

# **Whitchurch Neighbourhood Development Plan 2020-2040**

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

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## **Executive Summary**

- 1 I was appointed by Buckinghamshire Council in October 2023 to carry out the independent examination of the Whitchurch Neighbourhood Plan.
- 2 The examination was undertaken by way of written representations. I visited the neighbourhood area on 26 October 2023.
- 3 The Plan includes a variety of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. It proposes the allocation of a housing site and a reserve housing site and the designation of a package of local green spaces. It also includes policies to safeguard the built and historic environment of the village.
- 4 The Plan has been underpinned by community support and engagement. 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 as extended to include identified homes to the south of Bushmead Road.

**Andrew Ashcroft**  
**Independent Examiner**  
**21 March 2024**

## **1 Introduction**

- 1.1 This report sets out the findings of the independent examination of the Whitchurch Neighbourhood Development Plan 2020-2040 ('the Plan').
- 1.2 The Plan was submitted to Buckinghamshire Council (BC) by Whitchurch Parish Council (WPC) in its capacity as the qualifying body responsible for preparing the neighbourhood plan. The neighbourhood area was designated in November 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, 2021 and 2023. 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 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. It seeks to provide a context in which the neighbourhood area can maintain its character and appearance and to accommodate new housing development.
- 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 WPC, to conduct the examination of the Plan and to prepare this report. I am independent of both BC and WPC. 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 40 years' experience in various local authorities at either Head of Planning or Service Director level and more recently as an independent examiner. 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 Strategic Environmental Assessment (April 2023)
- the Buckinghamshire Council HRA Screening report (September 2023).
- the representations made to the Plan.
- WPC's responses to the clarification note.
- the adopted Vale of Aylesbury Local Plan (2017-2033).
- the Vale of Aylesbury Design Supplementary Planning Document (2023)
- the National Planning Policy Framework (December 2023).
- Planning Practice Guidance.
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 26 October 2023. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular.

3.3 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, I concluded that the Plan could be examined by way of written representations and that a hearing was not required.

3.4 The NPPF has been updated twice since the Plan was submitted (in September and December 2023). For clarity I have assessed the Plan against the December 2023 version of the NPPF.

## 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 (as amended), WPC prepared a Consultation Statement. It is proportionate to the neighbourhood area and its policies.
- 4.3 The Statement records the various activities that were held to engage the local community and the feedback from each event. It also comments on the consultation processes that took place on the pre-submission version of the Plan. Key methods of engagement included:
- regular updates in the Whitchurch Parish News;
  - a Village questionnaire;
  - meetings with the former District Council;
  - the use of social media;
  - the use of the Whitchurch village website; and
  - the use of flyers, posters, and banners.
- 4.4 Section 3 of the Statement provides the details of the way in which the Plan was refined after the pre-consultation stage consultation. This analysis contributes to the legibility of the relevant information and helps to describe how the Plan has progressed to the submission stage.
- 4.5 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 28 September 2023. This exercise generated representations from the following organisations:
- Buckinghamshire Council
  - Historic England
  - Natural England
  - Thames Water
  - Gade Homes

- 4.7 Comments was also received from 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 Whitchurch. Its population in 2011 was 932 persons living in 394 households. The village lies in the Quainton to Wing hills Area of Attractive Landscape along A413 running from Aylesbury to Buckingham. It was designated as a neighbourhood area in November 2020.
- 5.2 The village has a distinct character and identity. It has a rich diversity of buildings and views. As a result, an extensive conservation area was designated in 1971 and incorporates all the listed buildings in the village. The village enjoys a primary school, a GP surgery, Post Office, petrol station with a general store. In addition, a farm shop, pub, and hairdressers as well as several small, specialised businesses serve local needs.
- 5.3 Whitchurch itself sits in an elevated position on the Wing to Quainton ridge at an altitude of 130 metres. The village offers wide-ranging views of the Chiltern ridge, Ivinghoe Beacon, Waddesdon Hill, the Vale of Aylesbury and North Buckinghamshire towards Stowe House and gardens. Most of the parish lies on a line of gently sloping low hills and ridges.

