

Granborough Neighbourhood Development Plan 2020-2035

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

**Andrew Ashcroft
Independent Examiner
BA (Hons) MA, DMS, MRTPI**

Director – Andrew Ashcroft Planning Limited

Executive Summary

- 1 I was appointed by Buckinghamshire Council in February 2022 to carry out the independent examination of the Granborough Neighbourhood Plan.
- 2 The examination was undertaken by way of written representations. I visited the neighbourhood area on 8 March 2022.
- 3 The Plan is a good example of a neighbourhood plan. It includes a variety of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on two specific matters. The first is ensuring that the design of new development takes account of the character of the parish in general, and of the village of Granborough in particular. The second is the proposed definition of a Settlement Boundary.
- 4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report, I have concluded that the Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
30 May 2022

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Granborough Neighbourhood Development Plan 2020-2035 ('the Plan').
- 1.2 The Plan was submitted to Buckinghamshire Council (BC) by Granborough Parish Council (GPC) in its capacity as the qualifying body responsible for preparing the neighbourhood plan. The neighbourhood area was designated in 2018 by Aylesbury Vale District Council (AVDC). AVDC is now incorporated into Buckinghamshire Council which came into effect on 1 April 2020.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) in 2012, 2018, 2019 and 2021. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope and can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted Plan has been designed to be distinctive in general terms, and to be complementary to the existing development plan in particular. It seeks to provide a context in which the neighbourhood area can maintain its character and appearance.
- 1.6 Within the context set out above, this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the neighbourhood area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

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

Examination Outcomes

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

Other examination matters

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

3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the submitted Plan.
- the Basic Conditions Statement.
- the Consultation Statement.
- the Buckinghamshire Council SEA/HRA Screening report (December 2020).
- the representations made to the Plan.
- GPC's responses to the clarification note.
- the adopted Vale of Aylesbury Local Plan (2017-2033).
- the National Planning Policy Framework (July 2021).
- Planning Practice Guidance.
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 8 March 2022. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular.

3.3 The Vale of Aylesbury Local Plan was adopted shortly after the Plan was finalised and submitted. The Basic Conditions Statement refers to the saved policies of the former Aylesbury Vale Local Plan. These are matters beyond the control of GPC. Where necessary, I comment on the updated planning policies in this report.

3.4 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations, I concluded that the Plan could be examined by way of written representations. I was assisted in this process by the comprehensive nature of many of the representations and the professional way in which the Plan has been developed.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such, the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012, GPC prepared a Consultation Statement. It is proportionate to the neighbourhood area and its policies. It is a good example of a Statement of this type. In particular it sets out key findings in a concise report which is underpinned with a series of more detailed tables and appendices.
- 4.3 The Statement records the various activities that were held to engage the local community and the feedback from each event. It also provides specific details on the consultation processes that took place on the pre-submission version of the Plan (May to July 2021). Section 9 provides the details of the ways in which the Plan was refined as a result of this process. This analysis contributes significantly to the legibility of the relevant information and helps to describe how the Plan has progressed to the submission stage.
- 4.4 The Statement sets out details of the range of consultation events that were carried out in relation to the initial stages of the Plan which included:
- the use of 'Pew News' to raise awareness of the Plan;
 - the use of the GPC website;
 - the use of public noticeboards;
 - the Open House Meeting (January 2019); and
 - the questionnaire to every household in the neighbourhood area.
- 4.5 It is clear that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation. From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process. BC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

Consultation Responses

- 4.6 Consultation on the submitted plan was undertaken by BC. It ended on 3 February 2022. This exercise generated representations from the following organisations:
- Natural England
 - Historic England
 - Environment Agency

- Buckinghamshire Council
- Winslow Town Council
- Jake Collinge Planning Consultancy Limited

