

# **Nash Neighbourhood Development Plan 2018-2033**

**A report to Buckinghamshire Council on the Nash  
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 May 2022 to carry out the independent examination of the Nash Neighbourhood Plan.
- 2 The examination was undertaken by way of written representations. I visited the neighbourhood area on 28 May 2022.
- 3 The Plan 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 three 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 Nash in particular. The second is a bespoke policy for proposed development in the two conservation areas. The third is the proposed identification of a series of Important Views.
- 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**  
**18 August 2022**

## **1 Introduction**

- 1.1 This report sets out the findings of the independent examination of the Nash Neighbourhood Development Plan 2018-2033 ('the Plan').
- 1.2 The Plan was submitted to Buckinghamshire Council (BC) by Nash Parish Council (NPC) in its capacity as the qualifying body responsible for preparing the neighbourhood plan. The neighbourhood area was designated in 2016 by the former 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 attractive character within the wider landscape.
- 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 NPC, to conduct the examination of the Plan and to prepare this report. I am independent of both BC and NPC. 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 AVDC SEA/HRA Screening report (May 2018).
- the representations made to the Plan.
- NPC's responses to the clarification note.
- BC's response 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 28 May 2022. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular.

3.3 The NPPF was revised in July 2021 at the time that the Plan was being finalised and submitted. The Basic Conditions Statement refers to the adopted Local Plan whereas the references in the Plan itself are to the former Aylesbury Vale District Local Plan (2004). Where necessary, I comment on the update 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 made to the submitted plan, 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, NPC prepared a Consultation Statement. It is proportionate to the neighbourhood area and the policies in the Plan. 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 (December 2018 to February 2019). It 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 survey of local residents (Summer 2016);
  - the workshop in the Village Hall (April 2017);
  - the public meeting in the Village Hall (January 2018); and
  - the meetings with the former AVDC.
- 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 have concluded 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 7 April 2022. This exercise generated representations from the following organisations:
- Natural England
  - Historic England
  - Buckinghamshire Council
  - John Wickson and Susan Raven

- 4.7 Comments were also received from a local resident.
- 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 Nash. Its population in 2011 was 417 persons living in 165 households. It is generally situated in the northern part of the Vale of Aylesbury, and is approximately nine miles west of Bletchley and close to the county boundary with Milton Keynes. It was designated as a neighbourhood area on 6 June 2016.
- 5.2 Nash was historically made up of a number of dispersed hamlets. The village originally had two distinct ends, separated by agricultural land. The edges of these distinct settlements have become blurred by later development but remain fundamentally important to the historic character of the neighbourhood area. They are reflected in the designation of three separate conservation areas within the village.
- 5.3 The remainder of the neighbourhood area is attractive rolling countryside. The village sits in a landscape which slopes gently down from the south east to the north west in the wider attractive landscape of the Vale of Aylesbury.

### *Development Plan Context*

- 5.4 The development plan for the neighbourhood area is well-developed and up-to-date. The Vale of Aylesbury Local Plan 2013 to 2033 (VALP) was adopted in September 2021.
- 5.5 Policy S2 (Spatial Strategy for growth) of the VALP 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. Nash is identified as one as one of a series of smaller villages. The smaller villages are identified as smaller, less sustainable villages which have relatively poor access to services and facilities. It is expected that some small-scale development could be accommodated at smaller villages without causing unreasonable harm. The VALP also expects this level of development to help maintain existing communities. The policy anticipates that sites at smaller villages will come forward either through neighbourhood plans or by individual 'windfall' planning applications. As such the VALP does not include any site allocations in the 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, 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. Policy D4 then provides specific guidance for housing development in smaller villages. The supporting text associated



with that policy highlights the particular emphasis that will be given to the role of local communities in identifying how best to meet their own development needs through neighbourhood plans.

5.7 In addition to these policies, 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
- C1 Conversion of rural buildings

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 28 May 2022. I approached it from the A421. This helped me to understand its position in the wider landscape in general and its accessibility to the strategic road network in particular.

5.10 I saw the attractiveness and layout of the village and its historic assets. I took time to look at a selection of the identified Important Views. I also looked at the proposed Settlement Boundaries.