### *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.
- 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. Whitchurch is identified as one of a series of larger villages. The VALP comments that larger villages have at least reasonable access to facilities and services and public transport, making them sustainable locations for development. The VALP allocates a site for housing development (WH1007) in the parish at Holt's Field for approximately 22 homes.
- 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 approach taken in the submitted Plan:

- H1 Affordable Housing
- H6a Housing Mix
- E4 Working from Home
- BE1 Heritage Assets
- BE2 Design of new development
- NE6 Local Green Space
- NE8 Trees, hedgerows, and woodlands
- I3 Community facilities, infrastructure and asserts of community value

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. I am satisfied 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 26 October 2023. I approached from Buckingham to the north. This helped me to understand its position in the wider landscape in general and its accessibility to the road network in particular. It also provided impressive views of the Chiltern Hills to the south.
- 5.10 I looked initially at the High Street. I saw the attractiveness of the various buildings including Quenington House, Minster Paddocks, The Tudor House, and The Old Court House. I also saw the importance of The White Swan public house, and the petrol station (with the associated post office).
- 5.11 I walked to the northern part of the village. I saw the distinctive character of Castle Lane and Market Hill. I saw further attractive historic buildings.
- 5.12 I continued walking to the north and west along Oving Road. I saw further attractive vernacular buildings.
- 5.13 I then looked at the proposed housing allocation and reserve site off the A413. I saw their relationship with the intervening industrial buildings.
- 5.14 I then looked at St John the Evangelist Church and its attractive setting. I saw the relationship between the Church and The Old House.
- 5.15 Throughout the visit I looked at the various proposed local green spaces and the identified community facilities.
- 5.16 I left the village along the A413 in direction of Aylesbury. This highlighted the relationship between the parish and the agricultural land to the south.

## 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 2023 (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 particularly relevant to the Whitchurch 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 identifying land for housing development, designating local green spaces and safeguard its historic built and natural environments.
- 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. Most 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. I am satisfied that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension, the Plan includes policies for residential development (Policies W2 and W3). In the social role, it includes a policy on community facilities (Policy W7). In the environmental dimension, the Plan positively seeks to protect its natural, built, and historic environment. It has policies on design (Policy W4), local green spaces (Policy W8), and green infrastructure (Policy W10). 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) (Amendment) 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, WPC commissioned the preparation of a Strategic Environmental Assessment (SEA) for the Plan. It was published in April 2023.
- 6.15 The report is well-constructed. It assesses the environmental implications of the Plan in a comprehensive way. It also assesses reasonable alternative sites for housing development. I comment on this matter in Section 7 of this report.
- 6.16 Paragraphs 10.1 to 10.4 of the Assessment make the following conclusions:

*‘Overall, no significant negative effects are considered likely in the implementation of the WNP. Significant positive effects are anticipated in relation to the population and communities’ theme, predominantly reflecting the potential provision of high-quality and accessible housing of a range of tenures, connected to the existing settlement area.*

*Minor negative effects are predicted as likely in relation to the SEA themes of air quality, land, soil, and water resources, and landscape. This predominantly reflects greenfield development, potentially resulting in the loss of high-quality agricultural land, and likely minor increases in traffic in and nearby the Aylesbury AQMAs.*

*Minor positive effects are concluded as most likely in relation to the SEA themes of biodiversity, climate change and flood risk, historic environment, and transportation and movement. The allocation and reserve sites are not significantly constrained in relation to biodiversity and flood risk. Whilst there are heritage constraints, the provisions of the WNP seek to ensure no residual impacts in relation to the significance of assets or their settings. Additional policy provisions which identify positive characteristics which contribute to heritage settings, design codes, important local views, and traffic mitigation measures at key locations are notable benefits of the plan.*

*Neutral effects are concluded as most likely in relation the health and wellbeing SEA theme, with no significant deviations from the baseline predicted.’*

### *Habitats Regulations Assessment*

- 6.17 BC prepared a Habitats Regulations Assessment (HRA) of the Plan in September 2023. It advises that:

*‘The neighbourhood area does not include any area of Special Area of Conservation or Special Protection Area. The nearest part of the Chiltern Beechwoods SAC (which is the nearest SAC to the parish) is at Ellesborough Warren near Great Kimble, 13.1km to the south of the neighbourhood area boundary. The neighbourhood area is not in the Ashridge Commons and Woods SSSI 12.6km buffer zone. The nearest part of the neighbourhood area is 15.1km to the Ashridge Commons and Woods SSSI. There would also be no adverse effects due to the nature of the plan and distance on the*

*Burnham Beeches, Aston Rowant, Oxford Meadows, Windsor Forest and Great Park SAC or any SPAs and RAMSAR sites.'*

- 6.18 The HRA advises that due to the distance of the neighbourhood area from any SAC or SPAs the Plan is not likely to lead to potential adverse effects on a European site that needs investigating by the preparation of an Appropriate Assessment. In addition, in terms of the context of other made plans in the Aylesbury Vale area the Plan includes is limited development proposals and does contain measures to restrict further development and provide environmental mitigation. As such, it concludes that the 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.
- 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 regarding 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 neighbourhood plan regulations.