- 4.7 Comments were also received from 18 local residents. In most cases, these comments related to the proposed definition of the settlement boundary.
- 4.8 I have taken account of all the representations in preparing this report. Where it is appropriate to do so, I refer to specific representations on a policy-by-policy basis.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area is the parish of Granborough. Its population in 2011 was 545 persons living in 239 households. It is located to the north of North Marston. It was designated as a neighbourhood area on 11 September 2018 by the former AVDC.
- 5.2 Granborough is the principal settlement in the parish. It is an attractive hill-top village. Its relationship with the surrounding agricultural landscape is self-evident. Its main axis is along Winslow Road. Green Lane runs off Winslow Road to the east and includes a range of attractive historic houses. The village green is adjacent to the Crown PH. The Village Hall and St John the Baptist Church dominate the heart of the village at the junction of Winslow Road and Green End.
- 5.3 The remainder of the neighbourhood area is attractive rolling countryside. As the Plan describes it is mostly permanent grassland with some arable uses. It is irrigated by Claydon Brook and another stream which joins it. The soil is clayey loam with gravel, with a subsoil of clay and marl and the chief crop is wheat. The borders of the parish lie from 90m to 100m above sea level. However, at the centre the ground is higher, and the village stands on this ridge at around 120m.

Development Plan Context

- 5.4 The development plan for the neighbourhood area is well-developed and up-to-date. The Vale of Aylesbury Local Plan 2013 to 2033 (VALP) was adopted in September 2021. It post-dates the preparation of both the submitted Plan and the Basic Conditions Statement.
- 5.5 Policy S2 (Spatial Strategy for growth) comments that the primary focus of strategic levels of growth and investment will be at Aylesbury, and development at Buckingham, Winslow, Wendover and Haddenham supported by growth at other larger, medium and smaller villages. Granborough is identified as one of a series of smaller villages. The VALP comments that the smaller, less sustainable villages have relatively poor access to services and facilities. It is expected that some small-scale development could be accommodated in these villages without causing unreasonable harm. This level of development is also likely to help maintain existing communities. The VALP comments that development sites at smaller villages will come forward either through neighbourhood plans or by individual 'windfall' planning applications. In this context no site allocations are made at smaller villages.
- 5.6 Policy S3 (Settlement hierarchy and cohesive development) continues this approach. It comments that other than for specific proposals which accord with policies in the Plan to support thriving rural communities and the development of allocations in the Plan, new development in the countryside should be avoided, especially where it would compromise the character of the countryside between settlements, and result in a negative impact on the identities of neighbouring settlements or communities leading to their coalescence. The policy also comments about the importance of maintaining

the individual identity of villages and avoiding extensions to built-up areas that might lead to further coalescence between settlements.

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

- NE4 Landscape character and locally important landscape
- NE8 Trees, hedgerows and woodlands

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

Visit to the neighbourhood area

5.9 I visited the neighbourhood area on 8 March 2022. I approached it from North Marston to the south. This helped me to understand its position in the wider landscape in general and its accessibility to the road network in particular. It also highlighted the hill-top nature of the village.

5.10 I saw the attractiveness and layout of the village and its historic assets. I took time to look at the proposed Settlement Boundary, the proposed local heritage assets and the proposed local green spaces

6 The Neighbourhood Plan and the Basic Conditions

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

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

National Planning Policies and Guidance

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

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

Contributing to sustainable development

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension, the Plan includes policies for infill residential development in the settlement boundary (Policy H1). In the social role, it includes policies on local green spaces (Policy GSR1) and on local heritage assets (Policy HER1). In the environmental dimension, the Plan positively seeks to protect its natural, built and historic environment. It has policies on design (Policy RC3) and nature conservation (Policy B1). This assessment overlaps with the details on this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

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

Strategic Environmental Assessment

- 6.13 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.14 In order to comply with this requirement, BC undertook a screening exercise in December 2020 on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. It concludes that it is unlikely that significant environmental effects will arise from the implementation of the Plan and that a full SEA is not needed.

