

WINSLOW NEIGHBOURHOOD PLAN 2014-2031

EXAMINATION VERSION

A Report to Aylesbury Vale District Council
of the Examination into the
Winslow Neighbourhood Plan

by Independent Examiner, Nigel McGurk BSc(Hons) MCD MBA MRTPI

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1. Introduction

The Neighbourhood Plan

This Report provides the findings of the Examination into the Winslow Neighbourhood Plan (referred to as the Neighbourhood Plan).

Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.”

(Paragraph 183, National Planning Policy Framework)

Winslow Town Council is the *qualifying body*¹ for leading a neighbourhood plan, in line with the aims of neighbourhood planning, set out in the Localism Act (2011) and recognised in the National Planning Policy Framework (2012).

The Neighbourhood Plan was led by Winslow Town Council, with decisions delegated to its Neighbourhood Plan Steering Group, made up of members of the Town Council’s Development Committee and co-opted local residents. The Neighbourhood Plan is one of the first tranche of neighbourhood plans to come forward in the country.

This Examiner’s Report provides a recommendation as to whether or not the Plan should go forward to a Referendum. Were it to go to Referendum and achieve more than 50% of votes in favour, then the Plan would be *made* by Aylesbury Vale District Council. The Plan would then be used to determine planning applications and guide planning decisions in the Winslow Neighbourhood Area.

Role of the Independent Examiner

I was appointed by Aylesbury Vale District Council, with the consent of Winslow Town Council, to conduct an examination and provide this Report as an Independent Examiner.

I am independent of the qualifying body and the local authority. I do not have any interest in any land that may be affected by the Plan and I possess appropriate qualifications and experience. I am an experienced Independent Examiner, having undertaken other neighbourhood plan examinations. I am a chartered town planner and have extensive land, planning and development experience, gained across the public, private, partnership and community sectors.

¹The qualifying body is responsible for the production of the Plan.

As the Independent Examiner, I must make one of the following recommendations:

- a) that the Plan should proceed to Referendum, on the basis that it meets all legal requirements;
- b) that the Plan, as modified, should proceed to Referendum;
- c) that the Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

If recommending that the Plan should go forward to Referendum, I must then consider whether or not the Referendum Area should extend beyond the Winslow Neighbourhood Area to which the Plan relates.

In examining the Plan, I am also required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:

- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;
- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 PCPA (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);
- the Neighbourhood 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.

Subject to the contents of this Report, I am satisfied that all of the above points have been met.

Plan Period

A neighbourhood plan must specify the period during which it is to have effect. The front cover of the Neighbourhood Plan clearly states that it covers the period 2014 to 2031. Consequently, I confirm that the Neighbourhood Plan satisfies this requirement.

Public Hearing

It is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only. I confirm that I have considered written representations as part of the examination process. However, according to the legislation, *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.

With regards to the above and on consideration of all the evidence before me, I decided that it was necessary for there to be a Winslow Neighbourhood Plan Hearing (*referred to as the Hearing*).

The Hearing was advertised by Public Notice and a number of parties were invited to speak. The Hearing was open to the public and took place on Thursday 1st May 2014. at Winslow Public Hall.

The Hearing was re-scheduled. I considered it sensible to postpone a previously scheduled hearing, further to a representation quoting a reference by the Independent Examiner of the Winsford Neighbourhood Plan to whether a neighbourhood plan could lawfully be made in the absence of a local plan. The publication of Planning Guidance (March 2014) provided clarity on this matter.

A neighbourhood plan public hearing provides for the Independent Examiner to further consider matters against the Basic Conditions (referred to in section 2 of this report). Neighbourhood plan hearings are specific to neighbourhood planning and are different to planning inquiries, examinations in public or planning appeal hearings.

Notwithstanding the fact that the Hearing took place, I confirm that *all* representations submitted within the appropriate timescales to the Winslow Neighbourhood Plan have been taken into account in undertaking this examination. This is the case whether or not people who made representations took part in the Hearing. As above, it is a general rule that neighbourhood plan examinations are held on the basis of written representations. A representation is no more or less valid than another, simply because it has been considered at a hearing.

Further to holding this and preceding hearings, I would like to make the following comment in relation to neighbourhood plan hearings.

At a hearing, the Independent Examiner will set out the process to be followed. In my experience, practically everybody who attends neighbourhood plan hearings follows the process in an exemplary and positive manner. This includes invitees and members of the audience – often involving hundreds of people.

Hearings simply provide an opportunity for an Independent Examiner to consider the neighbourhood plan against the Basic Conditions in more detail within a public

environment. In line with legislation, they are undertaken at the discretion of the Independent Examiner, who, I note above, will take care to explain their purpose and format to attendees.

A neighbourhood plan hearing will likely involve criticism of the policies of that plan, or of how they were produced. This is a necessary part of the process. By their very nature, neighbourhood plans are largely produced by people with minimal, or no, professional planning knowledge, but who have, voluntarily, devoted their time to plan-making. The Independent Examiner can help to bridge gaps between experts and non-experts, to allow various matters to be considered, as appropriate.

Taking all of this into account, for a professional representative of an invited party to blatantly ignore the scope of a hearing as set out by the Independent Examiner, whether purposefully seeking to raise new matters, or to question neighbourhood planning legislation itself, or acting in any other manner outside the scope of the hearing, comprises disruptive behaviour. It is contemptuous of the process, and more than that, it is disrespectful to other people present.

Many thousands of people across the country are whole-heartedly engaged in neighbourhood planning. They have a passion for planning which is to be greatly welcomed and encouraged. It would be to the detriment of planning as a whole if members of this large new wave of neighbourhood planners were to lose interest, or become turned off to the process, as a direct consequence of the inappropriate behaviour of others.