#### *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. 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 WPC 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.
- 7.5 I have addressed the policies in the order that they appear in the submitted Plan.
- 7.6 For clarity, this section of the report comments on all policies.
- 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 5)*

- 7.8 The Plan is well-organised and presented. It makes an appropriate distinction between the policies and their supporting text. It includes a series of good maps.
- 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 Introduction comments about the way in which the Plan was prepared and when the neighbourhood area was designated. It properly identifies the neighbourhood area (Plan A) and the Plan period (in paragraph 1.2).
- 7.10 The Introduction also gives useful advice on Strategic Environmental Assessment and Habitats Regulations Assessment.
- 7.11 Section 2 provides information about the neighbourhood area. The interesting and comprehensive details help to set the scene for the eventual policies.
- 7.12 Section 3 comments about the national planning policy context (the NPPF) and local planning policies.
- 7.13 Section 4 comments about the community's views on planning. It overlaps with the Consultation Statement.

- 7.14 Section 5 sets out the vision and objectives for the Plan. It makes a strong functional relationship between the various issues. The Vision neatly summarises the approach taken as follows:

*'In 2040: The village of Whitchurch has grown but the required growth has conserved and enhance the special character and heritage of the village, the surrounding countryside and protected our most valued green spaces. New homes have helped address local needs and sustained the demand for community facilities and services. Safer routes for pedestrians have reduced reliance on cars.'*

- 7.15 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.

#### General comments on the policies

- 7.16 The Plan is in the fortunate place of being produced within the context of the VALP which was adopted in 2020. National policy is clear that a neighbourhood plan does not need to restate policies in an adopted local plan. It also advises that a qualifying body (here WPC) can decide the level of detail which it wishes to include in its Plan.
- 7.17 Within this context I have considered carefully the representations from BC. In some cases, they highlight areas where policies are inconsistent with those in the VALP. In some cases, they identify areas where the Plan is silent on issues addressed in the VALP. Finally in some cases, they highlight matters which could be included in the Plan. I have approached these issues within the context of the basic conditions' tests and the contents of paragraph 7.15 above.

#### W1 Settlement Boundary

- 7.18 The policy has been designed to distinguish between the built-up area of the main village settlement of Whitchurch and the surrounding countryside to manage development proposals accordingly. A settlement boundary has been drawn that is principally derived from the definition of the existing developed footprint in the VALP at Policy D3.
- 7.19 I am satisfied that the policy takes a positive approach to this matter. It will ensure that new development is concentrated in the village and have access to its commercial and community facilities. As such the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

#### The Delivery of New Housing

- 7.20 Policies W2 and W3 propose the delivery of housing beyond that allocated for the parish in the VALP. The Plan explains its approach in an effective way. In the round, I am satisfied that WPC has taken a positive approach to this matter. National legislation allows a neighbourhood plan to deliver a greater level of growth than that included in the relevant local plan. In addition, the policies will assist in the housing land supply position in the County. Policy W2 has been carefully developed with the owners. In this context I am satisfied that it is both available for development and deliverable.

- 7.21 The SEA provides a very clear context to the site selection process. Its findings are both robust and unchallenged.
- 7.22 Policy W3 explains the potential release mechanisms for the reserve site. This will require close monitoring of housing delivery in the parish, the way in which the emerging Buckinghamshire Local Plan develops and a potential future review of a made neighbourhood plan. I comment on the monitoring and review of the Plan later in this report.

