September 2018);
 - the Call for Sites – (July - August 2018); and
 - the second Village Survey (March - April 2019).
- 4.5 It is clear that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation. From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process. BC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

Consultation Responses

- 4.6 Consultation on the submitted plan was undertaken by BC. It ended on 7 January 2022. This exercise generated representations from the following organisations:
- Natural England
 - Historic England
 - Thames Water
 - Buckinghamshire Council

- 4.7 Comments were also received from four local residents.
- 4.8 I have taken account of all the representations in preparing this report. Where it is appropriate to do so, I refer to specific representations on a policy-by-policy basis.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area is the parish of Cuddington. Its population in 2011 was 569 persons living in 262 households. It is located to the north of Haddenham. It was designated as a neighbourhood area on 5 April 2018 by AVDC.
- 5.2 Cuddington is the principal settlement in the parish. It is an attractive historic village based around a network of interconnected lanes. It was designated as a conservation area in 1976. It includes many attractive vernacular buildings including those of wychert construction or with thatched roofs. The village includes several attractive green spaces and the churchyard. As the A418 Aylesbury to Thame Road runs to the south of the village, the historic core is largely traffic-free. This adds significantly to its attractiveness.
- 5.3 The remainder of the neighbourhood area is attractive rolling countryside. Cuddington lies above the Nether Winchendon Valley, with the River Thame at its base, and is surrounded by the attractive landscape of the Vale of Aylesbury.

Development Plan Context

- 5.4 The development plan for the neighbourhood area is well-developed and up-to-date. The Vale of Aylesbury Local Plan 2013 to 2033 (VALP) was adopted in September 2021. It post-dates the preparation of both the submitted Plan and the Basic Conditions Statement.
- 5.5 Policy S2 (Spatial Strategy for growth) comments that the primary focus of strategic levels of growth and investment will be at Aylesbury, and development at Buckingham, Winslow, Wendover and Haddenham supported by growth at other larger, medium and smaller villages. Cuddington is identified as one of a series of medium villages. In the series of medium villages (as listed in Table 2) The Plan comments that there will be housing growth of 1,423 at a scale in keeping with the local character and setting. This growth will be encouraged to help meet local housing and employment needs and to support the provision of services to the wider area. In Cuddington a strategic target is set for 28 new homes. 13 new homes are already committed. The VALP allocates sites for the residual homes (D-CDN001 Land north of Aylesbury Road and rear of Great Stone House and D-CDN003 Dadbrook Farm)
- 5.6 Policy S3 (Settlement hierarchy and cohesive development) continues this approach. It comments that other than for specific proposals which accord with policies in the plan to support thriving rural communities and the development of allocations in the Plan, new development in the countryside should be avoided, especially where it would compromise the character of the countryside between settlements, and result in a negative impact on the identities of neighbouring settlements or communities leading to their coalescence. The policy also comments about the importance of maintaining the individual identity of villages and avoiding extensions to built-up areas that might lead to further coalescence between settlements.

5.7 In addition to Policies S2 and S3, the following policies in the VALP have been particularly important in underpinning the policies in the submitted Plan:

- NE4 Landscape character and locally important landscape
- NE8 Trees, hedgerows and woodlands
- C1 Conversion of rural buildings

5.8 The submitted Plan has been prepared within its up-to-date development plan context. In doing so, it has relied on up-to-date information and research that has underpinned existing planning policy documents. This is good practice and reflects key elements in Planning Practice Guidance on this matter. It is clear that the submitted Plan seeks to add value to the different components of the development plan and to give a local dimension to the delivery of its policies. This is captured in the Basic Conditions Statement.

Visit to the neighbourhood area

5.9 I visited the neighbourhood area on 4 March 2022. I approached it from the A418. This helped me to understand its position in the wider landscape in general and its accessibility to the strategic road network in particular.

5.10 I saw the attractiveness and layout of the village and its historic assets. I took time to look at a selection of the identified Important Views. I also looked at the proposed local heritage assets.

