



Report on Wendover Neighbourhood Plan 2019 - 2033

An Examination undertaken for Aylesbury Vale District Council with the support of Wendover Parish Council on the July 2019 submission version of the Plan.

Independent Examiner: Andrew S Freeman BSc(Hons) DipTP DipEM FRTPI

Date of Report: Fact Check Version 1 October 2019

Intelligent Plans and Examinations (IPE) Ltd, 29 Monmouth Street, Bath BA1 2DL
Registered in England and Wales. Company Reg. No. 10100118. VAT Reg. No. 237 7641 84

Contents

	Page
Main Findings - Executive Summary	3
1. Introduction and Background	3
• Wendover Neighbourhood Plan 2019-2033	3
• The Independent Examiner	4
• The Scope of the Examination	4
• The Basic Conditions	5
2. Approach to the Examination	6
• Planning Policy Context	6
• Submitted Documents	6
• Site Visit	7
• Written Representations with or without Public Hearing	7
• Modifications	7
3. Procedural Compliance and Human Rights	7
• Qualifying Body and Neighbourhood Plan Area	7
• Plan Period	7
• Neighbourhood Plan Preparation and Consultation	7
• Development and Use of Land	8
• Excluded Development	8
• Human Rights	8
4. Compliance with the Basic Conditions	9
• EU Obligations	9
• Main Issues	9
- Issue 1: Housing	10
- Issue 2: Sustainable Developments	12
- Issue 3: Business	13
- Issue 4: Community Facilities	13
- Issue 5: Conservation and Heritage	14
- Issue 6: Green Spaces and Environment	14
- Issue 7: Infrastructure and Connectivity	15
- Issue 8: Transport	15
5. Conclusions	16
• Summary	16
• The Referendum and its Area	16
• Overview	16
Appendix: Modifications	18

Main Findings - Executive Summary

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

I have also concluded that:

- the Plan has been prepared and submitted for examination by a qualifying body – Wendover Parish Council;
- the Plan has been prepared for an area properly designated – Wendover Neighbourhood Area – Map No 1 on Page 4 of the Plan;
- the Plan specifies the period to which it is to take effect – 2019 - 2033; and
- the policies relate to the development and use of land for a designated neighbourhood area.

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

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

1. Introduction and Background

Wendover Neighbourhood Plan 2019-2033

- 1.1 The Parish of Wendover is a civil parish within the county of Buckinghamshire and the District of Aylesbury Vale. It has an area of some 2,360 ha and a population of about 7,400 (2011). The town of Wendover, towards the north of the Parish, is the largest settlement. At a distance of 7 to 8 km, it is more or less equidistant from Aylesbury to the northwest, Tring to the northeast and Great Missenden to the south-southeast. Wendover is linked with London Marylebone via the Chiltern line railway, which runs roughly north-south through the Parish.
- 1.2 The market town of Wendover is regarded as a “strategic settlement” with a range of facilities including schools, doctors’ surgery, post office and various shops, restaurants and public houses. A large part has conservation area status. RAF Halton is the largest local employer although the camp lies to the north of Wendover, outside the Parish boundary. It is set to close in 2025. Much of the countryside surrounding Wendover is designated as Green Belt; also, an Area of Outstanding Natural Beauty (Chilterns AONB).

- 1.3 Following an application to the District Council in July 2015, the Parish was designated as a neighbourhood area on 24 September 2015. The main work on preparation of the Neighbourhood Plan began in 2016 with the establishment of a dedicated Steering Group. This was followed by launch events, targeted consultation and a questionnaire survey. A draft of the Plan was the subject of formal consultation in February and March 2019. The submission Plan contains 17 policies covering eight key topic areas.

The Independent Examiner

- 1.4 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Wendover Neighbourhood Plan by Aylesbury Vale District Council, with the agreement of Wendover Parish Council.
- 1.5 I am a chartered town planner and former government Planning Inspector with over forty years' experience. I have worked in both the public and the private sectors. I am an independent examiner and do not have an interest in any of the land that may be affected by the draft Plan.