#### W2 Housing Allocation – Land at Kempson House West

- 7.23 The policy proposes the allocation of land adjacent to the A413 on the north eastern edge of the village for approximately 23 new homes. The Plan advises that the land is in single ownership and has been made available for housing development in line with the provisions of the policy. The Plan also advises that the policy will deliver a level of new homes that exceed the requirement of the VALP in the period to 2033. Together with Policy W3 it plans for a potential eventuality that the new Buckinghamshire Local Plan may require additional homes in the policy.
- 7.24 The policy identifies a comprehensive series of distinctive criteria for the development of the site.
- 7.25 Gant Homes comments on the policy. It offers general support to the approach taken. It raises specific comments on the first (housing mix), seventh (heritage assets) and the tenth (sustainable drainage) criteria in the policy. I have taken careful account of those comments and WPC's responses to the clarification note on these various issues. In this context I recommend modifications to the three criteria to bring the clarity required by the NPPF. In their different ways, the revised criteria will ensure that their focus is clear and will bring added value beyond existing local planning policies. In addition, in the case of drainage, the recommended modification highlights it is not a developer's responsibility to manage existing surface water run-off issues beyond the boundary of the site.
- 7.26 I also recommend modifications to other criteria to bring the clarity required by the NPPF. The recommended modifications remove the unnecessary commentary about other organisations being satisfied with the proposals. Plainly BC will consult internally and externally on forthcoming planning applications on the site.
- 7.27 I also recommend consequential modifications to the supporting text.
- 7.28 Gant Homes also raise the matter of the relationship between the allocated site and one of the proposed local green spaces in the Plan. I address this matter in the section of this report on Policy W8.
- 7.29 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

**Replace i with: 'The scheme delivers approximately 23 new homes comprising a mix of open market and affordable homes in accordance with Local Plan policies, including the interim position statements on the provision of First**

**Homes (or successor policies) or any subsequent update and as guided by the Whitchurch Housing Needs Assessment.'**

**Replace ii with: 'The scheme provides safe and convenient access for pedestrians to services and facilities off the A413, including to public transport services;'**

**Replace iii with: 'Vehicular access is made from a single access point off the A413 in a location which minimises the loss of thick hedges and mature trees;'**

**Replace vi with: 'Proposals respond positively to heritage assets in the immediate locality, including the Whitchurch Conservation Area;'**

**Replace x with: 'A sustainable drainage strategy is prepared to address the effects of surface water run-off within the site.'**

*Replace paragraph 5.9 with: 'The identification and selection of this site, and the specific key development principles, are detailed in the Site Assessment Report and SEA published alongside this Plan. The site comprises paddock land and the evidence shows that it is possible to avoid or mitigate any significant adverse environmental effect by making a series of requirements in the policy. The landowner has agreed, subject to exploring available options and agreement with the Highways Authority, to provide a suitable pedestrian crossing across the A413 to satisfy part of criterion ii of the policy. The policy supplements policies in the VALP on heritage assets and the provision of access into development sites. The first criterion of the policy acknowledges that the Whitchurch Housing Needs Assessment demonstrates that an appropriate response would be to prioritise the supply of smaller to mid-sized dwellings with 1, 2 or 3 bedrooms with a far smaller number of larger homes with 4 or more bedrooms likely to be required.'*

W3 Reserve Site – Land at Manor Farm North

- 7.30 The policy proposes that land adjacent to the A413 on the northern edge of the village is reserved for a total of approximately 35 new homes. The Plan advises that the land is in single ownership and has been made available for housing development in line with the provisions of the policy. The policy plans for a potential eventuality that the new Buckinghamshire Local Plan may require additional homes for the plan period. It also comments about how its release for development would be justified.
- 7.31 Part A of the policy identifies a series of distinctive criteria for the development of the site. They correspond with those for the development of the proposed allocated site (Policy WS2). I recommend a similar package of modifications and for the same reasons.
- 7.32 In the case of this site, I also recommend that the eighth criterion highlights the need for significant structural landscaping on the northern and eastern boundaries of the proposed site. This will ensure that the existing field boundary running along the northern edge of the site is consolidated, and that a robust eastern boundary for the site is developed. These are important elements to ensure that the site can be comfortably accommodated into the surrounding landscape.

- 7.33 Part B of the policy sets out the mechanisms for the release of the site. In general terms it does so to good effect. Nevertheless, there are inconsistencies between the policy and the supporting text. In its response to the clarification note WPC, suggested revisions both to the policy and to the supporting text. They would resolve the inconsistencies in the submitted version and better describe the intentions of the policy. As such, I recommend them as modifications.
- 7.34 Otherwise, the policy meets the basic conditions. It takes a very positive approach to the delivery of new housing in the parish. It will contribute to the delivery of each of the three dimensions of sustainable development.

