

CHALFONT ST PETER NEIGHBOURHOOD PLAN 2013-2028

EXAMINATION VERSION

A Report to Chiltern District Council
of the Examination into the
Chalfont St Peter Neighbourhood Plan

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1. Introduction

The Neighbourhood Plan

This Report provides the findings of the Examination into the Chalfont St Peter 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)

Chalfont St Peter Parish 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 Chalfont St Peter Parish Council, which established a Neighbourhood Plan Group, made up of volunteers. Further support was provided by town planning and urban design consultants.

This Examiner’s Report provides a recommendation as to whether or not the Neighbourhood 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 Chiltern District Council. The Plan would then be used to determine planning applications and guide planning decisions in the Chalfont St Peter Neighbourhood Area.

Role of the Independent Examiner

I was appointed by Chiltern District Council, with the consent of Chalfont St Peter Parish 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 across England. 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 Chalfont St Peter 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 2013 to 2028. Consequently, I confirm that the Neighbourhood Plan satisfies this requirement.

I note, for information purposes only, that there is a mistake/incomplete information in the Basic Conditions Statement with regards to the Neighbourhood Plan period (para 2.3, 38B 1) A).

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.

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.

Further to consideration of the written representations submitted, I am satisfied that the Chalfont St Peter Neighbourhood Plan can be appropriately examined without the need for a public hearing.

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;
- not breach, and otherwise be compatible with, European Union obligations.

I have examined the Neighbourhood Plan against the Basic Conditions above. I have also checked that prescribed conditions are met in relation to the neighbourhood development plan and that prescribed matters have been complied with in connection with the proposal for the neighbourhood development plan.

European Union Obligations

As above, the Neighbourhood Plan must not breach, and should otherwise be compatible with, European Union (EU) obligations.

Planning Practice Guidance refers to the responsibility of the local planning authority in considering matters of compatibility of neighbourhood plans with EU regulations. Chiltern District Council has not raised any concerns regarding the Neighbourhood Plan in respect to its compatibility, or otherwise, with EU obligations.

The Basic Conditions Statement submitted with the Neighbourhood Plan references the Sustainability Appraisal and Strategic Environmental Assessment screening that was undertaken on the Neighbourhood Plan. This concludes that the impact of the Neighbourhood Plan is likely to be at the local level and that it is unlikely that any significant sustainability impacts will arise that have not already been assessed during the production of the Core Strategy for Chiltern District 2011 (the Chiltern Core Strategy). The screening exercise for the Neighbourhood Plan also concludes that there are no European sites that would be affected by its proposals and that it is therefore unnecessary to undertake an HRA.

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

The Chiltern Core Strategy was subject to Sustainability Appraisal and Strategic Environmental Assessment. In addition, I note that the Chiltern Core Strategy was also subject to a Habitats Regulation Assessment (HRA).

Further to all of the above, following consultation on the Neighbourhood Plan, I note that Natural England has confirmed that it does not consider there to be *“any likely significant risk to internationally or nationally designated nature conservation or landscape sites.”*

In addition, also further to consultation, the Environment Agency has confirmed that it is satisfied with the Neighbourhood Plan *“scope and policies”* and considers that it will help ensure *“a high quality environment for Chalfont St Peter.”*

Consequently, I am satisfied that the Neighbourhood Plan is compatible with EU environmental obligations. In the absence of any evidence to the contrary, I am also satisfied that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998.

Taking the above into account, it is my conclusion that the Neighbourhood Plan is compatible with EU obligations and that it does not breach, nor is in any way incompatible with the ECHR.

3. Background Documents and Chalfont St Peter Neighbourhood Area

Background Documents

In undertaking this examination, I have considered each of the following documents in addition to the Examination Version of the Chalfont St Peter 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)
- Neighbourhood Plan Appendices Document
- Core Strategy for Chiltern District (Adopted 2011)
- Basic Conditions Statement
- Consultation Statement
- Chalfont St Peter Parish Map
- Chalfont St Peter Parish Council Minutes of Meetings

Also:

- Representations received during the publicity period

Further to the above, I spent an unaccompanied day visiting the Chalfont St Peter area.

Chalfont St Peter Neighbourhood Area

There is a plan showing the Designated Chalfont St Peter Neighbourhood Area on page 3 of the Neighbourhood Plan.

Further to an application made by Chalfont St Peter Parish Council, Chiltern District Council approved the designation of the Chalfont St Peter Neighbourhood Area (Neighbourhood Area) on 12 November 2012. The Neighbourhood Area coincides with the boundaries of the Parish of Chalfont St Peter.

This designation satisfies 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.

Chalfont St Peter Neighbourhood Plan Consultation

Chalfont St Peter Parish Council has submitted a Consultation Report, as per the neighbourhood planning regulations³, to Chiltern District Council. This sets out who was consulted and how. It also sets out the main issues and concerns and describes how these have been considered and where relevant, addressed in the Neighbourhood Plan. This approach meets with the requirements of Section 15 (2) of Part 5 of the neighbourhood planning regulations, which sets out what a Consultation Statement should contain.