The Scope of the Examination

- 1.6 As the independent examiner I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
 - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
 - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.7 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ("the 1990 Act"). The examiner must consider:
- Whether the Plan meets the Basic Conditions;
 - Whether the Plan complies with provisions under Section 38A and Section 38B of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act"). These are:
 - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;

- it sets out policies in relation to the development and use of land;
- it specifies the period during which it has effect;
- it does not include provisions and policies for “excluded development”;
- it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area;
- whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to referendum; and
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) (“the 2012 Regulations”).

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

The Basic Conditions

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

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan for the area;
- be compatible with and not breach European Union (EU) obligations; and
- meet prescribed conditions and comply with prescribed matters.

1.10 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the neighbourhood development plan does not breach the requirements of

2. Approach to the Examination

Planning Policy Context

- 2.1 The Development Plan for this part of Aylesbury Vale District Council, not including documents relating to excluded minerals and waste development, includes the saved policies from the Aylesbury Vale District Local Plan 2004. In addition, there is an emerging Local Plan in the form of the submission draft of the Vale of Aylesbury Local Plan.
- 2.2 Planning policy for England is set out principally in the National Planning Policy Framework (NPPF). Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. A revised NPPF was published on 19 February 2019 and all references in this report are to the February 2019 NPPF and its accompanying PPG.²

Submitted Documents

- 2.3 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the draft Wendover Neighbourhood Plan 2019 - 2033, June 2019;
 - a map of the Plan which identifies the area to which the proposed Neighbourhood Development Plan relates (Map No 1 on Page 4 of the Plan);
 - the Consultation Statement, June 2019;
 - the Basic Conditions Statement, June 2019;
 - all the representations that have been made in accordance with the Regulation 16 consultation;
 - the Strategic Environmental Assessment (SEA) Screening Report prepared by Aylesbury Vale District Council January 2019; and
 - Responses to the examiner's questions of 28 August 2019 from Aylesbury Vale District Council (12 September 2019) and Wendover Parish Council (8 September 2019).³

¹ This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

² See paragraph 214 of the NPPF. The Plan was submitted under Regulation 15 to the local planning authority after 24 January 2019.

³ View at: <https://www.aylesburyvaledc.gov.uk/wendover-neighbourhood-plan>

Site Visit

- 2.4 I made an unaccompanied site visit to the Neighbourhood Plan Area on 25 September 2019 to familiarise myself with it and visit relevant sites and areas referenced in the Plan and evidential documents.

Written Representations with or without Public Hearing

- 2.5 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum.

Modifications

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

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The Wendover Neighbourhood Plan has been prepared and submitted for examination by Wendover Parish Council, which is a qualifying body for an area that was designated by Aylesbury Vale District Council on 24 September 2015.
- 3.2 It is the only Neighbourhood Plan for the Wendover Neighbourhood Area and does not relate to land outside the designated Plan Area.

Plan Period

- 3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2019 to 2033.

Neighbourhood Plan Preparation and Consultation

- 3.4 Details of plan preparation and consultation are set out in the Parish Council's Consultation Statement dated June 2019. Application for designation as a neighbourhood area was made in July 2015. Following statutory publicity, the Neighbourhood Area was approved by Aylesbury Vale District Council in September 2015.

- 3.5 The early stages of plan preparation, following the formation of a dedicated Steering Group, featured a wide variety of community consultation events including leafleting, meetings and other actions designed to elicit the views of residents. The principal views were used in the development of a questionnaire survey. Feedback events followed publication of the results of the questionnaire.
- 3.6 Formal pre-submission consultation under Regulation 14 took place between 7 February 2019 and 21 March 2019. The Consultation Statement records 50 comments from the related public exhibition, 34 email responses and 31 letters; also, the actions taken by way of response.
- 3.7 At the Regulation 16 stage, representations were received from 12 different parties (including one late representation). These included a response from Bedfordshire County Council which indicated that no consultation had been made at the Regulation 14 stage. Given the comprehensive nature of the county council's Regulation 16 response and my ability to give full consideration to the representations, I am satisfied that there has been no prejudice.
- 3.8 In all other respects, at both formal consultation stages, the process has met the legal requirements. I consider that due regard has been had to the advice in PPG on plan preparation and engagement.