2. Basic Conditions and Development Plan Status

Basic Conditions

It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “Basic Conditions.” These were *set out in law*² following the Localism Act 2011. In order to meet 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 (see Development Plan Status below) for the area.

I have examined the Neighbourhood Plan against the Basic Conditions above.

European Union (EU) Obligations

A further Basic Condition, which the Neighbourhood Plan must meet, is that it does not breach, and is otherwise compatible with, European Union (EU) obligations.

The Basic Conditions Statement submitted with the Neighbourhood Plan states that “although no formal screening opinion has been issued by AVDC, the Neighbourhood Plan has been prepared in accordance with EU Directive 2001/42 on strategic environmental assessment.”

There are no sites within, or nearby to, the Neighbourhood Area to which European Habitat Regulations apply.

Aylesbury Vale District Council is satisfied that the Neighbourhood Plan is compatible with EU obligations. In this specific regard, I draw attention to Planning Practice Guidance, which states that *“the local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations.”*

The Neighbourhood Plan allocates land for development and I am mindful that the allocation of development land comprises one of the circumstances, referred to by the Planning Practice Guidance, whereby a strategic environmental assessment (SEA) *may* be required. Planning Practice Guidance states that where a neighbourhood plan *could* have significant effects, it *may* fall within the scope of European legislation, whereby an SEA is required.

(NB, the highlighting of the words *may* and *could* is mine).

² Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990.

Planning Practice Guidance goes on to set out that the local planning authority should put in place a process to provide a screening opinion to the qualifying body on whether a proposed neighbourhood plan will require an SEA; and that in determining whether proposals are likely to have significant environmental effects, the local planning authority should consult the statutory consultation bodies. Where it is determined that the plan is unlikely to have significant environmental effects (and not require an environmental assessment) a statement of reasons should be provided to the qualifying body and the statement made available to the independent examiner.

Where a neighbourhood plan requires an SEA, work on it should start at the same time that work starts on developing the neighbourhood plan and the SEA should only focus on what is needed to assess the likely effects of the neighbourhood plan. Importantly, Planning Practice Guidance states that the SEA

“should focus on the environmental impacts which are likely to be significant. It does not need to be done in any more detail, or using more resources, than is considered to be appropriate for the content and level of detail in the neighbourhood plan.”

It is my view that there is implicit recognition within Planning Practice Guidance of the unique nature of neighbourhood planning. Whilst it is essential – and indeed, a Basic Condition – that neighbourhood plans are compatible with European legislation, there is no expectation, or requirement, for neighbourhood plans to be accompanied with an SEA that includes more detail, or that would require more resources to produce, *than is appropriate for the content and level of detail in the neighbourhood plan.*

Taking this into account and with reference to the fact that *“the local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations,”* it is reasonable to conclude that the responsibility for determining what is appropriate for the content and level of detail in the neighbourhood plan should lie with the local planning authority.

Planning Practice Guidance was published on March 6th 2014. This was during the examination period for the Neighbourhood Plan – after the qualifying body had produced and submitted documents. Consequently, I recognise that Planning Practice Guidance was not available at the time of producing the Neighbourhood Plan.

The Basic Conditions statement states that the Town Council published an SEA Scoping Report for consultation with the statutory authorities. It goes on to state that the comments received were taken into account when drafting an SEA alongside the Pre-Submission version of the Neighbourhood Plan. A draft SEA was incorporated into the Pre-Submission Neighbourhood Plan. This was published for consultation, including statutory consultees. The final SEA was submitted together with the Neighbourhood Plan.

The above process was slightly different to that which (the later publication of) Planning Practice Guidance states *should* take place, but provides significant evidence that a comprehensive and transparent process was put in place to consider environmental impacts.

The SEA for the Neighbourhood Plan concludes that there are no significant adverse impacts resulting from the policies of the Winslow Neighbourhood Plan. Whilst Planning Practice Guidance does not include the word “adverse,” it is apparent from consideration of the SEA that it has considered whether the environmental impacts of the Neighbourhood Plan would be significant. In addition, it has undergone substantial consultation, which I comment on below.

Given that the Neighbourhood Plan SEA has emerged through a different process to that outlined in the Planning Practice Guidance, which it pre-dated, I am particularly mindful of the role of Aylesbury Vale District Council. As noted above, it is up to the local planning authority *to decide whether the Neighbourhood Plan is compatible with EU regulations (including obligations under the Strategic Environmental Directive)*.

The qualifying body states, in the Basic Conditions Statement, that it “has worked closely with officers of AVDC since the start of the project.” This close working relationship was confirmed, in some detail, during the Hearing, by relevant parties and leads me to conclude that there is evidence of significant joint, collaborative working between the two bodies. Given this, whilst the qualifying body led the SEA-related work, it is clear to me that this was not done in isolation from Aylesbury Vale District Council, but that Aylesbury Vale District Council was part of the process.

I also note that there has been substantial consultation on the SEA. There are no objections to the Neighbourhood Plan or the SEA from statutory bodies. Additionally, during the Hearing, Buckinghamshire County Council stated that, in its view, the Neighbourhood Plan meets the Basic Conditions.

Taking all of the above into account, I find that there is evidence to demonstrate that the qualifying body has sought to consider environmental impacts at a level of detail and using resources appropriate for the content and level of detail in the Neighbourhood Plan. It produced and consulted on a Scoping Report and produced and consulted on an SEA. There was close, collaborative working between the qualifying body and Aylesbury Vale District Council.

Aylesbury Vale District Council has determined that the Neighbourhood Plan is compatible with EU Regulations (including obligations under the Strategic Environmental Directive).

There has been criticism of the SEA from parties whose land has not been allocated for development in the Neighbourhood Plan. Legal opinions have been submitted by Gladman Developments. It is my role to consider the Neighbourhood Plan against

the Basic Conditions. I confirm that I have done so on the basis of the information before me in making my recommendations in this Report.