6 The Neighbourhood Plan and the Basic Conditions

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped in the preparation of this section of the report. It is an informative and well-presented document.
- 6.2 As part of this process, I must consider whether the submitted Plan meets the basic conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the 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 in the area;
 - be compatible with European Union (EU) obligations and European Convention on Human Rights (ECHR); and
 - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

I assess the Plan against the basic conditions under the following headings.

National Planning Policies and Guidance

- 6.3 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework 2021 (NPPF).
- 6.4 The NPPF sets out a range of land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the Cuddington Neighbourhood Development Plan:
- a plan-led system - in this case the relationship between the neighbourhood plan and the VALP;
 - building a strong, competitive economy;
 - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
 - taking account of the different roles and characters of different areas;
 - highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
 - conserving heritage assets in a manner appropriate to their significance.
- 6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

- 6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and the recent ministerial statements.
- 6.7 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance subject to the recommended modifications in this report. It sets out a positive vision for the future of the neighbourhood area. It includes a series of policies that address a range of development and environmental matters. It has a focus on securing good design standards for new development.
- 6.8 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This was reinforced with the publication of Planning Practice Guidance. Paragraph ID:41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.9 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension, the Plan includes policies for infill residential development (Policy CDN1). In the social role, it includes policies on important views (Policy CDN2) and on local heritage assets (Policy CDN3). In the environmental dimension, the Plan positively seeks to protect its natural, built and historic environment. It has policies on design both in the conservation area and elsewhere (Policies CDN 4 and 5). This assessment overlaps with the details on this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.11 I have already commented in detail on the development plan context in this part of Buckinghamshire in paragraphs 5.4 to 5.8 of this report.
- 6.12 I consider that the submitted Plan delivers a local dimension to this strategic context and supplements the detail already included in the adopted development plan. Subject to the recommended modifications in this report, I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

Strategic Environmental Assessment

- 6.13 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.14 In order to comply with this requirement, AVDC undertook a screening exercise in December 2018 on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. It concludes that it may be likely that significant environmental effects will arise from the implementation of the Plan. As such that report suggested that the submitted Plan should prepare a full SEA.
- 6.15 This was a historic matter. The screening report was prepared before the Plan was well-developed. Paragraphs 8.1-8.3 of the Basic Conditions Statement explain the revised position. In order to bring clarity to this matter, and to ensure that the Plan meets the basic conditions, BC undertook an updated screening assessment whilst the examination was proceeding.
- 6.16 The revised screening report was prepared in March 2022. Consultation took place with the relevant organisations. The report is thorough and well-constructed. It concludes that it is unlikely that significant environmental effects will arise from the implementation of the Plan. As such the final report (April 2022) concludes that a full SEA is not needed.

Habitats Regulations Assessment

- 6.17 AVDC also prepared a Habitats Regulations Assessment (HRA) of the Plan at the same time. It concludes that the submitted Plan is unlikely to have significant effects on a European site. The nearest Special Areas of Conservation is the Chiltern Beechwoods SAC which is roughly 10.6km away in Ellesborough in what was then Wycombe District).
- 6.18 The HRA concludes that the neighbourhood plan will not give rise to likely significant effects on European sites, either alone or in combination with other plans or projects, and that Appropriate Assessment is not required. For completeness the HRA-related information was included in the updated SEA. It remained unchanged.
- 6.19 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. None of the statutory consultees have raised any concerns with regard to either neighbourhood plan or to European obligations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.

Human Rights

- 6.20 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on

Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Summary

- 6.21 On the basis of my assessment of the Plan in this section of my report I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 The recommendations focus on the policies in the Plan given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and CPC have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (Section 41-004-20190509) which indicates that neighbourhood plans must address the development and use of land. It includes a series of Infrastructure Projects after the policies.
- 7.5 I have addressed the policies in the order that they appear in the submitted Plan. The Projects are considered thereafter.
- 7.6 For clarity, this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial parts of the Plan (Sections 1 to 4)

- 7.8 The Plan as a whole is well-organised and presented. It is supported by a series of excellent photographs. It is clear that the Plan has been prepared with much attention to detail and local pride. It makes an appropriate distinction between the policies and their supporting text.
- 7.9 The initial elements of the Plan set the scene for the policies. They are proportionate to the neighbourhood area and the subsequent policies. The Background comments about the way in which the Plan was prepared and when it was designated. It properly identifies the neighbourhood area (Figure 1). The front identifies the Plan period. Nevertheless, I recommend that the Background includes a definitive statement about the Plan period. This will bring early clarity to the Plan.