Habitats Regulations Assessment

- 6.15 BC also prepared a Habitats Regulations Assessment (HRA) of the Plan at the same time. It assesses the likely impact of the submitted Plan on the Chilterns Beechwoods Special Areas of Conservation.
- 6.16 The HRA concludes that the neighbourhood plan will not give rise to likely significant effects on European sites, either alone or in combination with other plans or projects, and that Appropriate Assessment is not required.
- 6.17 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. None of the statutory consultees have raised any concerns with regard to either neighbourhood plan or to European obligations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.

Human Rights

- 6.18 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Summary

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

7 The Neighbourhood Plan policies

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

The initial parts of the Plan (Sections 1 to 5)

- 7.8 The Plan as a whole is well-organised and presented. It is supported by a series of excellent photographs. It makes an appropriate distinction between the policies and their supporting text.
- 7.9 The initial elements of the Plan set the scene for the policies. They are proportionate to the neighbourhood area and the subsequent policies. The Introduction comments about the way in which the Plan was prepared and when it was designated. It properly identifies the neighbourhood area (Figure 1) and the Plan period.
- 7.10 Section 2 comments about national and local planning policies which were in place at the time that the Plan was finalised before submission. The VALP has now been adopted. Where it is necessary to do, so I refer to the most recent planning policies in this report. I recommend modifications to the text on the adoption of the VALP later in this report.
- 7.11 Section 3 provides information about the neighbourhood area. The interesting and comprehensive details help to set the scene for the eventual policies. It includes elements on:

- History and Heritage;
- Landscape;
- Services and Amenities; and
- Population and Household data.

7.12 Section 4 sets out the way in which local people and organisations were engaged in the Plan. It overlaps with the Consultation Statement.

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

‘Our Vision is that Granborough will retain its rural character and community spirit. Future development and housing design will respect the natural environment and heritage whilst fulfilling the needs of all age groups in the community.’

7.14 A key element of the Plan is the way in which its policies are directly informed by the eight objectives. The table in paragraph 5.2 neatly identifies which of the objectives relate to each policy.

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

Policy RC1 Rural Character

7.16 This policy sets out to safeguard the rural character of the parish. It sets out a series of principles with which new development should comply. In summary, the principles are that new development should be complementary to its surroundings, should respect the hilltop position of the village, should respect the sense of space around existing buildings and that boundary treatments are appropriate.

7.17 In general terms the policy takes an appropriate approach to this matter. However, it has a sweeping approach which may not neatly apply to all development types. I recommend modifications so that it can be applied on a proportionate basis by BC. I also recommend other modifications to this part of the policy so that it applies more directly to the development management process. Finally, I recommend consequential modifications to two of the four detailed parts of the policy.

Replace the opening element of the policy with:

‘Development proposals should respect the rural character of the village and its surroundings. As appropriate to their scale, nature and location development proposals should ensure that:’

In I replace ‘The scale and character of new buildings must complement’ with ‘new buildings complement’

In III delete ‘where appropriate’

Policy RC2 Landscape

- 7.18 This policy complements the contents of Policy RC1. In this case, its focus is on the need for developments to maintain and sustain the historic and landscape character of the neighbourhood area.
- 7.19 I recommend a similar modification to that of Policy RC1 so that the two policies can be applied consistently. I also recommend consequential modifications to the wording of the two detailed criteria in the policy so that they flow naturally from the revised format of the opening part of the policy. Nevertheless, the overall effect and purpose of the policy remains largely unchanged.

Replace the policy with:

‘As appropriate to their scale, nature and location, development proposals should recognise and seek to protect and enhance the historic and natural landscape and local character of the Parish. In particular proposals should ensure that:

I: they do not impact on the skyline and are in keeping with adjacent development and not introduce over-dominant features. Where necessary, mitigation and/or design solutions should be incorporate to offset the impacts; and

II: field patterns and elements of the landscape heritage of the area (including ridge and furrow, field ponds, mature, notable and ancient trees, and historic hedgerows) are protected and incorporated into any landscape design schemes and include details to ensure their long-term management and maintenance.’