In considering the Neighbourhood Plan consultation process, I am mindful that it was criticised in objections to the Neighbourhood Plan submitted by SENSE4CSP. In its representation to the Examination Version of the Neighbourhood Plan, SENSE4CSP stated that the consultation process was “ineffective” and “a failure.” It went on to state that two open meetings were “unstructured,” that there was a failure to deliver a consultation document to every home and that notification of how the Neighbourhood Plan could be viewed was limited. The criticism concluded by suggesting that the Neighbourhood Plan represents the views of one or two individuals, rather than those of the wider community. Given all of this, I consider the consultation process in some detail below.

³Neighbourhood Planning (General) Regulations 2012.

The Consultation Statement sets out the aims of the consultation process, which can be summarised as: engaging with as wide a range of people as possible, from the earliest stage; holding events at critical points; and providing feedback in a timely and effective manner.

I note that the decision to produce a Neighbourhood Plan emerged from a high level of local interest in development and planning, and the related production of a Village Design Statement in 2011. To gauge the level of interest in producing a Neighbourhood Plan, local volunteers launched the idea at Chalfont St Peter Feast Day in June 2012. The application to designate Chalfont St Peter Parish as a Neighbourhood Area followed this and the Neighbourhood Plan Group was formed, to include two Parish Councillors, a District Councillor and local volunteers.

The Neighbourhood Planning Group held background discussions with businesses, including retailers, schools, sport and leisure organisations, and local groups, including the Village Appraisal Group and Heritage Group. This helped to establish a vision and related objectives, which were then consulted on during a two-day Drop-In event in May 2013.

I note that the event was held at convenient times, on a Friday afternoon and on into the evening, as well as during a Saturday daytime. It was held in two different locations (a library and a church hall). It was well advertised – with over 500 flyers distributed in the village centre and during school pick-up times; and via emails to local community groups, asking them to notify members. Over two hundred people attended the Drop-In.

Issues and concerns raised were collated into a detailed report, which was published. The report was used to consider the vision and objectives, and refine them to form a clear basis for the Neighbourhood Plan. The Consultation Statement refers to “overwhelming agreement with the major topics put forward by the Neighbourhood Plan Group.”

A further consultation event was held in June 2013 at the annual Feast Day, an event attracting around 7,000 people. A stand with a rolling presentation screen and display boards provided information about neighbourhood planning, along with information relating to the Neighbourhood Area’s Character Areas. People were encouraged to attend the stand, informed about neighbourhood planning and asked to complete forms.

The stand was publicised throughout the village and on the Parish Council’s website. Over 130 forms were completed. The majority (around 90%) of responses reinforced earlier findings regarding the nature and importance of local character and design quality. Findings were published in a report, which was used to refine character appraisal information and to inform the Neighbourhood Plan.

In addition to the above, a competition was held for young people and children, asking them to draw a picture on a postcard, imagining Chalfont St Peter in 2026.

The pictures drawn by the winners of the competition feature in the Neighbourhood Plan itself. This was an innovative form of consultation, particularly with regards seeking to engage younger people and encouraging them to think about their surroundings and future change.

The draft Neighbourhood Plan underwent a six week consultation period in October and November 2013. A website was set up and the draft Neighbourhood Plan, Appendices and Feedback Form could be downloaded from it. Printed copies of the Neighbourhood Plan, supporting documents and Feedback Forms were available in the Parish Council offices and the local library. Members of the Neighbourhood Plan Group were available on a Drop-In basis for two days (a Friday and Saturday) during the consultation period.

In addition to the above, flyers, emails and posters were distributed to publicise the consultation. The Neighbourhood Plan Group gave a presentation to local groups. Articles were published in the local press. The local MP issued a Press Release and raised a question in Parliament. A local political party newsletter delivered to every house included an article encouraging participation in the consultation.

It is clear to me from the above that the consultation period was well publicised and that people were encouraged, and given every opportunity, to engage.

Responses to the consultation were received from 94 people and organisations. There was significant support for the Neighbourhood Plan's vision and objectives, and several main issues emerged. The Neighbourhood Plan was modified to take comments into account. The Consultation Statement and supporting information clearly sets out the matters raised and how they were considered.

Taking all of the above into account, it is evident that significant community consultation was undertaken during production of the Neighbourhood Plan and that it was done so on an open and transparent basis. There were plentiful opportunities for people to engage, both through relatively informal channels, via Drop-Ins and through more formal consultations.

There is no evidence to lead me to the conclusion that anyone was precluded from the consultation process. On the contrary, there is significant evidence to demonstrate that people were actively encouraged to engage. Consequently, the evidence before me leads me to disagree with the comments set out by SENSE4CSP.

I am satisfied that the consultation undertaken was appropriate and reflected the significant efforts made by all involved to meet the legislative requirements.

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 the Neighbourhood Plan a clearer and more user-friendly document.

Background

This section set out the purpose of the Neighbourhood Plan and how it has been developed. It goes on to provide further background on the neighbourhood planning process.

It provides a clear, helpful, interesting and useful introduction to the Neighbourhood Plan.