At the end of paragraph 1.1 add: 'The neighbourhood plan period is 2017 to 2033'.

- 7.10 Section 2 provides information about the neighbourhood area. It provides interesting and comprehensive details which help to set the scene for the eventual policies. It includes elements on:
- History;

- Heritage assets;
- Amenities;
- Public Transport;
- Roads and Highways; and
- Countryside.

In several cases, the information is underpinned by the information in the various appendices.

7.11 Section 3 comments about national and local planning policies which were in place at the time that the Plan was finalised before submission. The saved policies of the Aylesbury Vale Local Plan have now been replaced by the adoption of the VALP. In addition, the NPPF was updated in July 2021. Where it is necessary to do, so I refer to the most recent planning policies in this report.

7.12 Section 4 sets out the vision, aims, key issues and objectives for the Plan. It makes a strong functional relationship between the various issues and, in several cases, they feed directly into the resulting policies. The opening paragraph of the Vision neatly summarises the approach taken as follows:

'The vision for Cuddington at the end of the plan period is that Cuddington will have preserved its outstanding characteristics as a traditional English village and its setting in rural countryside. Its Buckinghamshire heritage and historic buildings (of which 40 are currently included in the National Heritage List) will have been protected along with its church, chapel, school, village shop, public house, and other amenities. The village's winding lanes, multiple green spaces, footpaths, and country views will continue to encourage a feeling of community among its resident'

7.13 A key element of the Plan is the way in which its policies are directly underpinned by detailed appendices. I refer to these relationships on a policy-by-policy basis. This enhances the legibility of the Plan. It also provides a direct link between the evidence (in the relevant appendix) and the policy approach (in the Plan).

7.14 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

Policy CDN 01: Settlement Boundary

7.15 This policy effectively establishes a spatial strategy for the parish. It does so by establishing a settlement boundary. The policy has three key components as follows:

- proposals for development within the settlement boundary will be supported if they are consistent with other policies in the Plan and Local Plan policies;
- proposals within the settlement boundary will not be supported where they would not be in keeping with the historic character and development pattern of the village; and
- proposals outside the defined settlement boundary will not be supported unless they are a rural exception housing site, necessary for the purposes of agriculture or forestry, or for enterprise, diversification, recreation, or tourism

that benefits the rural economy without harming countryside and heritage interests.

- 7.16 The policy has been well-considered. It forms an effective spatial strategy for the neighbourhood area.
- 7.17 The final sentence of the policy (on development outside the settlement boundary) is more restrictive than the approach taken in paragraph 80 of the NPPF and in Policy S2 of the Vale of Aylesbury Local Plan. In its response to the clarification note CPC advised that it is content to remove the final sentence of the policy and rely on NPPF and VALP policies on this matter. It helpfully commented that there have been recent applications for isolated homes in the countryside in the parish that have been adequately dealt with through this mechanism. This approach reinforces national guidance that neighbourhood plan policies should not repeat national or local policies
- 7.18 Other elements of the policy comment about housing proposals meeting the Plan's ambitions for small and medium scale development. This is set out in the objectives of the Plan and comfortably relates to the approach taken in the NPPF. I recommend that this matter is more clearly addressed in the policy. I also recommend that the assessment of such proposals should be undertaken in a proportionate way. As submitted the policy takes a universal approach to such matters. Otherwise, the policy meets the basic conditions. It will contribute to each of the three dimensions of sustainable development by concentrating development within the settlement boundary.

Delete the final sentence of the policy.