I note above that the Hearing was previously postponed further to a representation from Gladman Developments forwarded to me by Aylesbury Vale District Council. This was sent in response to a letter informing them of the Hearing and inviting them to be represented at it.

Gladman Developments sought to make further representations and each time, were informed that I was not seeking further representations and that none would be accepted. I note that there may, or may not, have been other parties who would have liked to make further representations, but who did not do so because the consultation period was closed and no further representations had been invited.

I am satisfied that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998 and there is no substantive evidence before me to lead me to an alternative view. I consider that it does not breach, nor is in any way incompatible with the ECHR.

I am satisfied that the Neighbourhood Plan is compatible with EU obligations.

Aylesbury Vale District Council

Aylesbury Vale District Council has confirmed that it is satisfied that the Neighbourhood Plan is in general conformity with the policies of the Aylesbury Vale District Local Plan, which was adopted in 2004; and that, in its view, the Neighbourhood Plan meets all of the Basic Conditions.

3. Background Documents and Winslow Neighbourhood Area

Background Documents

In undertaking this examination, I have considered each of the following documents in addition to the Examination Version of the Winslow Neighbourhood Plan:

- National Planning Policy Framework (The Framework) (2012)
- Planning Practice Guidance (2014)
- Town and Country Planning Act 1990 (as amended)
- The Localism Act (2011)
- The Neighbourhood Planning Regulations (2012)
- Aylesbury Vale District Local Plan (Adopted 2004)
- Basic Conditions Statement
- Strategic Environmental Assessment
- Site Assessments Report
- Consultation Statement

Also:

- Representations received during the publicity period

Further to the above, I spent an unaccompanied day visiting the Winslow area.

Winslow Neighbourhood Area

There is a plan showing the Designated Winslow Neighbourhood Area on page 5 of the Neighbourhood Plan.

Further to an application made by Winslow Town Council, Aylesbury Vale District Council approved the designation of the Winslow Neighbourhood Area on 25 February 2013.

This satisfied a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

4. Public Consultation

Introduction

A comprehensive and robust approach to public consultation is the best way to ensure that a neighbourhood plan reflects the needs, views and priorities of the local community. It is especially important to neighbourhood planning, as successful consultation creates a sense of public ownership, helps achieve consensus and provides the foundations for a successful 'Yes' vote at Referendum.

As land use plans, the policies of neighbourhood plans will become the basis for planning and development control decisions. Consequently, legislation requires the production of neighbourhood plans to be supported by public consultation. Building effective community engagement into the neighbourhood plan-making process encourages public participation and raises awareness and understanding of the plan's scope and limitations.

Section 15(2) of Part 5 of the 2012 Neighbourhood Planning Regulations requires that a consultation statement should contain details of those consulted; explain who was consulted; and summarise issues raised, describing how they have been considered and where relevant, addressed in the Neighbourhood Plan.

Winslow Neighbourhood Plan Consultation

Winslow Town Council has submitted a Consultation Report, as per the neighbourhood planning *regulations*³, to Aylesbury Vale District Council. This sets out who was consulted and how, together with the outcome of the consultation.

Further to consideration of the Consultation Report, it is evident that significant community consultation was undertaken during production of the Neighbourhood Plan.

I note that work relating to the Winslow Town Plan (2008-2011), the Winslow Green consultation (2009) and the Aylesbury Vale Core Strategy and Vale of Aylesbury Plan consultations (2009 and 2011) provided relevant background to the Neighbourhood Plan, evidence of which has been provided.

A State of the Town Report was produced in May 2013, summarising evidence compiled. The Neighbourhood Plan states that this was published for public consultation as the SEA Scoping Report.

From the beginning of 2013, further to the creation of the Neighbourhood Plan Steering Group and the appointment of rCOH Ltd to provide professional support, a consultation programme was developed. This included open days, workshops/focus

³Neighbourhood Planning (General) Regulations 2012.

groups and meetings with planners, developers, landowners, community groups, local schools, local authorities, East West Rail and the NHS. Events were publicised and progress reported via the Winslow Parish Magazine and the local newspaper, the Buckingham and Winslow Advertiser, with information also available on the Town Council's website.

Mother and Toddler group and Youth Engagement (representatives of Scouts, Guides, Youth Café and Young Farmers) meetings took place. These meetings demonstrate that the qualifying body pro-actively sought to engage with, often, harder to reach groups.

Two open days, promoted via a leaflet sent to every house in the Neighbourhood Area and a page in the Parish magazine, resulted in receipt of around 200 comments. Workshops were held on Sport and Leisure, Employment, Transport and Parking, and Health and Wellbeing. A Neighbourhood Plan display was provided at the Annual Town Meeting, allowing for comments.

A Planning workshop was attended by planning professionals and other officers from County and District Councils, representatives of the Chamber of Trade, Bucks Business First and Thames Valley Local Economic Partnership, among others. Four sessions focused on Housing, Local Economy and Employment, Transport, and Community and Environment.

An explanatory leaflet about the Pre-Submission Plan was delivered to every house and local business in July 2013. This outlined the key proposals and pointed to the availability of the full Pre-Submission Plan on the Winslow Town Council website, as well as hard copies in the Winslow Community Library. It also promoted Drop-In sessions, where questions could be asked of the Steering Group. Five Drop-In sessions were held, on five different days during August, September and October. I note that this provided several separate opportunities for people to consider issues within an informal and more personal environment.

Regular meetings took place with the officers of Aylesbury Vale District Council and Buckinghamshire County Council. These meetings were supplemented via email and telephone. This is reflective of the significant joint working between the qualifying body and Council officers.

There is evidence to demonstrate that the qualifying body pro-actively sought to engage with landowners, their agents and/or developers. In March 2013, letters were sent to landowners, agents and developers encouraging them to contact the Town Council to discuss their proposals. Information about sites was submitted and helped to inform the site assessment process. Where further information or clarification was sought, meetings were held.