About Chalfont St Peter

This section provides an overview of Chalfont St Peter. It includes a geographical description and a short history of the Parish.

It goes on to summarise landscape character and describe the village centre. The last paragraph of this section, 2.15, refers to a recommendation for a review of the need for a Conservation Area for the village centre. I note that this review has already taken place. Consequently, I recommend:

- **Para 2.15. Delete last two words and replace with “*be undertaken. This review has since been undertaken by independent consultants commissioned by Chiltern District Council. The review recommended that part of the historic core of the village should be considered for designation as a new Conservation Area.*”**

Figure 2.5 shows the location of Conservation Areas and Listed Buildings. The title of Figure 2.5 does not refer to Conservation Areas. In addition, the non-urban area is shaded in two kinds of green and no reason is provided for this. I recommend:

- **Figure 2.5 title, add “*...and Conservation Areas.*”**
- **Use one shade of green, or indicate what the different colour shadings represent.**

Paragraphs on Heritage refer to Listed Buildings and Conservation Areas within the Neighbourhood Area. English Heritage has submitted comments relating to a possible discrepancy re: Figure 2.5. I recommend the following:

- **Check Figure 2.5 to ensure that all Listed Buildings are shown.**

I also consider that it would be helpful if the Neighbourhood Plan referred to there being 32 Listed Buildings in the Neighbourhood Area, as pointed out by English Heritage. English Heritage has proposed a new wording for paragraph 2.16 and this provides a more detailed description of the Neighbourhood Area's significant heritage assets. I therefore recommend:

- **Revise paragraph 2.16 as per the proposed re-wording provided by English Heritage.**

This section goes on to provide information about Major Developed Sites in the Neighbourhood Area, along with detail re: Holy Cross, where planning permission has been granted but is subject to a legal challenge. This is helpful information.

Paragraphs on Housing recognise that, through consultation, local people identified a need for smaller homes in the Neighbourhood Area. Further information is provided about Employment, Drainage, Transport and Movement, and Environmental Issues.

Altogether, I consider that the "About Chalfont St Peter" section provides informative background information. It sets the scene for the Neighbourhood Plan.

Figure 2.9 is entitled "Plan showing key environmental issues." I note that, whilst referenced in the legend, the boundary of the Area of Outstanding Natural Beauty is not shown. In addition, I consider that Figure 2.9 should show the safeguarded route for HS2. The Safeguarding Direction for HS2 has been made by the Secretary of State. Part of the route runs through the north eastern part of the Neighbourhood Area. It is therefore relevant to show this on a plan, the stated purpose of which is to show key environmental issues. I recommend that:

- **The boundary of the AONB is shown on Figure 2.9.**
- **The route of HS2, as provided by HS2 Ltd, is shown on Figure 2.9.**

Vision and Objectives

The overall vision for the Neighbourhood Plan is clearly described in this section. In addition, the Vision is summarised in a clear and well thought out illustration and Objectives are grouped together as simple, well-presented statements.

The strong link between consultation and the Vision and the Objectives for the Neighbourhood Plan are emphasised. The Vision and Objectives section provides an excellent introduction to the policies that follow.

6. The Plan – Neighbourhood Plan Policies

This part of the Neighbourhood Plan sets out policies and supporting text. Helpfully, the identified Objectives are set out prior to the related policies.

As a consequence of the above, the structure of the Neighbourhood Plan is clear and simple. The numbering of the policies is similarly clear and relates to each group heading (eg Village Centre policies are VC1, VC2 etc). The modifications recommended will impact on the numbering of policies, as well as that of supporting paragraphs.

- **Subject to the recommended modifications, re-number policies and supporting paragraphs.**

Given my comments below relating to some of the matters covered by the Neighbourhood Plan, I recommend inserting the following words, as a new paragraph, at the end of the Introduction to Policies page.

- ***“Where specific aims, which relate to the Objectives but which do not form land use planning policies, are identified, these are headed “Aims.””***

Village Centre Policies

Policy VC1

The Neighbourhood Plan begins with the objective of protecting buildings of heritage value.

The first policy, VC1, states that the Parish Council will work with Chiltern District Council to bring about designation of a Conservation Area for the Village Centre. In this regard, I am mindful that the process of Conservation Area designation is not a matter that can be controlled by the Neighbourhood Plan and simply seeking to work with another body does not comprise a land use planning policy matter.

However, the aim of establishing a Conservation Area for the Village Centre is clear and is founded on significant evidence. Rather than lose sight of this important aspiration, I recommend the following modification:

- **Delete Policy VC1. Add supporting text to the end of paragraph 5.1 *“The Parish Council strongly supports the designation of a Conservation Area for the Village Centre and where possible and appropriate, will work together with Chiltern District Council to achieve this.”***

Policy VC2

Policy VC2 states that new development in the Village Centre should be designed to preserve or enhance the character of the area. Both local and national policy seek to protect local character. Furthermore, they establish that the historic environment should be conserved. The Village Centre contains numerous Listed Buildings and its potential for a Conservation Area is recognised based on significant evidence.