## 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 Nash 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 and to ensure that the relationship between the village and the surrounding countryside is safeguarded.
- 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 is reinforced in 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 sustainable development in the parish. 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 (Policy NNP1) and for employment uses (Policy NNP8). In the social role, it includes a policy on the footpath and bridleways network (Policy NNP6). In the environmental dimension, the Plan positively seeks to protect its natural, built and historic environment. It includes a policy on design in the conservation areas (Policy NNP3). 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, the former AVDC undertook a screening exercise in May 2018 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. As such, it concludes that a full SEA is not needed.

### *Habitats Regulations Assessment*

- 6.15 The screening assessment also addressed the Habitats Regulations Assessment of the Plan at the same time. It identifies that there are no Special Areas of Conservation. As such, the Assessment 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.
- 6.16 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*

- 6.17 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*

- 6.18 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 NPC 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 Infrastructure Improvements after the policies.
- 7.5 I have addressed the policies in the order that they appear in the submitted Plan. The Projects 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 and maps. It is clear that the Plan has been prepared with much attention to detail and local pride.
- 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/Background 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. The submitted version of the Plan indicates that it was prepared in May 2021. On this basis some of the information in its initial sections are now out of date. This particularly applies to the details about the planning policy context within which the Plan has been prepared. In addition, the front cover of the Plan continues to include details and dates from the pre-submission version of the Plan. I recommend a series of modifications later in this report (in paragraph 7.59) to remedy these matters.
- 7.10 Section 2 provides information about the neighbourhood area. It includes interesting and comprehensive details which help to set the scene for the eventual policies. In addition, it includes a good map showing the relative positions of the three separate conservation areas in the village.

- 7.11 Section 3 comments about national and local planning policies which were in place at the time that the Plan was finalised before submission. As I comment generally in paragraph 7.9 of this report the saved policies of the Aylesbury Vale Local Plan have now been replaced by the adoption of the VALP. Where it is necessary to do, so I refer to the most recent planning policies in this report.
- 7.12 Section 4 comments about the community's views about the planning process. In particular, it highlights that the community has expressed an on-going view that new development should be incremental rather than large-scale nature.
- 7.13 Section 5 sets out the vision, aims, key issues and objectives for the Plan. It makes a strong functional relationship between the various issues and which, in several cases, feed directly into the resulting policies. The opening paragraph of the Vision neatly summarises the approach taken as follows:

*'By 2033, Nash will have built on its history and unique legacy to remain a socially-cohesive and economically-thriving community, in an attractive countryside setting, where farming and rural activities continue in tandem with residential development'*

- 7.14 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.

The format of the policies

- 7.15 The Plan comments that each policy is shown in bold italics and that, where necessary, the area to which it will apply is shown on the Policies Map. In addition, it highlights that after each policy relevant supporting text that explains the purpose of the policy, how it will be applied and how it relates to other development plan policies.
- 7.16 In principle the approach taken is very appropriate. However, the approach indicated is applied inconsistently throughout the Plan. In particular, the distinction between policy and supporting text is not pursued in some policies and in some cases policy and supporting text is conflated. In order to remedy this issue, I recommend modifications to the policies and the supporting text so that the distinction between the two is clear. This is done on a policy-by-policy basis. I will not repeat this explanation for each policy.
- 7.17 I also recommend that the modified policies are positioned within policy boxes so that they are visually distinctive within the wider context of the Plan.

*Include the modified policies in shaded policy boxes.*

Policy NNP1: Nash Settlement Boundary

- 7.18 This policy identifies a settlement boundary for Nash. Within this broader context the policy establishes a spatial strategy for the parish within which new development would be focused within the settlement boundary.
- 7.19 I am satisfied that this approach meets the basic conditions. In particular it will ensure that any new development is in a sustainable location with good access to the existing community facilities within the village. In addition, I am satisfied that the defined

settlement boundary has been appropriately defined. It responds sensitively to the character and layout of the existing built-up parts of the village.

