

INDEPENDENT EXAMINATION OF THE BEACONSFIELD NEIGHBOURHOOD PLAN

EXAMINER: David Hogger BA MSc MRTPI MCIHT

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Beaconsfield Town Council

Rachael Riach
Neighbourhood Planning Coordinator
Buckinghamshire Council

Via email

Examination Ref: 01/DH/BNP

5 February 2024

Dear Ms Buckle and Ms Riach

THE BEACONSFIELD NEIGHBOURHOOD PLAN EXAMINATION

Following the submission of the Beaconsfield Neighbourhood Plan (BNP) for examination, I would like to clarify several initial procedural matters. I also have a number of preliminary questions for Beaconsfield Town Council (BTC) as Qualifying Body and a smaller number for Buckinghamshire Council (BC). These are attached as an Annex to this letter, and I would like to receive the responses **by Monday 4 March 2024**.

1. Examination Documentation

I can confirm that I have received a complete submission of the Plan and accompanying documentation, including the Basic Conditions Statement (July 2023), the Consultation Statement (August 2023), the Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Final Screening Outcome (February 2023), Supporting Reports (August 2023), the Green Infrastructure and Local Green Spaces Study (August 2023), the Design Guidance and Codes (February 2023) and the Regulation 16 representations. I am satisfied that I have enough relevant evidence to enable me to commence the examination.

Subject to my detailed assessment of the BNP, I have not identified any very significant flaws that might lead me to advise that the examination cannot proceed albeit I do raise a number of preliminary concerns.

2. Site Visit

I intend to undertake a site visit to the neighbourhood plan area in the week commencing 12 February. This will assist in my assessment of the draft Plan, including the issues identified in the representations.

The site visit will be undertaken unaccompanied. It is very important that I am not approached to discuss any aspects of the Plan or the neighbourhood area, as this may be perceived to prejudice my independence and risk compromising the fairness of the examination process.

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

3. Written Representations

At this stage, I consider the examination can be conducted solely by the written representations procedure, without the need for a hearing. However, I will reserve the option to convene a hearing should a matter(s) come to light where I consider that a hearing is necessary to ensure the adequate examination of an issue, or to ensure that a person has a fair chance to put a case.

4. Further Clarification

I have a number of initial questions seeking further information and clarification from both BTC and BC. I have set these questions out in the Annex to this letter. I would be grateful if a written response could be provided by **Monday 4 March 2024**.

5. Examination Timetable

As you will be aware, the intention is to examine the BNP (including conduct of the site visit) with a view to providing a draft report (for 'fact checking') within around 6 weeks of submission of the draft Plan. However, I have raised a number of questions to which I must provide the opportunity for the preparation of full and considered responses. Consequently, the examination timetable will be extended but please be assured that I will seek to mitigate any delay as far as is practicable. The IPE office team will seek to keep you updated on the anticipated delivery date of the draft report.

If you have any questions related to the conduct of the examination, which you would like me to address, please do not hesitate to contact the office team in the first instance.

In the interests of transparency, may I prevail upon you to ensure a copy of this letter and any subsequent responses, are placed on the websites of the Town Council and Buckinghamshire Council.

Thank you in advance for your assistance.

Yours sincerely

David Hogger

Examiner

ANNEX

From my initial reading of the submission draft of the Beaconsfield Neighbourhood Plan (BNP) and the supporting evidence, I have 8 questions to which I require a joint response from both Councils; one further question for Buckinghamshire Council; and 12 questions for Beaconsfield Town Council. I have requested the submission of responses by **Monday 4 March 2024**. All the questions set out below flow from the requirement to satisfy the Basic Conditions.

Questions for both Buckinghamshire Council and Beaconsfield Town Council (8)

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

1. Paragraph Reference ID: 41-009-20190509 of the Planning Practice Guidance (PPG) on Neighbourhood Planning, advises that 'where a neighbourhood plan is brought forward before an up-to-date local plan is in place (i.e. the Buckinghamshire Local Plan), the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in the emerging neighbourhood plan, the emerging local plan and the adopted development plan. Could the Councils confirm whether or not such discussions have taken place at this stage in the preparation of the Buckinghamshire Local Plan¹, summarise the conclusions that were drawn, and confirm that at this stage there are no issues of concern regarding the compatibility of the Beaconsfield Neighbourhood Plan and the Local Plan?

2. The Green Infrastructure and Local Green Space Study (Appendix A) lists 32 areas of publicly accessible green spaces, including 6 specifically designated areas of Local Green Space. However, there is no Appendix C, which I assume is a map of all the sites. I was unable to access the map on the Council's web-site. The sites are 'identified' on the Policies Map (see page 32) but there is no indication of where one area of green space starts and another finishes (for example in the vicinity of the A40/A355 roundabout junction to the south-east of the town). I could find no record of consultation between the Town Council and the land-owners/interested parties (for example I could find no reference to the matter in the Consultation Statement). This apparent lack of consultation, together with the lack of clarity in the depiction of the areas, leads me to a preliminary view that the approach taken may not have been sufficiently inclusive or robust.

The BNP must meet all the Basic Conditions and on the evidence before me I am currently unable to conclude that proper regard has been given to national policies and advice contained in guidance issued by the Secretary of State, particularly with regard to consultation. Specifically, Plans should be shaped by early proportionate and effective engagement² and (for example) land-owners 'should, as necessary and appropriate be involved in preparing a draft neighbourhood plan'.³

Firstly, can the Councils confirm what documentation/plans relating to Green Infrastructure and Local Green Space, were made available at both the Regulation 14 and Regulation 16 consultation stages. And secondly, can you respond to the other concerns summarised above?