Subject to the proposed modification below – “conserve” allows for sensitive development that maintains or enhances character, having regard to national policy – policy VC2 has regard to national policy, is in general conformity with local strategic policies and contributes towards the achievement of sustainable development.

- **Replace “preserve” with “conserve.”**

Policy VC3

Policy VC3 is clearly aimed at maintaining or enhancing the built environment of the Village Centre. As such, it has regard to national policy, is in general conformity with local strategic policies and contributes to the achievement of sustainable development. It meets the Basic Conditions.

Policy VC4

Policy VC4 states that the redevelopment of buildings that make a negative contribution to the Village Centre will be encouraged. An area around St Peter’s Court is shown on Figure 5.3 as comprising buildings that make a negative contribution.

Whilst I noted during my site visit that this area does not follow the historical building line or form, and that car parking appears prominent, I also observed that it performs a significant mixed use function and appears to comprise an important and well used part of the Village Centre. The area is different to other parts of the Village Centre and I note that it represents a more modern chapter in the history of Chalfont St Peter. However, there is little in the way of substantive evidence to demonstrate that the area’s “negative contribution” has been established further to an objective assessment. As such, it appears to be the result of a subjective point of view.

I find that the function and services provided to the Village Centre by St Peter’s Court area cannot simply be disregarded. In this regard, national policy is clear – communities need to be provided with accessible local services that reflect their needs. Seeking to *encourage* the redevelopment of a significant area on the basis of an apparently subjective point of view, when there is no indication of what the redevelopment would be for, other than making an “architectural contribution,”

would fail to address the basic economic and social dimensions of sustainable development.

Further to the above, there is no evidence to demonstrate that the Parish Council has any interest in, or control over this area. Given this, it is unclear how the redevelopment of the area could be “encouraged.” As an unclear policy, VC4 fails to have regard to national policy requirement for plans to provide clear guidance.

Policy VC4 does not meet the Basic Conditions.

- **Delete Policy VC4 and remove reference to “Buildings that make a negative contribution both in terms of the key and identified buildings” from Figure 5.3.**

Notwithstanding all of the above, I note that policy VC9 provides for specific consideration of St Peter’s Court. I consider policy VC9 below.

Policy VC5

Policy VC5 states that “new retail” that revitalises the Shopping Centre will be supported. Whilst, effectively, the policy seeks to support uses that would generally be acceptable anyway within a shopping centre, it is unclear how the policy would operate. It states that those uses that revitalise the Shopping Centre would be supported. However, no definition of “revitalises” is provided, making it unclear for both developers when planning proposals and for development control officers when considering them. Furthermore, there is no indication of what would happen if it was found that any proposal would not revitalise the Shopping Centre.

Taking the above into account, policy VC5 does not have regard to national policy. It does not meet the Basic Conditions. I recommend the following:

- **Delete Policy VC5**

I note that the supporting text refers to an extension to the District Shopping Centre and that the proposed extension area, as shown on Figure 5.4, includes land allocated as a protected employment area. No evidence justifying the removal of allocated employment land is provided and consequently, there is conflict with the Chiltern Core Strategy. I recommend the following:

- **Remove the allocated employment land from Fig 5.4 showing the proposed extension of the District Shopping Centre.**

The extension of the District Shopping Centre is a significant matter. I recommend that, subject to the above alteration to Fig 5.4, it is shown in the Neighbourhood Plan as a policy, rather than as passing reference in supporting information:

- **New Policy, VC(number to reflect modifications to the Neighbourhood Plan) – “To promote the vitality and viability of the village centre, the District Shopping Centre is extended as shown in Figure 5.4.”**

This change has regard to national and local policy, which together amongst other things, recognise the importance of such centres to the local community and promote their vitality and viability.

Policy VC6

Policy VC6 seeks to protect the retail function of Primary Shopping Frontages within the Village Centre. This has regard to national policy, which seeks clear definitions of primary frontages and requires policies to make clear which uses will be permitted in such locations. In this way, it contributes to the achievement of sustainable development.

The wording of policy VC6 is unclear with regards what the 10% figure applies to – shop frontages, or individual units. Given the reference to “five units either side of the proposal site” it seems reasonable to assume that it applies to individual units. Consequently, for clarity, I recommend:

- **Line four, after “...frontage i.e.” insert “the number of units not to exceed 10%...”**

Policy VC7

Policy VC7 states that a Village Action Team will be set up to develop a strategy “to support the Village Centre’s retail.” This is not a land use planning policy. However, the aim, as set out, is clear and it reflects the local and national policy aim of securing the vitality and viability of centres. Given this, I recommend the following:

- **Replace Policy VC7 heading with “Village Centre Aim.” Add after “...Village Centre’s retail.” “It is the aim of the Parish Council to ensure that any future development will take account of the village centre retail strategy once prepared.”**

For clarity, the proposed policy is effectively deleted and its intent becomes an Aim.

Policy VC8

Policy VC8 refers to an on-going legal process and effectively comprises a statement of intent, subject to the outcome of that legal process. As such, it does not comprise a land use planning policy. It provides a helpful reference in setting out an aim of the Parish Council. I recommend the following:

- **Replace Policy VC8 heading with “Village Centre Aim.”**
- **Para 5.9, replace “policy” with “Aim”**

As per Policy VC8, for clarity, the proposed policy is effectively deleted and its intent becomes an Aim.