Development and Use of Land

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

Excluded Development

- 3.10 The Plan does not include provisions and policies for "excluded development".

Human Rights

- 3.11 Wendover Parish Council is satisfied⁴ that the Plan does not breach Human Rights (within the meaning of the Human Rights Act 1998). Aylesbury Vale District Council has reached a similar conclusion.⁵ From my independent assessment, I see no reason to disagree.

⁴ See Parish Council Response to Examiner's Questions on the Aylesbury Vale District Council's website:

<https://www.aylesburyvaledc.gov.uk/wendover-neighbourhood-plan>

⁵ See AVDC Response to Examiner Questions:

<https://www.aylesburyvaledc.gov.uk/wendover-neighbourhood-plan>

4. Compliance with the Basic Conditions

EU Obligations

- 4.1 The Neighbourhood Plan was screened for SEA by Aylesbury Vale District Council which found that it was unnecessary to undertake SEA. Having read the Strategic Environmental Assessment Screening Report, I support this conclusion.
- 4.2 As part of the SEA report, the Wendover Neighbourhood Plan was further screened for Habitats Regulations Assessment (HRA), which also was not triggered. The site is not in close proximity to a European designated nature site. Natural England agreed⁶ with the assessment that the Neighbourhood Plan does not require SEA (including HRA). From my independent assessment of this matter, I have no reason to disagree.

Main Issues

- 4.3 Having regard for the Wendover Neighbourhood Plan, the consultation responses and other evidence, and the site visit, I consider that there are eight main issues relating to the Basic Conditions for this examination. These concern:
- Housing;
 - Sustainable Developments;
 - Business;
 - Community Facilities;
 - Conservation and Heritage;
 - Green Spaces and Environment;
 - Infrastructure and Connectivity; and
 - Transport.
- 4.4 Before I deal with the main issues, I have a few observations to make with regard to many of the representations. First, the Wendover Neighbourhood Plan should be seen in the context of the wider planning system. This includes the saved policies of the Aylesbury Vale Local Plan and the emerging Vale of Aylesbury Local Plan as well as the NPPF and PPG. It is not necessary, and it would be inappropriate, to repeat in the Neighbourhood Plan matters that are quite adequately dealt with elsewhere.⁷
- 4.5 Secondly, the Neighbourhood Plan does not have to deal with each and every topic raised through the consultation. For example, a

⁶ In an email dated 30 November 2018 reproduced in the appendix to the Strategic Environmental Assessment Screening Report.

⁷ See NPPF Paragraph 16 f).

neighbourhood plan can be used to allocate sites; but it does not have to do so. In this regard, the content of the Neighbourhood Plan is largely at the discretion of the qualifying body albeit informed by the consultation process and the requirements set by the Basic Conditions.

- 4.6 Thirdly, my central task is to judge whether the Neighbourhood Plan satisfies the Basic Conditions. Many of the representations do not demonstrate or indicate a failure to meet those conditions or other legal requirements. Similarly, many of the suggested additions and improvements are not necessary when judged against the Basic Conditions. This includes matters that would be dealt with more appropriately at the district level and are not neighbourhood-specific. Be this as it may, non-material changes can be incorporated into the final version of the Plan.
- 4.7 The following section of my report sets out modifications that are necessary in order to meet the Basic Conditions. Some of the proposed modifications are factual corrections.⁸ Others are necessary in order to have closer regard to national policies and advice. In particular, plans should be succinct and contain policies that are clearly written and unambiguous.⁹ In addition, the policies should be supported by appropriate evidence.¹⁰