Replace 'Housing proposals should meet CNP objectives for small /medium scale development. Such proposals will be assessed' with 'Proposals for new housing development should respond positively to the Plan's objectives for the delivery of small and medium scale development. As appropriate to their scale, nature and location'

Policy CDN 02: Important Local Views

- 7.19 The policy identifies a series of Important Local Views (ILVs). They are detailed in Appendix C. They are arranged in the following categories:
- General views within the village;
 - General views of the approaches to the village;
 - Important views out from the edge of the village; and
 - Important views inwards towards the village
- 7.20 I looked at several of the ILVs during the visit. They are impressive in their own rights. In addition, they form part of the character and appearance of the wider neighbourhood area.
- 7.21 As submitted the policy has a negative rather than a positive approach. I raised this matter with CPC in the clarification note. I have taken account of its response. I recommend a modified approach which firstly requires development proposals to be

designed to take account of the important views and secondly sets out the implications for proposals which obstruct or detract from the identified views.

- 7.22 I also recommend that Figure 8 shows the directions of the views. This will bring the clarity required by the NPPF. It will also ensure that the reader of the Plan does not have to refer to the appendix on this matter to understand the nature of the view concerned. Otherwise, the policy meets the basic conditions. It captures the character and spirit of the parish. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace the policy with:

‘Development proposals should be designed in a way which responds positively to the Important Local Views as identified in Appendix C.

Development proposals which would obstruct or detract from the Important Local Views outwards towards the countryside and, inwards, towards the Church tower will not be supported.’

On Figure 8 show arrows for the direction of the views

Policy CDN 03 Local Heritage Assets

- 7.23 This policy celebrates the importance of local heritage assets. They are comprehensively listed in Appendix D.
- 7.24 Historic England support the policy. In doing so they suggest that the assets are included in the policy. This will bring the clarity required by the NPPF and I recommend accordingly.
- 7.25 I also recommend modifications to the policy so that it has regarded to the nuanced approach in both the NPPF (paragraph 203) and the VALP (Policy BE1).
- 7.26 Finally I recommend that the language used in the policy is ‘non-designated heritage assets’ rather than ‘local heritage asset’. Whilst this is a simple matter of wording, it will ensure that there is a seamless relationship between national, local and neighbourhood plan policies on this matter.
- 7.27 Otherwise, the policy meets the basic conditions. It is an excellent iteration of national and local policies and the schedule of assets is proportionate to the parish. The policy will contribute to the delivery of the environmental dimension of sustainable development.

Replace the policy with:

‘The Plan identifies the following non-designated heritage assets.

[List the assets from Appendix D part 3 at this point].

Proposals which would affect the significance of a non-designated heritage asset should be properly considered, weighing the direct and indirect impacts upon the asset and its setting. There will be a presumption in favour of retaining

heritage assets wherever practical, including archaeological remains in situ, unless it can be demonstrated that the harm will be outweighed by the benefits of the development.'

Policy CDN 04: Design of New Development in the Conservation Area

- 7.28 This policy recognises the importance of securing good design in the conservation area. It is constructed around eighteen criteria. They relate to design, materials and public realm issues. It is a well-researched and positive policy. In particular it is distinctive to Cuddington conservation area. It is an excellent local response to the design agenda in Section 12 of the NPPF 2021.
- 7.29 I recommend a series of very detailed modifications to the various criteria. Whilst they are needed to ensure that the Plan meets the basic conditions, they do not alter the overall approach taken. In summary the modifications address the following key factors:
- the language used - in some cases it is very prescriptive and in other cases it would be incapable of being implemented through the planning system;
 - the deletion of the suggestion that new development should safeguard private views given that such matters are not material planning considerations;
 - simplifying certain criteria and/or ensuring their relationship with other policies in the Plan; and
 - relocating the element of the policy on the need for a construction management plan to the supporting text. This acknowledges that this matter is a process rather than a land use planning policy.
- 7.30 Otherwise, the policy meets the basic conditions. It will contribute significantly to preserving and enhancing the character and appearance of the conservation area.