Policy VC9

Policy VC9 states that any improvements to, or redevelopment of, St Peter's Court, should support the Village Centre. Whilst the policy refers to specific design principles, these are set out in supporting text. This may reduce the material weight any such principles have. I recommend the following:

- **Re-word Policy VC9 to read “...by following the principles set out below.”**
- **Promote the content of paragraphs 5.11 and 5.12 into the policy (deleting the paragraph numbers).**

Taking the above into account, policy VC9 has regard to national and local policy, which protects local character and contributes to the achievement of sustainable development, by promoting good design. I note that policy VC9 is supported by English Heritage.

Policy VC10

Policy VC10 refers to the development of a strategy. It is not a land use planning policy. However, improving the quality of car parking is a national policy aspiration and I recommend the following:

- **Replace Policy VC10 heading with “Village Centre Aim.”**

For clarity, the proposed policy would be deleted as a result of this modification, it would be replaced with an Aim.

Policy VC11

Policy VC11 seeks to ensure that traffic calming and control measures are sympathetic to Village Centre character. This raises matters outside the control of the Neighbourhood Plan and should comprise an Aim, not a policy. I recommend:

- **Replace Policy VC11 heading with “Village Centre Aim.”**
- **Change last sentence of para 5.15 to read “...carefully considered. The Parish Council will seek to liaise with the County Council at the earliest stage on these matters.”**

For clarity, the proposed policy would be deleted as a result of this modification, it would be replaced with an Aim.

Policy VC12

Policy VC12 requires new or replacement shopfronts to be designed in accordance with the Shop Front Design Guide set out in Appendix A of the Neighbourhood Plan. This policy has regard to national and local planning policy, which protects local character, and contributes to the achievement of sustainable development, through the promotion of good design. It meets the Basic Conditions.

Paragraph 5.16 states that the Shop Front Design Guide takes precedence over Chiltern District Council's Design Guides. However, the Shop Front Design Guide was informed by the District Council's Design Guides, which themselves, are a material consideration. I recommend:

- **Delete final sentence of paragraph 5.16**

Policy VC13

Policy VC13 states that street furniture must make a positive contribution to the Village Centre.

Generally, street furniture does not require planning permission and consequently, the policy does not have regard to national policy, as it would not be implementable. However, it sets out an aim that seeks to protect local character and I recommend:

- **Replace Policy VC13 heading with "*Village Centre Aim.*"**
- **Delete "must" and replace with "*should*"**

For clarity, the proposed policy would be deleted as a result of this modification, it would be replaced with an Aim.

Housing

Policy H1

Policy H1 seeks to provide for a range of housing types by requiring two bedroom dwellings to be provided on sites of four or more dwellings. This has regard to national policy, which requires the provision of a range of housing types. It is reflective of the findings of public consultation and contributes to the achievement of sustainable development by reflecting the community's needs.

Policy H1 meets the Basic Conditions.

Policy H2

Policy H2 supports the provision of smaller homes for people downsizing. This reflects the findings of public consultation. It has regard to national policy and

contributes to the achievement of sustainable development. It meets the Basic Conditions.

Policy H3

Policy H3 requires the provision of a Dwelling Mix Statement. However, other policies in the Neighbourhood Plan (and the Chiltern Core Strategy) already provide for the provision of a mix of dwelling types and national policy states that unnecessary burdens should not be placed on applicants. There is no information to set out what would happen if an applicant failed to provide a Dwelling Mix Statement, but met other requirements. Notably, there is no evidence to demonstrate that the refusal of any such application on the basis of Policy H3 would have regard to national planning policy, or be in general conformity with local strategic policies.

Given the above, I find that policy H3 does not meet the Basic Conditions.

- **Delete Policy H3**

Policy H4

Policy H4 effectively repeats the provisions of Chiltern Core Strategy policy CS8. Whilst it also refers to policy H3, I recommend above that this policy is deleted. National policy states that the duplication of planning processes should be avoided. Consequently, I recommend that policy H4 be deleted. However, retaining the supporting text provides a clear reference to adopted affordable housing policy.

- **Delete policy H4**

Policy H5

Policy H5 requires a Sustainability Statement to be provided with any planning application for ten or more dwellings. This provides for clarity, can easily form part of a Design and Access Statement and contributes to the achievement of sustainable development. Policy H5 meets the Basic Conditions.

Policy H6

Policy H6 states that the Parish Council will promote opportunities for residents to improve energy efficiency. This is an aim rather than a land use planning policy.

- **Replace Policy H6 heading with “*Housing Aim.*”**

For clarity, the proposed policy would be deleted as a result of this modification, it would be replaced with an Aim.