Issue 1: Housing

- 4.8 Under Policy H1, housing development is to be managed by reference to a settlement boundary. The boundary is described in Section 11.3 as having been “amended to leave the Conservation Area outside the boundary as development is not permitted within that area”. However, examination of the designations indicates that only part of the Conservation Area (largely within the Green Belt) has been left out of the settlement boundary. A factual correction would be made under proposed modification **PM1**.
- 4.9 A number of modifications are needed to the policy itself:
- The opening sentence of the policy should refer to Map 4 (not Map 3).
 - The first bullet point of the policy needs to be updated to reflect the removal of restrictions on the “pooling” of Section 106 planning obligations to fund infrastructure.¹¹

⁸ Modifications for the purpose of correcting errors is provided for in Paragraph 10(3)(e) of Schedule 4B to the 1990 Act.

⁹ NPPF Paragraphs 15 and 16.

¹⁰ PPG Reference: 41-041-20140306.

¹¹ The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019.

- In the interests of a succinct plan, and for clarity, there is no need to refer to “other policies in this Neighbourhood Plan and the adopted Local Plan”.
- To reflect evidence provided by the Parish Council,¹² the reference to Green Belt infilling should be expanded to refer to other types of development within the Green Belt.
- Where reference is made to Paragraph 172 of the NPPF, it should be made clear that the provisions apply to the Area of Outstanding Natural Beauty. In addition, for clarity, the final two bullet points in the policy should be separated by “or”.

4.10 Appropriate changes would be made through proposed modification **PM2**.

4.11 On a final point regarding Policy H1, Section 11.6 indicates that housing outside the settlement boundary will only be permitted in exceptional circumstances in accordance with Policy S2 of the emerging Local Plan. However, accordance with Policy S2 would not constitute “exceptional circumstances”. Revised wording is required as in proposed modification **PM3**.

4.12 Turning to Policy H2, this concerns development within the Conservation Area. The aim of the policy is, in part, described in Section 11.8. This includes conserving and enhancing the Conservation Area. In this regard, there is no evidence to suggest that, to meet the objectives of the policy, both conservation and enhancement are necessary. Proposals that preserve the special character of the area would be acceptable if enhancement were not possible. To preserve or enhance would accord with the statutory test contained in primary legislation.¹³ Proposed modification **PM4** is necessary.

4.13 Section 11.8 also states that development must “maintain the street sense and create a sense of space”. In this regard, there is a lack of clarity. The provision cannot be applied consistently and with confidence when determining planning applications.¹⁴ Clear wording is set out in proposed modification **PM5** to ensure due regard is had to national guidance.

4.14 In terms of Policy H2 itself, the introductory sentence is lacking in clarity. In addition, there is a confusing reference in the second bullet point to

¹² Response to Examiner’s Questions.

¹³ Planning (Listed Buildings and Conservation Areas) Act 1990, Section 69(1)(a).

¹⁴ See PPG Reference: 41-041-20140306.

“those distinctive heritage features”. These matters would be addressed in proposed modification **PM6**.

- 4.15 I am aware that the Plan contains a focus on the Conservation Area and that there is little discussion of heritage elsewhere within the Parish. For clarity, this should be addressed in the Plan. Additional text is needed, as in proposed modification **PM6A**, to ensure that heritage assets within the wider designated area are not overlooked and that attention is drawn to relevant policy elsewhere.
- 4.16 A third housing policy, Policy H3, deals with affordable housing. In this regard, through its Regulation 16 representations, the District Council has suggested that schemes of five or more dwellings should be required to contribute towards affordable housing and other necessary infrastructure. While this proposal has been accepted by the Parish Council,¹⁵ there is no evidence regarding the viability of the proposition. In addition, developers and others have not had an opportunity to respond to the suggestion. As such, related modification would not be appropriate.
- 4.17 Under the emerging Local Plan, affordable housing will be supported under Policy H1 (Affordable housing) and Policy H2 (Rural exception sites). It is not necessary to repeat the need for accordance with provisions that are contained within those policies. However, it is appropriate to encourage affordable housing within Wendover including a requirement for mobility housing. Appropriate amendments would be made under proposed modification **PM7**.
- 4.18 A final housing policy (H4: Retirement Housing) supports retirement homes and extra care living on “suitable sites”. However, it would be difficult to apply the policy consistently and with confidence. Appropriate guidance on suitable sites would be added through proposed modification **PM8**.
- 4.19 With the above amendments in place, the Plan’s housing provisions will have regard to national policies and advice contained in guidance issued by the Secretary of State. The Basic Conditions would be met.