With regards the above, I note that an objection has been received suggesting that the consultation process was flawed because a party promoting land for development was not contacted. However, there is nothing to suggest to me that

the qualifying body precluded any party from the consultation process. There is, though, plenty of evidence to demonstrate that there was significant consultation throughout the plan-making period, undertaken in an open and transparent manner.

I have some experience in strategic land promotion. It is fair to say that England's development land industry is not characterised by landowners waiting for a formal written invitation from plan-makers before commencing upon land promotion. Generally, the responsibility for promoting land for development lies with owners and/or their partners, agents or developers.

The qualifying body cannot, in my view, be criticised for not contacting every possible landowner, agent or developer who may have an interest in promoting land for development. The qualifying body wrote to landowners, agents and developers they were aware of. This demonstrates a commendable, pro-active approach, well beyond any legislative requirement.

The Consultation Statement provides evidence to demonstrate how issues raised during all of the above consultation were considered. The Pre-Submission Plan underwent consultation from 12 August to 5 October 2013. This period was extended beyond six weeks to take the summer holiday into account. This provides evidence that the qualifying body was concerned with matters of fairness, openness and transparency.

More than 100 representations were received, mainly from local residents. The Consultation Statement notes that "these were overwhelmingly supportive" with particularly strong support for the Winslow Settlement Boundary and the proposed new Medical Centre. During the consultation period, the Town Council reached agreement to purchase land known as The Paddock and that this site comprises the specific site since allocated in the Neighbourhood Plan for the Community Centre.

The Consultation Statement includes a detailed report, noting proposed changes to the Neighbourhood Plan following the Pre-Submission Plan consultation.

Taking all of the above into account, I find that the public consultation undertaken was transparent and widely promoted, with plentiful opportunities for comment. Evidence is provided to demonstrate that the policies of the Neighbourhood Plan have emerged from the views of local people. The consultation undertaken reflects the significant efforts made by all involved to go well beyond the legislative requirements.

Whilst I have noted a criticism of the consultation above, having considered all of the representations received, I am conscious that the consultation undertaken received much praise and the following comments are noteworthy:

"I attended a meeting at which my concerns were expressed and satisfactory answers given in all cases."

“The consultation processes that were carried out during the many stages of preparation of this report seem to have been as inclusive as possible, in fact exemplary and something of which prospective developers should take great note.”

It has been demonstrated that consultation was carried out in an open and comprehensive manner from start to finish. There were ongoing opportunities for engagement, involvement and feedback.

I am satisfied that the Neighbourhood Plan consultation process was significant and robust.

5. The Neighbourhood Plan – Introductory Sections

Where modifications are recommended, they are presented as bullet points and highlighted in bold print, with any proposed new wording in italics.

The policies of the Neighbourhood Plan are considered against the Basic Conditions in Chapter 6 of this Examiner's Report. However, I have also considered the introductory sections of the Neighbourhood Plan and make a small number of recommendations below. These are aimed at making it a clearer and more user-friendly document.

Introduction

The introductory sections set out the Purpose of the Neighbourhood Plan, provide background on neighbourhood planning, quoting in particular from the National Planning Policy Framework, and refer to the SEA undertaken.

They also include a summary of the Plan Preparation Process and of the consultation that supported the production of the Neighbourhood Plan.

These sections are clear and together, they provide a helpful, interesting and useful introduction to the Neighbourhood Plan. No modifications are proposed.

State of the Town

This section provides a chronological history of Winslow, from the 8th Century to the present day. In so doing, it establishes a strong link between Winslow's rich heritage and the Neighbourhood Plan.

Local statistics, taken from a variety of sources, provide a wealth of data about Winslow's demography and other matters. Community Views summarises general views that emerged through consultation, setting a context for the ensuing policies of the Neighbourhood Plan. The contextual theme is continued with a summary of relevant national and local planning policy.

With regards the Planning Policy Context, the information on national policy and the adopted development plan is helpful and relevant. However, I consider that the detail relating to the Vale of Aylesbury Plan Strategy, which has been withdrawn, is superfluous and potentially confusing.

To avoid confusion I recommend:

- **Para 2.18.** Delete from the third sentence “The WNP also...” to the end of the paragraph. Replace with “*Various information and evidence has been considered during the preparation of this Plan, including that relating to the Vale of Aylesbury Plan Strategy, a document which has since been withdrawn. This has helped to inform this Plan and has been achieved through close working with Aylesbury Vale District Council.*”
- **Delete paras 2.23 to 2.26**
- **Delete Figure E: Vale of Aylesbury Plan – Key Diagram**

The above is reflective of the position confirmed during the Hearing. I find that it draws attention to the collaborative working between the qualifying body and the local planning authority, with particular regard to sharing evidence and considering the relationship between policies in the Neighbourhood Plan, the Aylesbury Vale District Local Plan and the withdrawn Vale of Aylesbury Plan Strategy.

Vision and Objectives

A Vision for 2031 is provided. It sets out a future for Winslow founded on sustainable growth.

To achieve the Vision, a number of Objectives are set. Interestingly, these provide a series of measures, providing for ongoing assessment. Furthermore, Monitoring and Review establishes that the Neighbourhood Plan will be monitored via annual data collection and reporting; and that the Town Council intends to review the Neighbourhood Plan on a five-yearly basis, or to coincide with the review of the development plan.

This section is helpful and informative. No modifications are proposed.

6. The Plan – Neighbourhood Plan Policies

This part of the Neighbourhood Plan sets out policies and provides supporting text to each. The structure is clear and simple. The explanatory paragraphs are informative. I also note that numbering of the policies (Policy 1, Policy 2 etc) could not possibly be clearer.