Policy H7

Policy H7 seeks to minimise the visual impact of solar and PV panels. It meets with national and local policy, which together protect local character, and contributes to the achievement of sustainable development. However, not all such panels require planning permission. Furthermore, the policy, as worded, only applies to houses and could usefully be extended to include other buildings. I recommend:

- **Begin Policy H7 “Where planning permission is required, roof mounted...”**
- **Change second sentence to “This applies to panels on new buildings as well as retrofitted panels.”**

Policy H8

Policy H8 requires Design and Access statements accompanying planning applications to demonstrate how proposals fit in with the specific characteristics of the Character Area in which they are located. Character Areas are clearly set out in Appendix B. This policy has regard to national policy and is in general conformity with local strategic policy, which together, support development in keeping with local character.

Further to the above, I find that the provisions of policy H8 ensure that prospective applicants pay specific regard to the characteristics of the Character Area in which their proposals are located. This emphasises the importance of good design in the Neighbourhood Area and as such, contributes to the achievement of sustainable development.

Policy H8 meets the Basic Conditions.

Policy H9

Policy H9 states that proposals that reinforce positive characteristics of Character Areas will be permitted, subject to other policies; and that proposals that do not, will be resisted. In this regard, I find that policy H9 reinforces policy H8 and affords the Neighbourhood Plan a strong design focus, based on local character. I consider this to comprise a significant strength of the Neighbourhood Plan. This part of policy H9 meets the Basic Conditions.

However, part of policy H9 effectively repeats the Design and Access reference in policy H8 and is unnecessary. Furthermore, another part of policy H9 seeks to impose a requirement on proposals not subject to Design and Access Statements. This would fail to have regard to national policy, which requires supporting information to be proportionate to the nature and scale of development proposals. I recommend:

- **Delete the middle part of Policy H9 from “This must be...” to “...in which it is located.”**

Subject to the above modification, Policy H9 meets the Basic Conditions.

Policies H10 and H11

Policy H10 seeks to impose a requirement that would fail to have regard to national policy, whereby it would demand the provision of supporting information not proportional to the nature and scale of proposals. Policy H11 simply repeats Policy H8 and comprises unnecessary duplication.

- **Delete Policies H10 and H11.**
- **Delete Para 6.11.**

Policy H12

Policy H12 requires refurbishments and extensions to maintain and enhance the design, character and quality of the host property. In this regard, I am mindful that refurbishment often does not require planning permission. Furthermore, a requirement for all extensions to enhance the appearance of the host property in all cases would comprise a significantly more stringent test than that required by national or local policy. However, the aims of the policy are clear and subject to modifications, can ensure that development has regard to national policy and is in general conformity with local strategic policy, by safeguarding local character. I recommend:

- **Change policy H12 to begin “*Where planning permission is required, alterations and/or extensions to existing residential properties should maintain or enhance...*”**

Open Space

Policy O1

Policy O1 seeks to prevent the change of use of open space other than in exceptional circumstances. In stating that open space will be protected, I consider that Policy O1 is unclear – it is not apparent whether open spaces, or their use would be protected. Deletion of the first line of the policy would add to clarity.

As worded, policy O1 is significantly more stringent than – and therefore does not have regard to – national policy. There is no national requirement for re-provided open space to be of a higher quality than that which it is re-providing for. Furthermore, there is no evidence to demonstrate how such re-provision would be tested.

However, subject to the recommended modifications below, policy O1 contributes to the achievement of sustainable development by protecting the environment and supporting healthy communities.

- **Delete first sentence. Add “...open space, identified in Figure 7.1, to any...” to second sentence.**
- **Delete “...and is of higher quality.”**

Policy O2

Policy O2 identifies, through reference to Figures 7.2 and 7.3, four areas of Local Green Space. The supporting text provides detailed information pertaining to why these areas are important to the local community. In this regard, I am mindful that the Neighbourhood Plan has undergone significant consultation.

The identification of Local Green Space has regard to national policy, which allows Neighbourhood Plans to protect green spaces important to local communities. Policy O2 contributes to the achievement of sustainable development by protecting the environment. Subject to the recommended modifications below, Policy O2 meets the Basic Conditions.

Part of the Local Green Space at Mill Meadow is in the Green Belt. Additional protection as a Local Green Space would comprise unnecessary duplication. Some of the areas designated as Local Green Space comprise roadside verges. Whilst it was clear to me during my site visit that the majority of these enhance the character of the area, it was unclear to me whether any of the areas allocated may be required in the future for highway reasons.

The second part of policy O2 states that infrastructure, including telecommunications infrastructure, will be resisted in Local Green Spaces. This fails to have regard to national policy, which states that a ban should not be imposed on new telecommunications equipment in certain areas.

The plans showing the areas of local green space are at a scale whereby detailed boundaries are not clear.

Further to consideration of the above matters, I recommend the following modifications:

- **Delete the second sentence of Policy O2.**
- **Remove that part of the Mill Meadow Local Green Space already within the Green Belt.**
- **Liaise with the local highway authority and confirm that those areas comprising local highway authority land are not required or protected for future highways purposes but can appropriately form part of Local Green Space. Where highway land is required/protected for future use, this should not be included as Local Green Space.**

- **Provide detailed, definitive boundary plans for each Local Green Space.**

Policy O3

Policy O3 identifies green character areas, largely at road junctions and verges and states that these will be protected and enhanced. No evidence is provided to demonstrate that these areas are under the control of the Parish Council or that they can be protected and enhanced. Consequently, there is nothing to demonstrate that the policy is implementable, and I find that it fails to have regard to national policy.