Issue 2: Sustainable Developments

- 4.20 Policies SD1 and SD2 are concerned with sustainable developments. However, to ensure consistency across all the Plan policies, and confidence in their application, a number of amendments are required to Policy SD1 (Design for Sustainable Developments within the Neighbourhood Plan Area):

¹⁵ Response to Examiner’s Questions.

Intelligent Plans and Examinations (IPE) Ltd, 29 Monmouth Street, Bath BA1 2DL

Registered in England and Wales. Company Reg. No. 10100118. VAT Reg. No. 237 7641 84

- Rather than give encouragement to “all developments in the neighbourhood area”, the policy should be linked to specific support given under other Plan policies.
- The references to heritage assets should reflect more closely the policy wording in the NPPF (Paragraph 185) and on development within the Conservation Area (Policy H2).
- The requirement to avoid (all) adverse effects on neighbouring properties is not supportable. The reference should be to “unacceptable effects”.
- The reference to the character of the local environment is unnecessary. It duplicates other aspects of the policy.

4.21 These various points are addressed in proposed modification **PM9**. With regard to Policy SD2 (Design or Sustainable Developments – Parking), the point regarding the support for “all development in the neighbourhood area” arises again. In addition, the evidence suggests¹⁶ that there should be added reference to published guidance on parking schemes and other elements of sustainable travel. Proposed modification **PM10** refers. With the changes, there would be regard to national policies and guidance. The Basic Conditions would be met.

Issue 3: Business

4.22 Under Policy B1 (Change of Use from Business to Residential), the loss of an existing business will be supported where, amongst other things, there are alternative local facilities. However, this requirement has not been substantiated. Indeed, the demand for facilities should be reflected sufficiently in the marketing. The requirement should be removed; as should the final bullet point of the policy which repeats other provisions within the Plan and in the emerging Local Plan.

4.23 Appropriate changes are set out in proposed modification **PM11**. With this modification in place, the available evidence would be reflected and there would be accordance with the Basic Conditions.

Issue 4: Community Facilities

4.24 In Policy CF1 (Community Facilities), the point regarding the need for alternative local facilities again arises. In addition, there is an unnecessary requirement for community benefits; this would be considered within the “planning balance” in any event. Changes that

¹⁶ Regulation 16 representations of Buckinghamshire County Council.

Intelligent Plans and Examinations (IPE) Ltd, 29 Monmouth Street, Bath BA1 2DL

Registered in England and Wales. Company Reg. No. 10100118. VAT Reg. No. 237 7641 84

would ensure compliance with the Basic Conditions are set out in proposed modification **PM12**.

Issue 5: Conservation and Heritage

- 4.25 Conservation of ecology, biodiversity and natural assets are addressed in Policy CH1 and by reference to Map 5. Together, these set requirements for “Natural Assets of Note in Wendover”. In its Regulation 16 representations, the County Council points to other statutory and non-statutory sites of nature conservation importance that would not be covered by the policy. Whilst this is true, protection would be available through statutory provisions, the Local Plan and the NPPF. It is not necessary to duplicate such provisions. Nevertheless, the situation should be clarified in the supporting text, as in proposed modification **PM13**.
- 4.26 As to Map 5, clarity should be added by showing the boundary of the Ashbrook Allotments. Policy CH1 should not refer to “any development” (unqualified); the geographical extent of the provisions should be clear; and the policy should be proportionate with regard to the requirements that are set. Necessary amendments to meet the Basic Conditions are included in proposed modifications **PM14** and **PM15**.