Policy RC3 High Quality Design

- 7.20 This policy sets out to promote high-quality design in the parish. It identifies eleven locally distinctive criteria which new development should comply. It is a good local response to Section 12 of the NPPF. It will do much to promote the type of high-quality design which is captured within national guidance. In particular it is a very distinctive policy to the parish through its application of the various criteria.
- 7.21 As with other policies, I recommend modifications so that it can be applied on a proportionate basis. I recommend consequential modifications to some of the detailed criteria as the ‘appropriateness’ element is now included in the initial part of the policy.
- 7.22 BC suggests that the seventh criterion is subdivided to reflect its individual elements. I agree that this approach would make this element of the policy more legible. However, it is not needed to ensure that the Plan meets the basic conditions.
- 7.23 I also recommend the consolidation of the supporting text. This modification will help to explain the policy. It includes some elements of the wording of the policy (as submitted) which no longer feature in the recommended modification to the opening part of the policy.

Replace the opening part of the policy with:

‘All development proposals should be designed in a way which results in good quality new development. As appropriate to their scale, nature and location development proposals should:

In IV introduce ‘and’ after connections’

In V delete ‘where appropriate.... Proposed’

Replace IX with ‘Integrate any required car parking within the broader landscaping of the development so that it does not dominate the street scene’

In XI delete ‘Where appropriate.... proposed’

At the end of paragraph 7.10 add: ‘Policy RC3 addresses these matters. The policy applies to all new buildings including extensions to existing buildings. It is worded in a way which will ensure that it is applied on a proportionate basis.’

Policy HE1 Local Heritage Assets

- 7.24 This policy acknowledges the importance of local heritage assets within the local environment. It identifies four local heritage assets and then applies a policy approach to their protection. I am satisfied that the four local heritage assets are appropriate to the neighbourhood area. Their details are set out in paragraph 8.4 of the Plan.
- 7.25 I recommend two important modifications to ensure that the policy meets the basic conditions. The first is the replacement of the wording of ‘local heritage assets’ with ‘non-designated heritage assets’. This is the language used in the NPPF and will ensure a closer and more seamless relationship between the policy and the national approach to this matter. The second is to ensure that the effect of the policy is more closely aligned with paragraph 203 of the NPPF which comments about non-designated assets. That paragraph requires a balanced judgement to be taken based on the scale of any harm or loss and the significance of the asset concerned.

Replace the policy with:

‘The Plan identifies the following non-designated heritage assets [List the four assets at this point].

The effect of a development proposal on the significance of a non-designated heritage asset should be taken into account in determining the planning application concerned. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.’

Policy B1 Nature Conservation

- 7.26 This policy sets out the Plan’s approach to nature conservation and biodiversity. It identifies six criteria which development should comply.

- 7.27 In general terms, the policy takes a positive approach to this important matter. However, I recommend modifications to three related matters. The first will ensure that it can be applied in a proportionate basis. The second acknowledges that not all developments will be able to provide the package of biodiversity measures as set out in the policy. The third is to update the policy to take account of the enactment of the Environment Act which has occurred since the Plan was submitted.

Replace the first part of the policy with:

‘Development proposals should protect and enhance existing natural features of site and enhance biodiversity. Where it is practicable to do so, and as appropriate to their scale nature and location proposals should:’

In I delete ‘as to be set out in the Environment Bill’

At the end of paragraph 9.4 add: ‘The Environment Act was enacted in November 2021. It is incorporated into the contents of Policy B1.’