However, rather than lose sight of the intention of the policy, I recommend the following:

- **Replace Policy O3 heading with “*Open Space Aim.*”**
- **Begin second sentence, “*Where possible and appropriate, the Parish Council will liaise with the local highway authority and where possible, seek to protect and enhance these areas through...*”**
- **Delete second bullet point, re: infrastructure.**

For confirmation, the modifications will result in the policy being deleted and substituted with an Aim.

Policies O4 and O5

These policies seek a review of the AONB boundary and promote the development of a strategy for protection of the River Misbourne Regeneration Zone. They do not comprise land use planning policies.

- **Replace Policy O4 and O5 headings with “*Open Space Aim.*”**

For clarity, the proposed policy would be deleted as a result of this modification, it would be replaced with an Aim.

Leisure, Community and Health

Policy LC1

Policy LC1 sets out an aim to support sports and community facilities. It comprises an aim, not a land use planning policy. I recommend the following modification:

- **Replace Policy LC1 heading with “*Leisure, Community and Health Aim.*”**

For clarity, the proposed policy would be deleted as a result of this modification, it would be replaced with an Aim.

Policy LC2

Policy LC2 simply comprises duplication of national policy and local strategic policy set out in Chalfont Core Strategy policies CS28 and CS29. However, the supporting text in para 8.1 provides helpful information and should be retained. I recommend the following modification:

- **Delete Policy LC2**

Policy LC3

Policy LC3 seeks to protect existing community facilities. However, the policy wording is unclear as it states that land and buildings will simply be protected, without reference to their use. As drafted, its lack of clarity means that it fails to meet the Basic Conditions. Subject to the re-wording below, policy LC3 can contribute to the achievement of sustainable development, by supporting strong, healthy and vibrant communities.

- **Re-word Policy LC3 to read “*Proposals to change the use of the land and buildings identified in Table 8.1 and Figure 8.1 will be resisted.*”**

Table 8.1 contains a reference to 27, Winkers Farm Country Club. Evidence has been provided to demonstrate that this is a private facility, rather than a community facility. It is not shown on Figure 8.1.

- **Remove reference to 27, Winkers Farm Country Club from Table 8.1**

Figure 8.1 appears to contain errors. For example, during my site visit I observed that the Football Club is some considerable distance away from the designation on Figure 8.1; and the hospital site is not designated as a health facility.

- **Check Figure 8.1 to ensure that each designation is correct and amend, where necessary.**

Policy LC4 and LC5

Policies LC4 and LC5 comprise aims rather than an implementable land use policies. I recommend the following modifications:

- **Replace each of the Policy LC4 and Policy LC5 headings with “*Leisure, Community and Health Aim.*”**

For clarity, the proposed policy would be deleted as a result of this modification, it would be replaced with an Aim.

Policies LC6 and LC7

These policies support the retention of existing and the provision of new healthcare facilities. Policy LC6 refers to resisting the loss, removal or degradation of existing services. I consider that, as worded, policy LC6 fails to have regard to the national policy requirement for flexibility. However, this could be addressed by referring to the scope for the replacement of healthcare facilities.

Subject to the proposed modification below, policy LC6 and LC7 have regard to national policy and contribute to the achievement of sustainable development.

- **Change wording of Policy LC6 to read “Retention of, improvements to, replacement and expansion of existing healthcare facilities will be supported. Loss, removal or degradation of existing healthcare facilities will be resisted unless it can be demonstrated that the replacement provision meets identified healthcare needs.”**

Mobile Phone Masts

Policy MP1

Policy MP1 seeks to minimise the visual impact of mobile phone masts. Helpfully, it suggests – but does not limit development to – three locations within the Neighbourhood Area. Policy MP1 has regard to national policy, which supports the provision of high quality communications infrastructure, whilst recognising the aim of protecting local character.

Policy MP1 meets the Basic Conditions.

Policy MP2

Policy MP2 encourages the sharing of telecommunications masts. However, it states that this will only be where the proposal does not adversely affect local character. In some instances, there may be an adverse impact on local character that is not so great as to be outweighed by other factors – such as the necessary provision of telecommunications infrastructure. Subject to the recommended modification below, to address this point, Policy MP2 has regard to national policy and contributes to the achievement of sustainable development by providing infrastructure and services whilst protecting the environment.

- **Change wording of Policy MP2 to read “ ...proposed changes do not result in unacceptable harm to the character of the area.”**

As worded, para 9.2 does not make any sense. I recommend the following modification:

- **Para 9.2, re-word to read “Where a new ground based mast is proposed, operators submitting an application must provide evidence that sharing an existing mast is not possible.”**

Policy MP3

Policy MP3 requires phone masts and equipment to be designed to minimise visual impact. This has regard to national policy, which promotes the sympathetic design and camouflaging of equipment. It meets the Basic Conditions.