Issue 6: Green Spaces and Environment

- 4.27 The designation of Local Green Space is addressed in Policy G1. This erroneously refers to Map 5. It is Map 6 that shows Local Green Space for designation.
- 4.28 As drafted, the policy rules out most development “other than in very special circumstances”. However, the NPPF states that policies for managing development within a Local Green Space should be consistent with Green Belt policy (Paragraph 101). This would allow development that is “not inappropriate”. To ensure appropriate regard for national policy, the wording needs to be changed.
- 4.29 Map 6 shows the three areas proposed for designation under the policy. I am satisfied that these areas meet the criteria set out in the NPPF. However, the mapping is rather crude and could not be applied consistently and with confidence. In particular, on Map 6, site B (Wooded Area between Tedder Road, Haddington Close and Princess Mary Gate) erroneously includes the land on which the apartments at 20-36 and 38-60 Scarlett Avenue are built, whereas the accurate picture is shown in the Local Green Spaces Regulation 16 Submission Report.
- 4.30 To ensure accuracy and regard for national policy, proposed modifications **PM16** and **PM17** are necessary. With these amendments in place, the Basic Conditions would be met.

[Intelligent Plans and Examinations \(IPE\) Ltd, 29 Monmouth Street, Bath BA1 2DL](#)

[Registered in England and Wales. Company Reg. No. 10100118. VAT Reg. No. 237 7641 84](#)

- 4.31 Policy G2 is concerned with key views and vistas. However, the object of the policy and the definition of views not covered by the Conservation Area appraisal is unclear. From my site visit, I would say that all open views towards the Chiltern Hills are worthy of safeguarding. A general provision within the policy would be appropriate. Proposed modifications **PM18** and **PM19** refer.
- 4.32 Provisions with regard to biodiversity are dealt with in Policy G3 and Section 11.30 of the Plan. However, the provisions need to be strengthened and clarified in a number of ways:
- to refer to NPPF provisions on habitats and biodiversity;
 - to avoid the phrases “will be expected to” and “where appropriate”;
 - to clarify requirements with regard to net gains to biodiversity;
 - to clarify the types of new buildings that will require swift and bat boxes; and
 - to clarify landscaping requirements.
- 4.33 Amendments necessary to meet the Basic Conditions are contained in proposed modifications **PM20** and **PM21**.

Issue 7: Infrastructure and Connectivity

- 4.34 With regard to Policy IC1, there is one matter that needs to be clarified. It needs to be made clear that the first bullet point refers to *telecommunication* structures. This would be addressed, and the Basic Conditions met, through proposed modification **PM22**.

Issue 8: Transport

- 4.35 On the matter of transport, a number of clarifications are needed in the policies and in the supporting text:
- In Section 11.39, there should be added reference to the source of the Local Highway Authority’s requirements (as referred to in Policy T2: Road Safety and Traffic Management).
 - In Policy T3 (Cycle and Pedestrian Routes), it should be made clear that the policy also covers supporting infrastructure that will help make sustainable transport an attractive alternative.
 - The reference to Buckinghamshire County Council’s transport plans needs to be updated in Section 11.40.

- In Policy T4, there is misleading reference to Local Highway Authority guidance on sustainable transport strategies. No such guidance has been published; but applicants should be required to submit a strategy for approval by the local planning authority in conjunction with the local highway authority.
- 4.36 These various points would be addressed in proposed modifications **PM23** to **PM26**. With these modifications in place, there would be compliance with the Basic Conditions.
- 4.37 All policy areas have been considered in the foregoing discussion. With the modifications that I have recommended, the Plan would meet the Basic Conditions. Other minor changes (that do not affect the Basic Conditions) could be made by the Parish Council of its own volition.