In criterion 1 replace 'must' with 'should'

In criterion 4 delete 'and allow views.....adjacent properties'

Replace criterion 5 with: 'Building heights should generally follow the existing pattern of gently-pitched roofing. Thatched roofs should have steeper pitches with low eaves lines and a lower ridge line'

In criterion 6 replace 'Where possible' with 'Where practicable'

Replace criterion 7 with: 'Development proposals should respect and enhance the built character of the conservation area and its countryside setting. The use of innovative designs, materials and techniques will be supported where they result in high-quality development which is complementary to its setting and context.'

Replace criterion 8 with: 'Development proposals should avoid obstructing or distracting from the views from within the conservation area to the surrounding countryside as identified in Appendix D and Policy CDN 03'.

In criterion 9 delete 'Where possible'

In criterion 11 delete ‘With the possible exception of Upper Church Street’

Replace criterion 12 with ‘Insofar as planning permission is required, light spill from external lighting should be carefully controlled to protect the dark skies environment of the parish’

In criterion 13 replace ‘pockets of green’ with ‘pockets of green space’

In criterion 14 replace ‘should be encouraged’ with ‘will be supported’

In criterion 17 replace ‘As far as possible,’ with ‘Where practicable,’

Delete criterion 18.

At the end of paragraph 5.23 add

‘As appropriate to their scale, nature and location, development proposals other than domestic extensions should be accompanied by a construction management plan. The plan should set out the type and size of machinery and delivery vehicles, access to and from the site, hours of working streets and approx. noise levels. The plan should also include a commitment to keep the local streets clean and reinstatement of damage to highways and verges.’

Policy CDN 05: Design of New Development outside the Conservation Area

- 7.31 This policy recognises the importance of securing good design elsewhere in the parish. It is constructed around seventeen criteria. As with Policy CDN 04, it takes a positive approach to this matter and is an excellent local response to the design agenda in Section 12 of the NPPF 2021.
- 7.32 I recommend a series of modifications to the policy. They overlap with those recommended for Policy CDN 04 and for the same reasons. Otherwise, the policy meets the basic conditions. It will contribute significantly to preserving character and appearance of the wider parish.

In criterion 1 replace ‘must’ with ‘should’

In criterion 2 replace ‘shall’ with ‘should’

In criterion 6 replace ‘must’ with ‘should’

Replace criterion 7 with: ‘The use of high-quality innovative designs, materials and techniques will be supported where they contribute to the interest of the streetscape or offer other benefits to the environment’

Delete criterion 9.

Replace criterion 11 with ‘Insofar as planning permission is required, light spill from external lighting should be carefully controlled to protect the dark skies environment of the parish’

In criterion 13 replace ‘should be encouraged’ with ‘will be supported’

Replace criterion 15 with: ‘Proposals for new developments or for alterations to existing buildings should be sensitively designed to safeguard the amenities of neighbouring properties’

In criterion 16 replace ‘As far as possible,’ with ‘Where practicable,’

Delete criterion 17.

Add a new paragraph of supporting text (5.30) to read:

‘As appropriate to their scale, nature and location, development proposals other than domestic extensions should be accompanied by a construction management plan. The plan should set out the type and size of machinery and delivery vehicles, access to and from the site, hours of working and approx. noise levels. The plan should also include a commitment to keep the local streets clean and reinstatement of damage to highways and verges.’

Infrastructure Projects

7.33 The Plan includes a package of Infrastructure Projects. They are non-land use issues which have naturally arisen during the plan-preparation stage. They are included in a separate part of the Plan as advised by national policy. They are as follows:

- traffic calming measures;
- improvements to mobile and Wi-Fi coverage in the village;
- improvements to community facilities (Bernard Hall, Social Club, Playing Fields and Play Area);
- improvements to the condition and safety of the public footways within the village;
- improved pedestrian and cycle access along Dadbrook between the village and the bus route on the A418;
- additional public parking close to the centre of the village;
- the provision for a future burial ground;
- a green initiative for additional tree planting and enhancing the ecological value of the local green spaces and highway verges; and
- a potential community orchard.