Policy GSR1 Local Green Spaces

- 7.28 This policy proposes the designation of a series of local green spaces (LGSs). They are shown on Figure 8. The proposed LGSs reflect the character and the nature of the village. They are as follows:
- Village Green;
 - Play Area;
 - Land adjacent the Play Area;
 - Sovereign Close Green Space; and
 - Allotments, Marston Road.
- 7.29 The supporting text comments about the tests in the NPPF for the designation of LGSs. Paragraphs 10.4 to 10.8 provides detailed commentary on the way in which GPC considers that the various proposed LGSs meet the criteria for such designation in the NPPF. I looked carefully at the proposed LGSs when I visited the neighbourhood area.
- 7.30 On the basis of all the information available to me, including my own observations, I am satisfied that the proposed LGS comfortably comply with the three tests in the paragraph 102 of the NPPF and therefore meet the basic conditions. In several cases they are precisely the types of green spaces which the authors of the NPPF would have had in mind in preparing national policy. The Village Green and the Play Area are particularly good examples of informal and formal LGSs respectively.
- 7.31 In addition, I am satisfied that their proposed designation would accord with the more general elements of paragraph 101 of the NPPF. Firstly, I am satisfied that their designation is consistent with the local planning of sustainable development. They do not otherwise prevent sustainable development coming forward in the neighbourhood area and no such development has been promoted or suggested. Secondly, I am satisfied that the LGSs are capable of enduring beyond the end of the Plan period. Indeed, they are an established element of the local environment and, in most cases,

have existed in their current format for many years. In addition, no evidence was brought forward during the examination that would suggest that the proposed local green spaces would not endure beyond the end of the Plan period.

- 7.32 The policy itself has two related parts. The first lists the proposed LGSs. The second sets out the implications for LGS designation. The second part seeks to follow the approach as set out in paragraph 103 of the NPPF. However, it goes beyond that approach in general terms and in commenting about proposals which may provide additional benefits to users in particular.
- 7.33 Given the number and diversity of proposed LGSs I can understand the circumstances which have caused GPC to design the policy in this way. Nevertheless, I recommend a modification so that the policy takes the matter-of-fact approach in the NPPF. The recommended modification also takes account of the case in the Court of Appeal on the designation of local green spaces and the policy relationship with areas designated as Green Belts (2020 EWCA Civ 1259).
- 7.34 In the event that development proposals affecting designated LGSs come forward within the Plan period, they can be assessed on a case-by-case basis by BC. In particular, BC will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the 'very special circumstances' required by the policy. I recommend that the supporting text clarifies this matter.

Replace the second part of the policy with:

'Development proposals within the designated local green spaces will only be supported in very special circumstances'

At the end of paragraph 9.3 add: 'Policy GSR1 follows the matter-of-fact approach in the NPPF. In the event that development proposals come forward on the local green spaces within the Plan period, they can be assessed on a case-by-case basis by Buckinghamshire Council. In particular it will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the 'very special circumstances' required by the policy'

Policy H1 Housing

- 7.35 This policy sets out a spatial strategy for the Plan. It does so around a proposed settlement boundary. The policy offers support to development within the settlement boundary and takes a restrictive approach towards new housing elsewhere.

The policy itself

- 7.36 The policy also comments about housing mix. It specifies that on developments of more than 2 dwellings, their sizes should be mixed, with a larger proportion of smaller (1-2 bedroom), less expensive homes to provide for younger people and older people wishing to downsize.
- 7.37 In general terms, I am satisfied that the first two parts of the policy meet the basic conditions. They have regard to national policy and are in general conformity with the

strategic policies in the development plan. In effect they establish a spatial strategy for the parish. In doing so, they appropriately concentrate new development within the built-up part of the village and which has the best access to the community and educational facilities in the parish

- 7.38 The third part of the policy proposes an ambitious approach towards the delivery of smaller houses. In its response to the clarification note, GPC expanded on its non-prescriptive approach to this matter. In addition, I am satisfied that the information in the supporting text is sufficiently compelling to justify the approach taken. Within this wider context, I recommend that the policy focuses on the house sizes to be delivered (which is a land use matter) rather than their potential future occupiers (which is beyond the control of the planning system). The likely occupiers of smaller homes is already addressed in the supporting text already included in the submitted Plan.