5. Conclusions

Summary

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

The Referendum and its Area

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

Overview

- 5.4 It is evident that a considerable amount of time and effort has been devoted to the development and production of this Plan and I congratulate those who have been involved. The Plan should prove to be a useful tool

for future planning and change in the Parish of Wendover over the coming years.

Andrew S Freeman

Examiner

Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Page 33	Amend the final sentence in Section 11.3 to read: "...has been amended. A large part of the Conservation Area, mainly subject to Green Belt restrictions, has been excluded from the settlement boundary."
PM2	Page 35	<p>Make the following changes to Policy H1:</p> <p>In the opening sentence, change "Map 3" to "Map 4".</p> <p>In the first bullet point, change "Section 106 agreement" to "Section 106 obligations". Delete the remainder of the bullet point.</p> <p>Delete the second bullet point.</p> <p>After "Green Belt infilling", insert "and other development". Change "policies" to "paragraphs".</p> <p>Change the final provision of the policy to read: "Outside the settlement boundary (Area of Outstanding Natural Beauty), development proposals will only be permitted where they accord with paragraph 172 of the NPPF and where:"</p> <p>The final two bullet points in the policy should be separated by "or".</p>
PM3	Page 35	Replace Section 11.6 with the following text: "Policy S2 of the Local Plan provides for the delivery of housing outside the settlement boundary and the matter is not considered here."
PM4	Page 35	<p>Amend Section 11.8 to read: "This policy seeks to preserve or enhance the Conservation Area. Development within it, or affecting its setting, must preserve or enhance..."</p> <p>Amend the first bullet point in Policy H2 to read: "It preserves or enhances..."</p>
PM5	Page 35	In Section 11.8, replace the final sentence with the following: "There must be respect for the street

		scene and appropriate spacing between and around buildings.”
PM6	Page 36	<p>In Policy H2:</p> <p>Change the first sentence to “Development proposals in the Conservation Area will be supported where:”.</p> <p>Replace the first bullet point with the following: “They preserve or enhance the character and appearance of the Area including its setting and the significance of any heritage assets.”</p> <p>In the second bullet point, replace “those distinctive heritage features” with “any heritage asset”.</p>
PM6A	Page 35	Add a new section (paragraph) after Section 11.9: “Policy H2, by reflecting the views of residents and the focus of the Parish Council, addresses heritage assets within the Conservation Area. However, there is a rich presence elsewhere within the designated area, particularly in terms of archaeology. Both the Local Plan and the NPPF contain policies of relevance.”
PM7	Page 36	Replace the first sentence of Policy H3 with the text in the first bullet point. Follow this with the text of the third bullet point. Delete the second bullet point.
PM8	Page 37	Add a new section (paragraph) ahead of Policy H4 saying: “Retirement housing will be supported under Policy H4. Sites adjacent to Local Green Spaces, or within the Green Belt or Conservation Area, are unlikely to be suitable for this form of development.”
PM9	Page 37	<p>In Policy SD1:</p> <p>Change the first sentence to read: “Proposals that accord with other Plan policies will be supported provided that:”.</p> <p>Change the wording of the second bullet point to read: “It sustains and enhances the significance of any heritage asset and/or the special interest, character and appearance of the assets including their settings.”</p>