**In Part A of the policy:**

**Replace i with: ‘The scheme delivers approximately 23 new homes comprising a mix of open market and affordable homes in accordance with Local Plan policies, including the interim position statements on the provision of First Homes (or successor policies) or any subsequent update and as guided by the Whitchurch Housing Needs Assessment.’**

**Replace ii with: ‘The scheme provides safe and convenient access for pedestrians to services and facilities off the A413, including to public transport services;’**

**Replace iii with: ‘Vehicular access is made from a single access point off the A413 in a location which minimises the loss of thick hedges and mature trees;’**

**Replace vi with: ‘Proposals respond positively to heritage assets in the immediate locality including the Whitchurch Conservation Area;’**

**Replace viii with: ‘A landscape strategy is prepared to include significant strategic planting to the northern and eastern boundaries of the site. In addition, the layout and heights of buildings have regard to Local Plan policy requirements on landscape character and the location of the land within an Area of Attractive Landscape and on the retention of trees and hedgerows where possible;’**

**In ix add ‘measurable’ before ‘net gain’**

**Replace x with: ‘A sustainable drainage strategy is prepared to address the effects of surface water run-off within the site.’**

**Replace Part B of the policy with:**

**‘The reserved land will be released for development in the event that proposals are made for delivery of additional homes in the period from April 2033 to March 2040 unless:**

- i. national planning policy provision relating to how the presumption in favour of sustainable development for housing proposals operates in respect of proposals located within an area with a made neighbourhood plan\* no longer applies; or**

- ii. **the adopted housing supply policies of the forthcoming Buckinghamshire Local Plan require the provision of new homes in the parish after the Neighbourhood Plan is made.'**

**\* Whereby the adverse impact of allowing development that conflicts with the neighbourhood plan is likely significantly and demonstrably to outweigh the benefits in the planning balance (currently NPPF paragraph14).'**

*Replace paragraph 5.10 with:*

*'The policy reserves land adjacent to the A413 on the northern edge of the village for a total of approximately 35 new homes. The land is in single ownership and has been made available for housing development in line with the provisions of the policy. Clause B of the policy provides for the land to be released for development to meet local housing need in the period between the end of the current VALP plan period and of the end of this neighbourhood plan period. However, it also provides for an earlier release if the local planning authority is not able to engage paragraph14 of the NPPF, which counters the 'tilted balance' of paragraph 11 of the NPPF (or any relevant successor). It also plans for a potential eventuality that the new Local Plan may require additional homes in the Parish in its Plan period. In this eventuality, no other site would be considered if it can be shown that this site remains deliverable. Should there be no such requirement, other than those homes to be delivered as windfall schemes within the Settlement Boundary of Policy W1, then Manor Farm North site will remain reserved for a Plan period beyond 2040. The Parish Council commits to the timely monitoring and reviewing of the Neighbourhood Plan to determine if its release for development is warranted.'*

#### W4 Design Codes

- 7.35 The policy acknowledges that there are distinctive features of Whitchurch that shape its character. These features are set out in the Whitchurch Design Guidance and Codes. The Plan advises that its content is given full effect through the provisions of the policy by placing additional local emphasis to the design quality principles of VALP Policies BE2 and BE1 in respect of the characteristics of the Whitchurch Conservation Area.
- 7.36 The policy requires that applicants should demonstrate that they have full regard to the design principles in the Design Guidance as relevant to the location of their proposals. The Plan comments that the policy does not advocate pastiche or historic solution. Nevertheless, it advises that it is important that any new development demonstrates a connection with local character and place-making. It also comments that where a proposal does not follow the requirements of the Code then the applicant will be obliged to justify why an exception should be made.
- 7.37 The policy has been carefully developed. In combination with the excellent Design Guidance and Codes, the policy is a first-class response to Section 12 of the NPPF. I recommend that the supporting text clarifies the relationship of the Design Guidance and Codes with the Aylesbury Vale Design Supplementary Planning Document (2023).

Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

*At the end of paragraph 5.12 add: 'The policy complements the Vale of Aylesbury Local Plan Design Supplementary Planning Document (2023). It provides design guidance which is specific to the parish.'*

#### W5 Managing Traffic

- 7.38 The policy seeks to encourage safe, accessible, and convenient means of movement and travel through the parish. By doing so it refines VALP Policy T1 which seeks to promote opportunities for sustainable travel through pedestrian, cycle, public transportation, and public realm improvements to make sustainable travel more attractive, convenient, direct, safe, secure and easy-to follow. WPC has identified several key locations which would benefit from such improvements.
- 7.39 The first part of the policy comments that proposals which deliver public realm improvements and traffic mitigation measures at Key Locations will be supported. The second part of the policy comments that new development proposals that will generate an increase in traffic in the parish demonstrated in a Transport Assessment submitted as part of the application will be required to make a direct and proportionate contribution to public realm improvements and traffic mitigation measures at Key Locations.
- 7.40 In the round, I am satisfied that the policy has been carefully prepared. The identified key locations are locally-distinctive and the policy provides the necessary linkage between new development, traffic generation and the contribution required. As such the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

#### W6 Essential Commercial, Business and Service Uses

- 7.41 The policy refines the existing development plan policy on essential facilities and businesses by identifying the remaining facilities in the parish to protect them from unnecessary loss. The Plan comments that the identified facilities and businesses play a vital role in providing the local community with convenience and local services that reduce their dependence on travelling to larger centres.
- 7.42 The identification of the specific facilities in the parish are the added value beyond the details in Policy D7 of the Local Plan. I am satisfied that the uses have been carefully chosen. The policy meets the basic conditions. It will contribute to the delivery of the economic and social dimensions of sustainable development.

#### W7 Local Community Uses and Pubs

- 7.43 The policy identifies local community uses and pubs (buildings and land) in the parish that will be protected from change of use in line with the provisions of VALP Policy I3. The Plan comments that these facilities are valued by the community and offer a valuable resource to support community life, and therefore warrant protection of policies in the VALP, and any future replacement Buckinghamshire Local Plan. In

some cases, the facility is included in Policy W8 as a Local Green space as it will also be a key open space in the village.

- 7.44 The identification of the specific facilities in the parish is the added value beyond the details in Policy I3 in the Local Plan.
- 7.45 I am satisfied that the uses have been carefully chosen. The policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

#### W8 Local Green Spaces

- 7.46 The policy designates a series of Local Green Spaces (LGSs) in accordance with paragraphs 105 -107 of the NPPF.
- 7.47 WPC has undertaken a review of all open land within and adjoining the village, informed by the qualifying criteria in the NPPF (the Local Green Space report). The Plan advises that the owners of these sites were notified of the proposed LGS designations during the preparation of the Plan.
- 7.49 The policy follows the matter-of-fact approach in the NPPF. The supporting text comments that should development proposals come forward on the local green spaces within the Plan period, they can be assessed on a case-by-case basis by BC. It also advises that BC will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the 'very special circumstances' required by the policy.
- 7.49 I looked carefully at the various LGS during the visit. I comment on the proposed LGSs in two sections. The first concentrates on the one site which has generated a representation on its proposed designation. The second comments on the other proposed designations.

#### *LGS iii Grass Bank Kempson House/Old House*

- 7.50 Gade Homes comments about the potential inconsistency between the proposed designation of LGS iii and the development of the adjacent housing allocation (Policy W2).
- 7.51 In isolation, I am satisfied that the proposed LGS meets the three tests in paragraph 106 of the NPPF. It is located within the heart of the village and is an attractive green space. It provides a setting to historic assets in the immediate locality.
- 7.52 In its response to the clarification note WPC advised that:

*'This is an important green space in Whitchurch. We do however understand the concerns raised by Gade about the potential clash with Policy W2. We realise that Gade might need to bring some services over this site and we have ourselves pushed them hard to ensure the footpath / pedestrian access as far as the bus stop is in place (for the benefit of Kempson site residents and Whitchurch residents in general).'*

*It is our understanding that proposals, like that of W2, trigger the NPPF Green Belt policies. Clauses (b) and (c) of NPPF paragraph 150 allow for development to be deemed ‘appropriate’ for the type of engineering and infrastructure works that would be necessary to secure access to the site, and they would ‘preserve its openness’. In which case, the W8 policy requirement for the ‘very special circumstances’ test to be met may not be necessary. We do however understand that this may leave some concerns and as such we are not opposed to slightly reducing the extent of the northern part of the green space to allow the developer access over it if necessary.’*