The proposed settlement boundary

- 7.39 Appendix A of the Plan sets out the methodology used to define the settlement boundary as follows:

'The boundary has been carefully drawn using maps and Google Earth plus site visits and planning applications or property history where available to determine existing land uses and boundaries on the ground. Where possible, the boundary has been drawn using clearly defined physical features. These include discernible ground features such as walls, hedgerows, streams, roads, and field boundaries.'

- 7.40 The appendix then identifies a series of criteria which were used to assist in this process. The first three are factual in nature as follows:

'The use of the land within the boundary is settlement related, such as residential, community use, employment use etc. Land which is clearly related to the countryside, such as agricultural land and buildings or land and buildings associated with keeping horses remains outside the boundary.'

Sites with planning permission for housing on the edge of the settlement which have been granted, are under construction or recently completed have been included within the settlement boundary.

Garden extensions which have planning permission are included within the settlement boundary'

- 7.41 The other criteria have required a degree of judgement. They include matters relating to large expanses of land associated with houses, buildings remote from the settlement and buildings separated from the built-up area by an area of open land. The penultimate criterion clarifies that buildings on the edge of the settlement that have a clear rural character or use are excluded from the settlement boundary.
- 7.42 The proposed definition of the settlement boundary has generated a significant degree of comment. In summary:

- a planning consultant raises a potential inconsistency between objective 5 of the Plan and the tightly-drawn settlement boundary;
- objections to the inclusion of a parcel of land to the south of Green End within the boundary;
- objections to the inclusion of parcels of land off Winslow Road within the boundary;
- a proposal to extend the settlement boundary to incorporate a parcel of land between 9-15 Marston Road; and
- detailed comments on Rookery Farm.

7.43 I will address these issues in turn within the context of four matters. The first is my limited remit as the independent examiner and as described in paragraph 1.4 of this report. The second is the definition of the settlement boundary as described in Appendix A of the Plan. The third is the approach to development in smaller villages as set out in the VALP. The fourth is that the policy itself and the associated settlement boundary provide a context for potential new development to come forward within the Plan period. However, the Plan does not allocate sites for housing. As such I will assess the various matters simply on the basis of the proposed definition of the settlement boundary. Plainly BC will make separate judgements on the appropriateness or otherwise of development proposals which come forward within the settlement boundary once it is established in a 'made' neighbourhood plan.

The relationship between objective 5 of the Plan and the proposed settlement boundary

7.44 Objective 5 of the Plan comments that 'new housing growth will contribute to a compact and integrated village, meeting the needs of existing and future residents in terms of housing mix'. I took care during the visit to understand the compact and integrated nature of the village and the way in which the proposed settlement boundary has been drawn.

7.45 On the balance of the evidence, I am satisfied that there is no inherent conflict between the objectives of the Plan and either Policy H1 or the proposed settlement boundary. There is no strategic requirement for Granborough to deliver new housing to meet the county's wider needs and GPC has approached the matter in a balanced and responsible way. In doing so, it has grappled with the complications of drawing a settlement boundary in general, and in a village with a compact layout and with a close functional relationship with the surrounding countryside.

The parcel of land to the south of Green End

7.46 This parcel sits to the south and east of Grange House Farm and to the immediate south of four houses on Green End at the eastern end of the village. It was excluded from the boundary in the pre-submission Plan and, following consultation on that version of the Plan, was subsequently included in the boundary in the submitted Plan.

7.47 I have considered the way in which GPC considered the representation to the pre-submission Plan and the information submitted by several local residents on the use of the land and its relationship to the wider countryside to its south.

- 7.48 On the balance of the evidence I am not satisfied that the parcel of land should be within the settlement boundary. In terms of GPC's approach to the definition of the boundary I consider that it is 'land which is clearly related to the countryside, such as agricultural land and buildings or land and buildings associated with keeping horses remains outside the boundary'. As such I recommend that it is excluded from the settlement boundary. The effect of this recommended modification would be to revert this part of the boundary to that in the pre-submission Plan.