Given my comments above relating to the withdrawn Vale of Aylesbury Plan Strategy, I recommend that:

- **Para 4.2 end sentence at “...justification.”**
- **Delete all Conformity References after policies**

With regards to the latter modification, I find that the references are selective and that they detract from the otherwise clear presentation of the policies.

General Policies

Policy 1: The Presumption in Favour of Sustainable Development

The Neighbourhood Plan begins with a positive policy, in support of sustainable development. This has regard national policy’s presumption in favour of sustainable development. As Policy 1, it is well-placed to set the tone for the Neighbourhood Plan. Policy 1 meets the Basic Conditions.

I recommend the following minor modification:

- **Delete the superfluous “or” at the beginning of the second and third bullet points.**

Policy 2: A Spatial Plan for the Town

Policy 2 defines the Winslow Settlement Boundary. Taken together with other policies of the Neighbourhood Plan, Policy 2 provides for growth whilst containing development. Outside of the settlement boundaries, Policy 2 allows for residential development in exceptional circumstances. As explained in the supporting text, Policy 2 establishes the Neighbourhood Plan’s spatial strategy. It is aimed at reinforcing the sustainability of the town, derived from a pattern of development around the town centre, where most of Winslow’s community facilities are located, and avoiding the need for greenfield sites beyond the town’s boundary.

By promoting the vitality of a main urban area whilst recognising the intrinsic character and beauty of the countryside, Policy 2 has regard to national policy. It contributes to the achievement of sustainable development and is in general

conformity with the Local Plan, which supports development in Winslow, whilst affording protection to the countryside around it.

Subject to my comments below, I consider that Policy 2 meets the Basic Conditions.

In considering Policy 2, I have also considered other policies in the Neighbourhood Plan. With regards land allocations, I note that Aylesbury Vale District Council considers that the Aylesbury Vale District Local Plan “lies silent in terms of future levels of housing and employment growth as these policies are no longer saved.”

Planning Policy Guidance advises that, where a neighbourhood plan is brought forward before an up-to-date Local Plan is in place, the qualifying body and the local planning authority should aim to agree the relationship between policies in the emerging neighbourhood plan, the emerging Local Plan and the adopted development plan, with appropriate regard to national policy and guidance. It goes on to advise that evidence should be shared.

I establish above that the qualifying body and the local planning authority – in this case, Winslow Town Council and Aylesbury Vale District Council – have worked collaboratively. They have shared evidence and sought to resolve issues to ensure that the neighbourhood plan has the greatest chance of success at examination.

Aylesbury Vale District Council considers that the Neighbourhood Plan meets the Basic Conditions.

National policy emphasises that development means growth. With specific regard to housing growth, I note that the Neighbourhood Plan allocates land for around 425 homes plus 30 extra-care dwellings. The Neighbourhood Plan does not set a maximum figure that would limit the total number of houses to be delivered within the Neighbourhood Area.

The Neighbourhood Plan states that “together with the 230 homes for which planning consent was granted prior to 2011, this provision will deliver an average of 34 homes per annum over the period 2011-2031.” It notes that this level of growth is higher than the historic average of the town.

During the Hearing, Aylesbury Vale District Council stated that it considered the proposed level of housing growth to be reasonable. The Neighbourhood Plan specifically recognises the potential for growth in Winslow. It refers to the future provision of an “East-West” rail line and station and a new secondary school, although recognising that the school would be modest in size and that the railway station is likely to be less attractive than those other stations in the area which benefit from a fast direct link to London.

The Basic Conditions Statement confirms that the Neighbourhood Plan adopts a spatial approach to delivering growth, including the homes and school referred to above, along with a business park, a replacement medical centre, and a community

centre. It sets out how this will be achieved - the spatial approach would effectively consolidate Winslow's sustainable urban form. In this regard, I find that the Neighbourhood Plan contributes to the achievement of sustainable development.

I note that the Neighbourhood Plan does not prevent appropriate windfall development. I also note that there is no substantive evidence before me to demonstrate that the allocated land is not the only possible land within the Winslow Settlement Boundary that could be developed.

There are interested parties who disagree with the approach set out within the Neighbourhood Plan and who consider that land should be allocated on the basis of much more significant growth. However, there are no adopted strategic policies upon which to base a more significant growth strategy.

In this regard, whilst the Neighbourhood Plan cannot be in general conformity with strategic policies that don't exist, it is not my role (nor is it within the scope of my dull brain) to consider whether the Neighbourhood Plan would be inconsistent with an emerging development plan once it is adopted sometime in the future.

The Neighbourhood Plan has, however, been determined on the basis of planning positively for growth and it sets out why this growth would be sustainable. As such, the approach does have regard to national policy.

Furthermore, the Neighbourhood Plan has been progressed on a collaborative basis, taking into account available information. In addition, it has undergone robust consultation and evidence has been presented to demonstrate that the policies of the Neighbourhood Plan have emerged through this consultation and have significant local support.

I note that a representation has been submitted on behalf of Linden Homes and Gleeson Strategic stating, amongst other things, that the Neighbourhood Plan is unsound because it does not refer to a Duty to Cooperate. Soundness is not a relevant test, although I note in this regard that the Neighbourhood Plan has undergone robust consultation and is the result of collaborative working.

Housing Policies

Policy 3: Housing Allocations

Policy 3 allocates land for housing development during the Neighbourhood Plan period. It provides for positive growth. It has regard to national policy, which considers that sustainable development is about positive growth.

The Neighbourhood Plan states that the sites reflect the availability of suitable sites within the Winslow Settlement Boundary, as identified within the Winslow Neighbourhood Plan Site Assessments Report, which forms part of the evidence

base. I note that deliverability was considered during the Hearing and taking this and other evidence into account, I am satisfied that the allocated sites are deliverable during the Neighbourhood Plan period and there is no substantive evidence to the contrary. Whilst there is some criticism of the process through which sites were allocated, I note that the allocations have emerged through a Neighbourhood Plan that has undergone robust consultation and which enjoys significant local support.