- 7.53 I have considered this matter very carefully. On the one hand, WPC has submitted the Plan based on the proximity of a proposed housing allocation to a proposed LGS. It will have addressed their relationship as the Plan was being developed. On the other hand, WPC now acknowledges that the access requirements for the former may impact on the integrity of the latter. This is reflected in a proposed reduced area of LGS iii in its response to the clarification note.
- 7.54 On the balance of the evidence, I recommend that the LGS is deleted from the Plan. Whilst the proposed reduction of its size as suggested by WPC has sought to address the tension identified in the previous paragraph, the proposed northern boundary of the LGS would be indistinct and unclear within the site. In any event the designation of the proposed LGS is inconsistent with the delivery of sustainable development in the parish to the extent that its potential impact on the delivery of the proposed allocated housing site has not been fully assessed. As such, the proposed designation does not meet the requirements of paragraph 105 of the NPPF. The potential designation of a revised LGS could be considered in any review of the Plan. This would allow an assessment of the impact of the construction of a vehicular access to the allocated site on the integrity of any potential revised LGS.

*The other proposed LGSs*

- 7.55 On the basis of all the information available to me, including my own observations, I am satisfied that the other proposed LGSs comfortably comply with the three tests in paragraph 106 of the NPPF. In several cases they are precisely the type of green space which the authors of the NPPF would have had in mind in preparing national policy.
- 7.56 In addition, I am satisfied that their proposed designation would accord with the more general elements of paragraph 105 of the NPPF. Firstly, I am satisfied that the designations are consistent with the local planning of sustainable development. They do not otherwise prevent sustainable development coming forward in the neighbourhood area and no such development has been promoted or suggested. Secondly, I am satisfied that the LGSs are capable of enduring beyond the end of the Plan period. They are an established element of the local environment and have existed in their current format for many years. In addition, no evidence was brought forward during the examination that would suggest that the proposed LGSs would not endure beyond the end of the Plan period.

*The policy itself*

- 7.57 The policy follows the matter-of-fact approach in paragraph 107 of the NPPF. As such I am satisfied that it meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

**Delete LGS iii Grass Bank, Kempton House**

*Remove LGS iii Grass Bank, Kempton House from the Policies Map*

W9 Important Views

- 7.58 The policy identifies a series of views from public vantage points in and beyond the edge of the village. They are considered in the Important Views report as especially important in defining the relationship between the village and its rural hinterland. The second part of the policy comments that development proposals should preserve or enhance the local character of the landscape and through their design, height and massing should recognise and respond positively to the various Important Views. The third part of the policy advises that development proposals which would have a significant adverse impact on an identified Important View will not be supported.
- 7.59 I looked carefully at the views during the visit. As the Plan comments, they relate to the interface between the village and the surrounding countryside.
- 7.60 In the round, I am satisfied that the policy meets the basic condition. It takes a non-prescriptive approach. Paragraph 5.25 comments that the policy does not seek to prevent any development lying within a view but requires that proposals recognise and take account of these in their design. BC suggests that the third part of the policy refers to potential mitigation measures. Based on the overall composition of the policy and the supporting text, I recommend that this issue is addressed in the supporting text rather than in the policy itself.
- 7.61 Otherwise the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

*After the first sentence of paragraph 5.25 add: 'Where appropriate, development proposals should incorporate acceptable mitigation measures and/or other design solutions to ensure that their impact on important view is acceptable.'*

W10 Green Infrastructure

- 7.62 The policy refines adopted VALP Policy I1 on Green Infrastructure by identifying the importance of protecting the green infrastructure of Whitchurch. The policy comments that green infrastructure can be broadly defined as a network of high quality natural and semi-natural areas with other environmental features, which is designed and managed to deliver a wide range of ecosystem services and protect biodiversity in both rural and urban settings. The policy advises that this includes parks, public open spaces, allotments, watercourses, play areas, playing fields as well as informal open land and associated features such as trees, hedgerows, ponds, green roofs, and green walls. The supporting text advises that Whitchurch's greatest asset is its footpaths that cover many miles within the parish and link into the Aylesbury Ring.