Parish Wide Issues

PWI1

Figure 10.1 shows what are described as sixteen Local Heritage Assets, listed in a Table on page 41. However, the designation is far from clear, showing only the general location of the proposed buildings and including references such as “Lower Road” and “Austenwood Lane.” Consequently, the policy is unclear and fails to have regard to national policy.

Notwithstanding the above point, Policy PWI1 states that the buildings identified in Figure 10.1 are assets of heritage value, although it is not clear why this is the case. The policy requires applications for alterations or extensions to the buildings to include a statement demonstrating how such changes will preserve or enhance the character of the buildings. However, without clear reference to what the character of the buildings is – or indeed exactly where the buildings are – the approach fails to have regard to national policy, which requires policies to provide a clear indication of what will or will not be permitted and where. It does not meet the Basic Conditions.

However, I understand the aims behind the approach and it would be unfortunate to lose sight of a general aspiration to conserve or enhance local character. Taking all of this into account, I recommend the following modifications:

- **Replace Policy PWI1 heading with “Parish-Wide Issues Aim.”**
- **Change wording of second sentence to read “The Parish Council will seek to establish a local list of non-designated heritage assets. Once established, the Parish Council will liaise with Chiltern District Council with the aim of requiring applications for changes or extensions to non-designated heritage assets to include a statement demonstrating how the proposals will conserve or enhance the character of the assets. An indicative list of the location of proposed non designated heritage assets is shown on the Table below.”**
- **Either confirm that the Table and Figure 10.1 are indicative only and comprise work in progress, or provide sufficient detail to identify each individual non designated heritage asset.**

PWI2

PWI2 comprises an aim not a land use planning policy and I consider that the aim is covered by the proposed modification to PWI1.

- **Delete Policy PWI2**

PWI3

PWI3 allocates new Locally Important Landscape Areas and states that development that does not conserve and enhance the high scenic quality of the landscape will be refused, subject only to exceptional circumstances.

With regards policy PWI3 I am mindful of Chiltern District Council's comment that the areas referred to were removed from the Local Plan, as there was no specific evidence that the land in question had a specific landscape character that should be protected. Furthermore, I am conscious that the areas are already protected by Green Belt.

There is no detailed information setting out the specific landscape character of the areas allocated in policy PWI3. Similarly, there is nothing to demonstrate that the allocated area is not adequately protected by Green Belt. In the absence of this detailed information, I struggle to understand how policy PWI3 can provide a clear indication of what will or will not be permitted within the allocated area. It fails to meet the Basic Conditions in this regard.

In addition to the above, I am mindful that policy PWI3 appears to set an exceptionally high barrier to development by requiring it to conserve and enhance a high scenic quality. Not only would a requirement to conserve *and* enhance a landscape set a particularly high hurdle, the high scenic quality itself is not defined in any substantive detail, meaning that the policy would provide little clarity or guidance for prospective applicants.

Given the absence of justification or evidence, and the lack of clarity, it appears to me that, whatever the overall intentions of policy PWI3, there are no modifications that I can propose that would result in it having regard to national policy and meeting the Basic Conditions.

- **Delete Policy PWI3**

PWI4

PWI4 identifies a view corridor and requires proposals "that could affect key views" within the corridor to submit a landscape and visual impact assessment.

This is a vague policy. The protected key views corridor covers a substantial part of Chalfont St Peter, but the policy provides inadequate detail as to exactly where

development proposals “could affect key views.” From my site visit it was apparent to me that some of the areas within the view corridor benefited from few if any distant views and that other areas had widely differing views. In addition, the environments within the view corridor varied significantly. I am also mindful that the key views are not defined in any detail and there is nothing to set out how “a positive contribution to green character” will be measured.

Taking all of the above into account, I find that the proposal would fail to have regard to national policy, which requires plans to provide a clear indication of what will or will not be permitted within the allocated area.

Further to the above, I note that policy PWI4 requires the submission of a landscape and visual impact assessment for any proposal that could affect key views. Given the absence of clarity, I find that this may place an undue burden on development proposals, requiring the provision of information that may be irrelevant, unnecessary, or not material to the application in question. This would be contrary to national guidance.

- **Delete Policy PWI4 and supporting text.**

Policy PWI5

Policy PWI5 supports the creation of new employment opportunities within the rural area. This has regard to national policy, which promotes rural diversification and meets the Basic Conditions.

Policy PWI6

Policy PWI6 provides for additional plots for travellers at The Orchards. This has regard to the approach of planning positively as set out in national policy. It contributes to the achievement of sustainable development, by providing for the community’s needs. Whilst I note that a representation has been received suggesting that the Neighbourhood Plan should provide for more plots for travellers, there is no adopted local strategic policy that requires this and notably, the policy does not seek to prevent applications for other plots.

Policy PWI6 meets the Basic Conditions.

8. Summary

Subject to the recommended modifications, the Chalfont St Peter 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 Chalfont St Peter 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 Chiltern District Council that, subject to the modifications proposed, the **Chalfont St Peter 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 Chalfont St Peter 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 Chalfont St Peter Neighbourhood Area as approved by Chiltern District Council on 12 November 2012.

Nigel McGurk, June 2014

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