		<p>In the fifth bullet point, replace “adversely” with “unacceptably”.</p> <p>Delete the final bullet point.</p>
PM10	Page 38	<p>In Policy SD2:</p> <p>Replace the first sentence with the following: “Parking required for development in the neighbourhood area will be supported provided that:”.</p> <p>In the first bullet point, insert the following before “unless”: “and having regard to guidance published by both the District and County Councils,”.</p> <p>Add a new sentence at the end of the policy: “Provision of cycle racks and electric vehicle charging points shall also be taken into account, where appropriate.”</p>
PM11	Page 39	In Policy B1, delete the requirement for alternative local facilities; also, the final bullet point.
PM12	Page 40	In Policy CF1, delete the requirement for alternative local facilities; also, for community benefits of the proposed use.
PM13	Page 43	Add a new section (paragraph) ahead of Policy CH1 saying: “The policy covers noteworthy natural assets within Wendover. However, there are many other statutory and non-statutory sites within the Parish on or adjacent to which development must be avoided. Reference should be made to Local Plan policies and to records from the Buckinghamshire and Milton Keynes Environmental Records Centre. In addition, and in accordance with paragraph 172 of the NPPF, great weight should be given to conserving and enhancing landscape and scenic beauty in the Chilterns Area of Outstanding Natural Beauty (see Map 3).”
PM14	Page 42	On Map 5, show the boundary of the Ashbrook Allotments.
PM15	Page 43	<p>In Policy CH1:</p> <p>Amend the first sentence to read: “Where feasible and appropriate, proposals for any development</p>

		<p>directly or indirectly affecting any of the natural assets shown on Map 5 shall:”.</p> <p>Change the beginning of the first bullet point to read: “preserve or enhance...”.</p> <p>Delete “Must” and “where appropriate” from the second bullet point.</p>
PM16	Page 43	Replace Map 6 with a more accurate map based on the mapping contained in the “WNP Local Green Spaces Regulation 16 Submission Report April 2019 AM/JLC/SEB”.
PM17	Page 44	<p>In Policy G1:</p> <p>Change “Map 5” to “Map 6”.</p> <p>Replace “very special circumstances” with “accordance with Green Belt policy”.</p>
PM18	Page 46	In Section 11.29, add “particularly” before “from the approaches to Wendover”.
PM19	Page 46	Change the text of Policy G2 to the following: “Important views will be protected from the adverse effects of development and, where practical, enhanced. Attention shall be paid to the location, layout and height of development and to landscaping. This policy applies to the key views and vistas shown on Map 7. It also applies to open views from within the designated area towards the Chiltern Hills.”
PM20	Page 47	Add a new section (paragraph) after Section 11.30: “Government policy with regard to biodiversity is mainly set out in the NPPF (see Paragraphs 174 and 175). However, Policy G3 focusses on matters of particular local interest.”
PM21	Page 47	<p>In Policy G3:</p> <p>Change the opening two sentences to read: “New development shall protect and/or enhance biodiversity and wildlife in the area including through contributing to green infrastructure, connecting with other green spaces and open countryside.”</p> <p>Change the first bullet point to read: “All development shall result in a biodiversity net gain</p>

		<p>to biodiversity of at least 10% in line with National policy expectations.”</p> <p>Change the second bullet point to read: “Designated sites (including protected and priority species, habitats, hedgerows, grasslands and woodlands) will be safeguarded and biodiversity enhanced.”</p> <p>In the fifth bullet point, following “all suitable new buildings”, add a footnote saying: “Those that meet Planning and Design and Access conditions”.</p> <p>Replace the final bullet point with the following: “Landscaping must maximise opportunities for wildlife and pollinators and comprise plant species that are native and of local provenance.”</p>
PM22	Page 48	In the first bullet point of Policy IC1, add “telecommunications” before “structures”.
PM23	Page 50	<p>At the end of Section 11.39, add the following: “In addition, attention is drawn to a Highways Development Management Guide as published by Buckinghamshire County Council:</p> <p>https://www.buckscc.gov.uk/services/transport-and-roads/transport-plans-and-policies/highways-development</p>
PM24	Page 50	<p>At the end of Policy T3, add the following:</p> <p>“Support is also offered to supporting infrastructure such as cycle parking and improvements that will create an environment conducive to cycling.”</p>
PM25	Page 51	<p>Change the reference in Section 11.40 to:</p> <p>https://www.buckscc.gov.uk/services/transport-and-roads/transport-plans-and-policies</p>
PM26	Page 51	In the first bullet point in Policy T4, delete “in accordance with Local Highway Authority guidance (BCC)” and insert “for the approval of the Local Planning Authority in conjunction with the Local Highway Authority”.