The number of dwellings allocated to each site is preceded with “up to.” I recommend the following modification:

- **Delete “up to”**
- **At the end of Policy 3 add: “*all dwelling numbers are indicative and will be reviewed at the application stage.*”**

I consider that the above modification would provide for some degree of flexibility, and in this way, Policy 3 will have regard to the national policy aim of providing for changing circumstances and optimising the potential of sites. For more clarity, I also recommend the associated modification:

During the Hearing, there was consideration of the allocation off Granborough Road, within the Winslow Conservation Area. English Heritage considers that the development of this site would harm the Conservation Area, a heritage asset, whilst Aylesbury Vale District Council is satisfied that the allocation could be developed whilst preserving the Conservation Area’s character.

Any proposal off Granborough Road would be subject to local and national policy. There is a policy requirement to preserve or enhance the character of Conservation Areas. Given this, whilst I acknowledge all of English Heritage’s concerns, I consider that issues relating to harm, or otherwise, would need to be addressed at the application stage. A proposal whereby the resultant harm would outweigh public benefits would be contrary to policy and this provides an important safeguard.

In the above regard, whilst English Heritage is clearly right to raise concerns over any allocation within a Conservation Area, the Granborough Road allocation provides for positive growth, benefits from community support and serves to provide new development to the south of the town centre, in keeping with the Neighbourhood Plan’s spatial approach. The allocation of the site does not, in itself, harm the Conservation Area. The Town Council and Aylesbury Vale District Council consider that the site can be developed discretely and that good design can ensure preservation of the heritage asset.

However, in the light of the above, and with specific regard to matters raised by English Heritage, I recommend the following modification:

- **Policy 3: iii, after “...community facilities provision,” add “*b. it makes a positive contribution to local character and distinctiveness, and*”**

Further to the above, and taking into account the concerns raised by English Heritage, I find that it is too early to specify even an indicative number of dwellings. These will emerge through the consultation, masterplanning and resultant application stages. Consequently, I recommend the following modification:

- **Policy 3: delete reference to “35 dwellings” and replace with “Further to consultation and a detailed masterplan, an appropriate number of dwellings...”**

I note that a representation has been received stating that the Granborough Road site should include a former tennis court. Further to consideration of this site, I consider that it forms a logical part of the Granborough Road allocation and its exclusion makes little sense. The site is overgrown and is immediately adjacent to housing. It is well-located in terms of the town centre and its inclusion fits with the description of the site in supporting paragraph 4.35. I find that including this area of land would contribute to the achievement of sustainable development and as such, I recommend the following modification:

- **Proposals Map Inset: change the boundary of the Granborough Road site to include the former tennis court land.**

Other than the allocation for extra care dwellings, each allocation is supported by detailed policy requirements to provide for a mix of housing, including Custom Build, to meet open space requirements and to contribute towards sports pitch and community facilities provision. The supporting text provides detailed information relating to each allocation, including design objectives. Taking this and other requirements into account, together with its support for housing development on previously developed land, I find that Policy 3 has regard to national policy, contributes to the achievement of sustainable development and is in general conformity with local strategic policies.

However, with regards the mix of housing, I note reference in a representation to demand and/or need for 1 and 5 bedroom homes. I find that Policy 3 could emphasise the provision of 2, 3 and 4 bedroom houses, whilst not precluding other housing types. This would have regard to national policy, which seeks to widen the choice of homes. I recommend that:

- **Policy 3: sites I, II, III and IV, add “predominantly” after “mix of...”**

Subject to the above modifications, I consider that Policy 3 meets the Basic Conditions.

The phasing of sites has regard to national policy by guiding development in a clear manner and in so doing, providing a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.

There is reference in the supporting text to consideration of the evidence base for the withdrawn Vale of Aylesbury Plan Strategy. I have established above that the qualifying body has worked closely with the local planning authority. I also note that a wide variety of evidence has been considered and that the Neighbourhood Plan and its evidence base have undergone robust consultation.

Representations have presented other sites as being suitable for inclusion in the Neighbourhood Plan. However, I have found that Policy 3 meets the Basic Conditions and the existence of other sites, whether suitable or not, is not something against which the Neighbourhood Plan is examined.

I note that the supporting text to Policy 3 includes reference to a new bridge over the railway. Network Rail states that this is not a requirement or an agreed addition to the Winslow Station “core scheme.” I recommend that this reference is removed from the supporting text. However, the supporting text’s general reference to sustainable modes of transport has regard to national policy and I find it important to retain this reference. Consequently, I recommend the following modification:

- **Para 4.27 Delete final sentence and replace with “The scheme should provide for cycling and pedestrian access to the new station”**

Policy 4: Affordable Housing

Policy 4 requires the housing allocations, other than that for extra care, to provide a minimum of 35% affordable housing, subject to viability. As worded, Policy 4 would only apply to allocated sites. As such, it would fail to be in general conformity with Local Plan policy GP2, which seeks affordable housing on all sites of 1 hectare or more and states that the circumstances of each proposed development will be assessed individually. I recommend that the following modification be made:

- **Policy 4 delete “The Neighbourhood Plan requires all the allocated housing sites of Policy 3, with the exception of the extra care scheme, to” with “Housing sites of 1 hectare or more will provide a minimum...”**
- **Policy 4 line 6, delete “allocated”**

I note that, even with the above modifications, the Neighbourhood Plan would be silent about the provision of affordable housing on sites of less than 1 hectare. In a settlement the size of Winslow, any such site may still be significant. National policy requires affordable housing policies to reflect need and be sufficiently flexible to take account of changing market conditions over time. I find that some provision in the Neighbourhood Plan to take account of smaller windfall sites in this regard and with reference to the individual assessment referred to in the Local Plan, would be helpful. I recommend:

- **Policy 4, new last sentence: “The provision of affordable housing on smaller sites should reflect local need and contribute to the objective of creating mixed and balanced communities.”**

Whilst the 35% threshold is above the Local Plan policy GP2’s requirement, I note that affordable housing emerged as a local community aspiration during public consultation. Evidence was provided to demonstrate local demand and I find that Policy 4 has regard to national policy, which empowers local people to shape their surroundings.