3. Paragraph 3.11 of the BNP states that Local Plan evidence and reasoning are not relevant in informing the BNP. Nexus Planning argue that recent appeal decisions confirm that a Plan's evidence base 'is still a material consideration'. Do the Councils agree and if so, can some appropriate form of wording be proposed?

¹ I note that according to Buckingham Council's web-site the publication, submission and Examination in Public could take place during 2024 and perhaps into early 2025.

² NPPF, Paragraph 16.

³ See PPG Reference ID: 41-048-20140306.

4. With regard to Policy BEACON11, Nexus Planning suggest that the policy, which seeks that 50% of new housing is provided as 1 and 2 bed dwellings, is unsubstantiated. What is the evidence that justifies this figure?

5. Nexus Planning concludes that the submission BNP fails to meet three of the Basic Conditions.⁴ How do the two Councils respond to this claim and if necessary, what modifications are required to overcome these 'failures'?

6. Guidance on Neighbourhood Planning⁵ states that where it is not possible to set out a housing requirement in a Neighbourhood Plan, the local planning authority should provide an indicative figure if asked to do so. Was such a request made to BC? Bearing in mind my Question 1 above, was there any discussion regarding the allocation of reserve sites and if so, what conclusions were drawn?

7. The submission from Icenl (on behalf of Hawridge) refers to a planning application⁶ for 120 dwellings on land at Broad Lane. Has a decision been made on this proposal and if so, does it have any implications for the content of the BNP?

8. The Beaconsfield Society conclude their comments by stating that 'public engagement has not been successful'. Are both Councils satisfied that the consultation undertaken has met the expected standard?

Question for Buckinghamshire Council (1)

9. Paragraph 13 of the National Planning Policy framework (NPPF) confirms that Neighbourhood Plans 'should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies'. Is the Council satisfied that this advice has been followed?

Questions for Beaconsfield Town Council (12)

10. In its representation, Thames Water suggest three modifications relating to water and waste-water infrastructure; water efficiency; and surface water drainage. Are these issues satisfactorily addressed elsewhere (i.e. in the South Bucks Core Strategy - 2011 or the South Bucks Local Plan 1999) or should they be addressed in the BNP?

11. What is the justification for including land to the east of the A335 (see representation from Henry Adams Planning) as part of the Green Infrastructure Network?

12. Nexus Planning suggests, under Beacon5 Point A, that the Policies Map does not take into account the planning status of all the areas it proposes as Green Infrastructure (GI). For example, it includes land proposed for residential development. Could the Town Council respond to the concerns of Nexus Planning with regard to the approved delivery of development at Wilton Park and the potential conflict with the GI designation in this locality?

13. Does the Town Council agree with Nexus Planning that the two areas at Wilton Park, identified in paragraph 5.28, are yet to be provided and therefore the text that refers to them is inaccurate. If so, can alternative wording be suggested?

⁴ Regard to national policies and advice; achievement of sustainable development; and general conformity with strategic policies in the development plan for the area. See Paragraph 8(2)(a), (d) and (e) of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

⁵ September 2020.

⁶ PL/23/1801/OA.

- 14.** Policy BEACON1 D refers to development at Wilton Park but I could not find it identified on the Policies Map. Can a suitable Map be prepared?
- 15.** Can the Council confirm that none of the proposed Local Green Spaces in policy BEACON6 are in private ownership?
- 16.** Does the Town Council agree with the Nexus Planning claim (regarding the last paragraph under BEACON7) that the wording of paragraph 5.35 does not reflect a considered and evidenced approach. If so, can revised text be provided.
- 17.** Burnham Parish Council seeks clarity regarding how proposals will reduce M40/north south bound traffic through the Old Town. I agree that it is not clear. How will this be achieved?
- 18.** Icení (on behalf of Hawridge) make observations regarding policies BEACON1, BEACON4, BEACON5, and BEACON11. Could the Town Council respond to the comments made and if necessary, suggest appropriate draft modifications to the Plan?
- 19.** Savills (on behalf of Portman Estate) comment on BEACON1; BEACON5; BEACON7; BEACON10 and BEACON11. Could the Town Council respond to the matters raised and if necessary, suggest appropriate draft modifications to address them.
- 20.** The Beaconsfield Society and many local residents oppose the plan (most of the responses from residents follow a similar path). Could the Town Council respond to the issues raised, particularly with regard to:
- the accuracy of the Plans;
 - Box 3.6;
 - BEACON1 A;
 - BEACON1 B;
 - BEACON1 D;
 - BEACON1 E;
 - BEACON2;
 - BEACON3;
 - BEACON4;
 - BEACON5;
 - BEACON6;
 - BEACON8;
 - BEACON9;
 - BEACON10;
 - BEACON11; and
 - the fact that there is no policy regarding community facilities.
- 21.** Buckinghamshire Council has made a significant number of observations in its Regulation 16 response. Whilst one might observe not all the comments relate strictly to meeting the Basic Conditions, they are nevertheless pertinent and in many respects might be argued to go to the issue of clarity. Could the Town Council address the issues raised by BC and suggest consequential modifications to the BNP where appropriate?