The land to the east of 12-26 Winslow Road

- 7.49 Overlapping objections to the Plan relate to two plots of land to the east of 12-26 Winslow Road. For clarity, I will use the definitions in the representation from Peter Evans.
- 7.50 Plot 1 is a rectangular parcel of land on the eastern extent of the proposed SB. Plot 2 is a smaller rectangular parcel of land to the immediate west of Plot 1.
- 7.51 Based on the evidence available to me, I am satisfied that Plot 2 is appropriate to be included within the settlement boundary. It is immediately adjacent to the substantive part of the built-up element of the village. In addition, a large building is located in the southern part of the plot. In contrast, I am not satisfied that Plot 1 is appropriate to be included in the settlement boundary. Its character is different to that of Plot 2 and its association is with the wider countryside to the immediate east. In terms of GPC's approach to the definition of the settlement boundary I consider that it is 'land which is clearly related to the countryside, such as agricultural land and buildings or land and buildings associated with keeping horses remains outside the boundary'. As such I recommend that it is excluded from the settlement boundary.

The Marston Road proposal

- 7.52 A representation suggests that a parcel of land between 9-15 Marston Road should be included in the settlement boundary. Based on my comments in paragraph 7.43 of this report, it is beyond my remit to recommend an extended settlement boundary. In any event, the proposal would represent an encroachment in the countryside and would conflict with the Plan's objective to retain a compact and integrated village.

Rookery Farm

- 7.53 In its response to the clarification note, GPC proposed a very detailed amendment to the settlement boundary insofar as it affects Rookery Farm. I am satisfied that the amendment is appropriate and recommend accordingly.

General comments

- 7.54 The wider effects of the recommended modifications will be to reduce the extent of the settlement boundary. In recommending these modifications I am mindful of my wider comments on the representation about the relationship between the boundary and objective 5 of the Plan. However, I remain satisfied that there would be no inherent conflict between these matters in the event that the modifications are accepted. They have sought to respect the criteria for the definition for the settlement boundary in

Appendix A of the Plan. In any event, the definition of the SB is one for local judgement and in the context that Granborough does not need to contribute towards strategic housing development in the former Aylesbury Vale District.

Replace part III of the policy with: ‘Housing developments for three or more dwellings should incorporate a mix of house sizes with a larger proportion of smaller (1-2 bedroom) homes’

On Figure 9 remove the parcel of land to the south of Green End and Plot 1 (as described in paragraph 7.50 of this report) to the east of Winslow Road from the Settlement Boundary

Refine the Settlement Boundary around Rookery Farm as shown in the Parish Council’s response to the clarification note.

Policy HSAT1 Highways Safety and Access

- 7.55 This policy has two related parts. The first comments that the provision of new or extended footpaths, bridleways and cycle paths is encouraged and will be supported, providing that the rural character and heritage assets are not adversely affected by the development. The second comments that new developments, including housing, must make provision to improve the highway safety most affected as a result of those developments. It also comments that such provision should be used (on or off site) to support reduced traffic speeds and volumes, improve road junctions, improve the provision and connectivity of pavements and access for pedestrians, horse riders and cyclists.
- 7.56 The first part of the policy meets the basic conditions in general terms. I recommend the deletion of the ‘encouragement’ part of the policy as it has little if any weight in the planning process. I also recommend wording to acknowledge that some of the works anticipated by the policy may not need planning permission.
- 7.57 The second part of the policy is well-intentioned. However as submitted it conflicts with the details of the CIL Regulations which sets out specific requirements for developer contributions. In these circumstances, I recommend that the policy is reconfigured so that it promotes a positive approach (one where the development can be accommodated within the capacity of the network) rather than the submitted negative approach (which anticipates problems with the capacity and safety of the highways network). A further element of this part of the policy identifies the way in which any such issues should be resolved. In recommending the modifications I also recommend that elements of the policy which are process related are relocated into the supporting text.