Policy 4 goes on to require a minimum of 20% of affordable homes on each site to be delivered and controlled by a Winslow Community Land Trust, or an equivalent body. I find that this to be an innovative approach which seeks to empower the local community, affording control to a Winslow-based body. It is an approach that has regard to national policy, which gives communities direct power to deliver the sustainable development they need. The reference to “or an equivalent body” provides for flexibility.

Policy 4 meets the Basic Conditions.

Policy 5: Housing Design

Policy 5 supports housing development in, or within the setting of, the Winslow Conservation Area, subject to it preserving or enhancing character or appearance. Subject to taking into account character *and* appearance, this has regard to national policy, which protects heritage assets.

- **Change “character or appearance” to read “*character and appearance*”**

The policy goes on to require that the Winslow Conservation Area Appraisal prompts design solutions which reflect Winslow’s character. This has regard to national policy and is in general conformity with the Local Plan – which together seek to protect local character. However, I suggest the following modification to ensure that the wording of Policy 5 is clear and not ambiguous:

- **Delete “the document” and replace with “*the Winslow Conservation Area Appraisal*”**

Subject to the above, Policy 5 meets the Basic Conditions.

Employment Policies

Policy 6: Land South of Buckingham Road

Policy 6 allocates a site for a mixed use scheme, comprising 1.2Ha of employment land, 1.5Ha for education use and 1.5Ha for a railway station and associated facilities including parking and a bus layby, the whole to be supported by a masterplan.

Policy 6 is in general conformity with the Local Plan, which safeguards land for a railway station and allocates land for employment uses. The employment provision in Policy 6 also offsets the loss of land at Station Road Industrial Estate proposed in Policy 3.

Policy 6 has regard to national policy, which supports proactive planning for the development needs of businesses and requires the transport system to be balanced in favour of sustainable transport modes. In this way, Policy 3 contributes to the achievement of sustainable development.

In planning for the needs of business, national policy suggests that policies should “plan for new or emerging sectors” and “be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances.” I consider that the allocation of employment land next to the forthcoming railway station has regard to this.

Policy 6 meets the Basic Conditions.

The landowner has submitted a representation stating that the land south of Buckingham Road is no longer required for employment and that this presents an opportunity for a supermarket. However, I have found above that the allocation meets the Basic Conditions in respect of providing employment land. I consider the Neighbourhood Plan’s retail policies later in this Report.

I note that, at this stage, there is no certainty that a school will take up the education site. However, I find that it is not unusual for the consideration of such matters to involve some uncertainty. I note that the Neighbourhood Plan refers to the site as the only one identified within the Winslow Settlement Boundary as being suitable and that Aylesbury Vale District Council and Buckinghamshire County Council support its allocation and consider that Policy 6 meets the Basic Conditions. Furthermore, I note that the allocation provides some certainty in respect of planning policy.

I have found above that Policy 6 meets the Basic Conditions. There is no substantive evidence to demonstrate that Policy 6 would fail to meet the Basic Conditions were no school to be developed during the Plan period. Consequently, I find that Policy 6 meets the Basic Conditions whether or not the school comes forward.

I note that a representation was received suggesting that the site allocated for education use might lead to conflict between the noise of passing trains and educational purposes. However, no substantive evidence is provided to demonstrate that Policy 6 would fail to meet the Basic Conditions in this regard.

During the Hearing, reference was made to a mistake re: the railway station site area/Proposals Map. I recommend that this is checked:

- **Check railway station site area/Proposals Map**

Policy 7: Land North of Buckingham Road

Policy 7 allocates up to 4.2 Ha of land for employment uses. The Neighbourhood Plan states that the public sector landowner of the site wishes to develop a new business park to attract higher value-added business clusters to a location in close proximity to the forthcoming railway station.

Policy 7 is in general conformity with the Local Plan, has regard to national policy and contributes to the achievement of sustainable development. It meets the Basic Conditions.

Transport Policies

Policy 8: Cycle Routes

Policy 9: Bus Services

Policy 10: Traffic Management

Policies 8, 9 and 10 support proposals to improve and extend cycle routes and bus services, and to manage traffic and car parking. The policies have regard to national policy, which recognises the role that transport policies have to play in facilitating sustainable development and contributing to wider sustainability and health objectives. Policies 8, 9 and 10 meet the Basic Conditions.

Community Policies

Policy 11: Winslow Community Centre

Policy 11 supports the provision of a new community centre at a specific location, subject to its design respecting local heritage assets. It was confirmed during the Hearing that the Town Council has acquired the allocated site for the new facility.

This would provide for a modern community centre, providing for a wide range of activities, on a site adjoining the town centre. Policy 11 has regard to national policy, which supports the provision of community facilities. It is in general conformity with Local Plan policies that protect heritage assets and recognise the importance of

community benefits. It contributes the achievement of sustainable development by supporting a strong, vibrant and healthy community.

Policy 11 meets the Basic Conditions.

Policy 12: Winslow Medical Services Centre

Policy 13: Sports Facilities

Policy 14: Childcare Nursery

Policy 15: Play Facilities for Young People

Policies 12-15 allocate land for a medical services facility and sports facilities, and support proposals for a childcare nursery and play facilities for young people. The policies have regard to national policy, which recognises the contribution that supporting a strong, vibrant and healthy community makes towards sustainable development. The policies meet the Basic Conditions.