7.34 The Projects have been well-considered. They are distinctive to the neighbourhood area. In some cases, their delivery will complement the land use policies.

Monitoring and Review

7.35 Paragraphs 6.3 to 6.5 comment very positively on this important matter. This is best practice.

7.36 I recommend that this part of the Plan acknowledges that the emerging Local Plan for Buckinghamshire may have an effect on the relationship between a ‘made’ neighbourhood plan and the development plan context. This may be a key issue in determining the nature and the timing of any review of the Plan.

At the end of paragraph 6.5 add: 'In particular the Parish Council will assess the need or otherwise for a review of the Plan once a Local Plan for Buckinghamshire replaces in Vale of Aylesbury Local Plan in due course'

Other Matters - General

- 7.37 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. Similarly, changes may be necessary to paragraph numbers in the Plan or to accommodate other administrative matters. It will be appropriate for BC and CPC to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

Modification of general text (where necessary) to achieve consistency with the modified policies and to accommodate any administrative and technical changes.

Other Matters – Specific

- 7.38 BC has made a series of helpful comments on the Plan. I have included them in the recommended modifications on a policy-by-policy basis where they are required to ensure that the Plan meets the basic conditions.
- 7.39 I also recommend other modifications to the text of the Plan based on BC's comments insofar as they are necessary to ensure that the Plan meets the basic conditions. In the main they will bring the Plan up-to-date to take account of the adoption of the VALP and the update to the NPPF (in July 2021). Other matters relate to the more general parts of the Plan. In combination they are as follows:

Paragraph 3.2 – change the reference from 'February 2019' to 'July 2021'.

Paragraph 3.3 – where necessary update the paragraph numbers to relate the numbers in the 2021 version of the NPPF.

Delete paragraphs 3.4 and 3.5 (and renumber accordingly thereafter).

Replace paragraph 3.6 with: 'In April 2020 by the new Buckinghamshire unitary authority was established. It is committed to prepare and adopt a new Buckinghamshire Local Plan by 2025. During this transition period, the Vale of Aylesbury Local Plan will provide a planning policy context for the parish. It was adopted in September 2021.'

In paragraphs 3.7 and 3.8 ensure that any references to VALP policies are correct and the context refers to the adopted plan (rather than an earlier version based on the emerging modifications at that time).

In paragraph 4.2 (Housing Section) replace '68 and 69' with '69'

In paragraph 5.11 change the reference to the inserted text to reflect that it now appears in the adopted VALP.

Delete the final sentence of paragraph 5.14.

Delete paragraph 5.15.

In paragraph 5.16 ensure that the emphasis is on the adopted VALP.

In paragraph 5.16 H1 add 'At least' before '25%'

At the end of paragraph 5.16 add: 'The neighbourhood plan will also respond positively to proposals for the development of First Homes in response to the national initiative on this matter'.

- 7.40 BC also raise a series of other matters (mainly relating to the natural environment and biodiversity). Their incorporation into the Plan would extend its coverage and addresses biodiversity issues in greater detail and to good effect. Nevertheless, these matters are not necessary to ensure that the Plan meets the basic conditions. Neighbourhood plan legislation has given considerable flexibility to qualifying bodies to include the issues which they see fit to feature in their plans. As such it is beyond my remit to recommend modifications to the Plan so that it is expanded beyond the scope as chosen by CPC.

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2033. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community to safeguard the character and setting of the neighbourhood area and its heritage assets.
- 8.2 Following the independent examination of the Plan, I have concluded that the Cuddington Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

Conclusion

- 8.3 On the basis of the findings in this report, I recommend to Buckinghamshire Council that subject to the incorporation of the modifications set out in this report that the Cuddington Neighbourhood Development Plan should proceed to referendum.

Other Matters

- 8.4 I am required to consider whether the referendum area should be extended beyond the neighbourhood area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the former Aylesbury Vale District Council on 13 December 2016.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth manner. The responses to the clarification note were detailed, informative and delivered in a very timely fashion.

Andrew Ashcroft
Independent Examiner
8 April 2022