In the first part of the policy add at the beginning ‘Insofar as planning permission is required’ and delete ‘is encouraged and’

Replace the second part of the policy with:

‘New developments should be capable of being accommodated safely within the capacity of the local highways network. Where they would otherwise be

acceptable, development proposals should include measures to mitigate their effects on junction capacity and/or alignment and the overall safety of pedestrians, cyclists and car users.'

At the end of paragraph 12.8 add: 'Policy HSAT1 sets out the Plan's approach to this matter. Off-site highways works can be achieved through legal agreements and/or planning obligations. As appropriate to the particular circumstances, provision should be used (on or off site) to support reduced traffic speeds and volumes, improve road junctions, improve the provision and connectivity of pavements and access for pedestrians, horse riders and cyclists.'

Policy CF1 Community Facilities

- 7.58 This policy celebrates the importance of community facilities in the parish. It has three related parts. The first comments that the provision of new community facilities will be encouraged and supported. The second comments that proposals to improve the viability of a community facility by way of the extension or partial replacement or redevelopment of buildings, structures and land, will be supported, provided the design of the scheme respects the village character in general, and the resulting increase in use is appropriate in design terms and will not have negative impact on the amenities of adjoining residential properties. The third part comments that development proposals that will result in either the loss of, or significant harm to, the Crown Public House, including its garden and car park will be strongly resisted, unless it can be clearly demonstrated that that its continued use is no longer viable.
- 7.59 In general terms the policy is well-considered. Its implementation will play a significant role in delivering the social dimension of sustainable development.
- 7.60 In order to bring the clarity required by the NPPF, I recommend the following modifications to the component parts of the policy:
- the deletion of any reference to the 'encouragement' of new community facilities in the first part of the policy. The support element is sufficient in its own right and, in any event, encouragement has no specific role in a planning policy context;
 - a refinement of the approach towards the impact in the second part of the policy given that the test is the acceptability or otherwise of the impact;
 - a refinement of the wording used in the third part of the policy; and
 - the deletion of the process information at the end of the third part of the policy given that the matter is already adequately addressed in paragraph 13.5 of the Plan.

In I delete 'encouraged and'

In II replace 'negative' with 'an unacceptable'

In III replace 'be strongly resisted' with not be supported'

In III delete the final sentence.

Community Aspirations

- 7.61 The Plan includes a series of Aspirations. They are non land use issues which have naturally come forward in the plan preparation process. They are properly set out in a separate part of the Plan as required by national policy.
- 7.62 I am satisfied that the Aspirations are both appropriate and distinctive to the parish. In some cases, they will complement the implementation of the land use policies.

Other Matters - General

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

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

Other Matters – Specific

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

In paragraph 2.5 retain the first two sentences. Thereafter replace the remainder of the paragraph with: 'The Vale of Aylesbury Local Plan was adopted in September 2021'

In part 5 of the Plan replace the second objective with: 'The historic character of the village and the extensive archaeological remains will be conserved, enhanced and recorded.'

In paragraph 5.2 replace the local plan references with the relevant policies in the recently-adopted Vale of Aylesbury Local Plan

- 7.66 BC also raise a series of other matters (mainly relating to heritage matters). Their incorporation into the Plan would extend its coverage and addresses such issues in greater detail and to good effect. Nevertheless, these matters are not necessary to ensure that the Plan meets the basic conditions. Neighbourhood plan legislation has given considerable flexibility to qualifying bodies to include the issues which they see

fit to feature in their plans. As such it is beyond my remit to recommend modifications to the Plan so that it is expanded beyond the scope as chosen by GPC.

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2035. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community to safeguard the character and setting of the neighbourhood area and to define a Settlement Boundary.
- 8.2 Following the independent examination of the Plan, I have concluded that the Granborough Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

Conclusion

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

Other Matters

- 8.4 I am required to consider whether the referendum area should be extended beyond the neighbourhood area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the former Aylesbury Vale District Council on 11 September 2018.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth manner. The responses to the clarification note were detailed, informative and delivered in a very timely fashion.

Andrew Ashcroft
Independent Examiner
30 May 2022