- 7.63 The policy comments that development proposals within the vicinity of green infrastructure assets of Whitchurch must respect its existing character, setting and purpose. It also advises that if the loss or harm to any part of the green infrastructure assets of Whitchurch is demonstrated to be unavoidable, then provision must be made for suitable mitigation and replacement features.
- 7.64 In general terms, I am satisfied that the policy meets the basic conditions. I am also satisfied that it has regard to Section 15 of the NPPF. However, as BC comment, the supporting text comments about the various elements of green infrastructure without showing them on a map base. Whilst their locations may be clear to WPC, they may not be readily known to the various parties engaged in the development industry. This will not bring the clarity required by the NPPF. To remedy this matter, I recommend that an additional map is included in the Plan showing the position of the various elements of green infrastructure as described in the supporting text.
- 7.65 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

*Include an additional map in the Plan showing the position of the various elements of green infrastructure as described in paragraphs 5.26 to 5.28.*

#### Monitoring and Review

- 7.66 The Plan is silent about the way in which the Plan will be monitored and review. However, in its response to the clarification note, WPC acknowledged that it would be appropriate to assess the need or otherwise for a further review of the Plan once the emerging Buckinghamshire Local Plan has been adopted. This approach specifically relates to the delivery of Policy W3 (the reserve site) and how it would be released.
- 7.67 I recommend that the Plan incorporates commentary in Section 6 about the potential need for the review of a made Plan once the emerging Local Plan has been adopted. I also recommend that the effectiveness and delivery of Policies W2 and W3 are monitored carefully. They are key components of the Plan.

*Insert a new element in Section 6 of the Plan to read:*

#### *'Monitoring and Review*

*6.6 The Parish Council will monitor the effectiveness of the policies in the Plan through the implementation of the development management process. Where necessary, it will take corrective action.*

*6.7 The Parish Council recognises the importance of the emerging Buckinghamshire Local Plan in setting a wider planning policy for the County, including the overall delivery of new housing. In this context, it will assess the need for a further review of the Plan within six months of the adoption of the Local Plan.'*

*6.8 The delivery of the housing allocation (Policy W2) will be a key element of the successful implementation of the Plan. Whilst progress on delivery is promising at this point, the delivery of the site will be closely monitored. Where necessary, corrective action will be taken through a review of the Plan focused on the delivery of housing.*

*The Parish Council will also assess the potential release of the reserve site (Policy W3) once the Local Plan has been adopted.'*

#### Other Matters - General

- 7.68 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 because 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 because 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 WPC 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

- 7.69 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.
- 7.70 I also recommend the following 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 paragraph 1.2 delete '2040' after 'Buckinghamshire Local Plan'*

*Replace the first two sentences of paragraph 3.7 with: 'Buckinghamshire Council is preparing a new statutory strategic policy framework. It is currently anticipated that the emerging Local Plan will be adopted in 2026-27. The Plan period will cover the period to 2040 (or possibly a later date).'*

*Update the Map C to show protected species also found within the parish alongside the notable species such as badgers, grass snake, redwing, brown long eared bats, and great crested newts and the known biological notification site within Whitchurch between Castle Lane and the High Street.*

- 7.71 BC also raise a series of other matters. Their incorporation into the Plan would extend its coverage and addresses such 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 WPC.

#### Other Matters – Referendum Area

- 7.72 The default position is that a referendum for a neighbourhood plan involves properties within the neighbourhood area. In this case, both WPC and a resident have suggested that the referendum area is extended to include the properties on the south of Bushmead Road. The representations comment that whilst the properties are outside the neighbourhood area, they are effectively part of the village and use its various services.
- 7.73 I looked carefully at the houses concerned during the visit. The contents of the representations were immediately self-evident. In addition, I saw that the properties concerned were contiguous with the village. On this basis I recommend that the referendum area is extended accordingly.

*Extend the referendum area to include 2-24 (evens) Bushmead Road and the properties in Bushmead Close.*

## 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 2040. 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, to define a Settlement Boundary and to identify land for residential development.
- 8.2 Following the independent examination of the Plan, I have concluded that the Whitchurch 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 Whitchurch 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. This matter is addressed in paragraphs 7.72 and 7.73 of this report. As such, I recommend that the Plan should proceed to referendum based on the neighbourhood area as approved in November 2020 together with the additional residential properties listed in paragraph 7.73 of this report.
- 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 very helpful.

**Andrew Ashcroft**  
**Independent Examiner**  
**21 March 2024**