Policy 16: Assets of Community Value

National policy supports the provision of community facilities and Local Plan policy GP93 resists proposals for the change of use of community buildings and facilities for which there is a demonstrable need. Policy 16 proposes that the local planning authority considers the designation of properties as Assets of Community Value. It goes on to state that proposals that result in loss of the asset, or harm to the community value of an asset, will be resisted.

I find that, as “a proposal for the consideration of a designation” it is questionable whether the first part of Policy 16 forms a land use planning policy. Furthermore, neither national nor local policy provides the basis for treating proposed Assets of Community Value in the same way as designated Assets of Community Value.

However, I recognise the intention of Policy 16 and recommend the following modifications, to ensure that it meets the Basic Conditions:

- **Policy 16: Start with the final paragraph and change it to read “*Proposals that will result in either the loss of, or in significant harm to an Asset of Community Value will be resisted...*”**
- **Policy 16: Move the opening paragraph and list of assets to the supporting text, as a new paragraph 4.84.**
- **Change 4.84, 4.85 and 4.86 to 4.85, 4.86 and 4.87.**
- **In (the new) 4.87, line 1, change to read “*...proposals to change the use of an Asset of Community Value clearly demonstrate...*”**
- **NB, later paragraph numbers will also need to change, to reflect the change of numbering.**

Subject to the modification above, Policy 16 meets the Basic Conditions.

Retail Policies

Policy 17: Winslow Shopping Area

Policy 18: Small Supermarket

The Neighbourhood Plan states that the town's business community and local community more generally, consider that the vitality and viability of the town centre should be bolstered.

Policy 17 defines Winslow Shopping Area. Within Winslow Shopping Area it resists proposals for a change of use of retail (A1) to other uses and supports the provision of new A1-A5 uses, where they contribute to vitality and viability. It also provides for a small supermarket, which Policy 18 limits to 300 square metres of trading area.

Provision for additional convenience retailing recognises the likely increase in demand resulting from the growth of Winslow, further to the policies of the Neighbourhood Plan. The Neighbourhood Plan states that it will enable the Shopping Area to widen its offer, but not to an extent that would undermine existing provision. It notes that larger neighbours – Buckingham, Aylesbury and Milton Keynes provide major convenience and comparison goods shopping. In respect of this, the Neighbourhood Plan's retail policies have regard to the national policy requirement for the provision of customer choice within a hierarchy of centres.

Taken together, Policies 17 and 18 have regard to national policy, which recognises that town centres comprise the heart of communities and promotes policies which support their vitality and viability. They are in general conformity with Local Plan policy GP32, which resists the change of use of shops for which there is local need. In providing for accessible local services that reflect the community's needs, the policies contribute to the achievement of sustainable development.

I note above that the owner of land to the south of Buckingham Road proposes a supermarket for that site. This comprises an edge of centre site, some considerable distance from the town centre and separated from it by the railway line. It would not comply with Policies 17 and 18, which, I have found, meet the Basic Conditions.

Green Space Policies

Policy 19: Local Green Spaces

Policy 19 designates six Local Green Spaces. These have been found to be special to the local community and the supporting text provides further information pertaining to each designation. Policy 19 has regard to national policy, which allows neighbourhood plans to identify for protection those green areas that are of particular importance to them. National policy states that the designation should be used where the green area is in reasonably close proximity to the community, is local

in character and is not an extensive tract of land, and is demonstrably special to the local community. The six Local Green Spaces meet these criteria.

Policy 19 meets the Basic Conditions

Delivery Principles and Policies

The final part of the Neighbourhood Plan provides background information about Development Management and the creation of the Winslow Community Land Trust. I note that the Town Council has instigated the formation of this.

Policy 20: Infrastructure Investment

Policy 20 prioritises the use of funding for the Winslow Community Centre and the creation of cycle ways. Policy 20 has regard to national policy, which supports local strategies to improve health, social and cultural wellbeing for all, and deliver community and cultural facilities to meet local needs. It contributes to the achievement of sustainable development.

Policy 20 refers to “using Community Infrastructure Levy.” However, there is no Community Infrastructure policy in place in Aylesbury Vale. Consequently, I recommend the following modification:

- **Policy 20: line 2, change to read “...projects using sources of funds as appropriate.”**

The supporting text provides appropriate clarity on Community Infrastructure Levy (CIL) and clearly sets out that, should a CIL policy be adopted at a future time, that it will comprise an important source of funds.

Subject to the above modification, Policy 20 meets the Basic Conditions.

8. Summary

The Winslow Neighbourhood Plan is the result of a significant and sustained community effort over a number of years. It is a clear and distinctive Neighbourhood Plan, founded upon community consultation and which provides for the sustainable growth of Winslow.

In completing this examination, I have recommended a number of modifications to the Neighbourhood Plan. Subject to these, the Winslow Neighbourhood Plan

- has regard to national policies and advice contained in guidance issued by the Secretary of State;
- contributes to the achievement of sustainable development;
- is in general conformity with the strategic policies of the development plan for the area;
- does not breach, and is compatible with European Union obligations and the European Convention of Human Rights.

In this way, the Winslow Neighbourhood Plan meets the Basic Conditions. I have already noted above that the Plan meets paragraph 8(1) requirements.

9. Referendum

It is my recommendation to Aylesbury Vale District Council that, subject to the modifications proposed, the **Winslow Neighbourhood Plan should proceed to a Referendum.**

Referendum Area

Neighbourhood Plan Area - I am required to consider whether the Referendum Area should be extended beyond the Winslow Neighbourhood Area. I consider the Neighbourhood Area to be appropriate and no evidence has been submitted to suggest that this is not the case.

I recommend that the Plan should proceed to a Referendum based on the Winslow Neighbourhood Area as approved by Aylesbury Vale District Council on 25 February 2013.

Nigel McGurk, May 2014

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