- 7.20 In reaching this conclusion, I have taken account of the representation to the Plan made by John Wickson and Susan Raven and NPC's comments on the matter in its response to the clarification note. I also looked carefully at the parcel of land concerned from All Saints Close. Based on the nature and the configuration of the site and its planning history, I am satisfied that NPC has reached an informed decision on the matter. In any event, during the examination an appeal against BC's refusal of a recent planning application for residential development on the site was dismissed (APP/J0405/W/21/3284696). The Inspector concluded that 'the proposed development would have an urbanising effect adversely affecting the linear form of the village. Having regard to the open landscape character of the site, it would not form part of its developed footprint'.
- 7.21 I recommend that the policy is reconfigured as set out in paragraph 7.16 of this report. I also recommend detailed modification to the wording used so that the policy has the clarity required by the NPPF. I also recommend the deletion of repetitive elements within the policy.
- 7.22 I recommend modifications to the supporting text both to bring the clarity required by the NPPF and to reflect the recent adoption of the VALP. In particular I recommend that the reference to the size of development which will be supported in paragraph 5.9 of the Plan is modified to take account of the relevant detail on this matter in Policy D4 of the VALP.
- 7.23 Otherwise, the policy meets the basic conditions. It will contribute towards the delivery of sustainable development by concentrating new development within the wider parish in the settlement boundary.

**Replace the policy with:**

**'The Neighbourhood Plan defines a Nash Settlement Boundary, as shown on the Policies Maps in Annexe 3.**

**Proposals for small scale development within the Boundary will be supported, provided they accord with the design and development management policies of this Plan and the adopted Local Plan.**

**Development proposals on land outside the Settlement Boundary will not be supported other than for:**

- **rural housing exception schemes; or**
- **uses that are suited to a countryside location such as appropriate leisure and recreational uses; or**
- **community right-to-build schemes; or**
- **the re-use of redundant or disused buildings to promote the development and diversification of agricultural and other land-based rural businesses, including meeting the essential need for a rural worker; or**
- **the sensitive re-use of redundant or disused buildings; or**

- **other proposals which are consistent with development plan policies relating to the historic environment, heritage assets, landscape character and protecting the natural environment.'**

*Retain paragraphs 5.7 to 5.10 of the Plan as supporting text with the following modifications:*

*At the beginning of paragraph 5.7 add: 'This policy sets out a spatial strategy for the parish. Its approach is to focus new development within the defined settlement boundary. It is in general conformity with VALP Policy D4 - Housing Development at smaller village'*

*Delete the second sentence of paragraph 5.7.*

*In the third sentence of paragraph 5.7 delete 'emerging'*

*In paragraph 5.8 replace the first sentence with: 'Nash occupies a relatively isolated rural location beyond Whaddon Chase and sits within an open landscape that gives it a pronounced rural character.'*

*In paragraph 5.9 replace the two uses of 'must' with 'should'*

*In paragraph 5.9 delete the reference to housing numbers in brackets. At the end of paragraph 5.9 add: 'Development proposals for new residential development will be determined on their individual merits. However, as a general guide Policy D4 of the VALP anticipates that small scale development would be of five dwellings or fewer.'*

Policy NNP2: Housing Development

- 7.24 This policy supplements the approach taken in Policy NNP1. In this case it has a specific focus on residential development. It comments that proposals for residential development should be of high-quality design and incorporate good standard of amenity for all existing and future occupants. It is primarily a criteria-based policy. I am satisfied that the criteria have been carefully chosen and are distinctive to the parish.
- 7.25 In general terms the policy sets out a carefully-considered approach to achieve high quality housing development which reflects local vernacular details. It is a good local response to the details of Section 12 of the NPPF.
- 7.26 I recommend that the policy is reconfigured as set out in paragraph 7.16 of this report. I also recommend detailed modification to the wording used so that the policy has the clarity required by the NPPF.
- 7.27 I recommend that the approach taken in the policy is modified so that the policy can be applied on a proportionate basis. Plainly different development proposals will be affected in their own ways by the criteria included in the policy.
- 7.28 In addition I recommend modifications to the supporting text both to bring the clarity required by the NPPF and to reflect the recent adoption of the VALP.



- 7.29 Otherwise, the policy meets the basic conditions. It will contribute towards the delivery of the environmental dimension of sustainable development by promoting high-quality development.

**Replace the policy with:**

**‘Proposals for residential development should be of high-quality design and incorporate good standard of amenity for all existing and future occupants.**

**As appropriate to their scale, nature and location, proposals should respond positively to the following design and layout criteria:**

- 1. Their scale, density, height, massing, landscape design, layout and materials, including alterations to existing buildings, should make clear that they have understood and reflected the character and scale of the surrounding buildings, the local vernacular architecture and distinctive local landscape features;**
- 2. Where it is practicable to do so, proposals should include the planting of trees and/or hedges and the provision of private amenity space to the front and/or rear;**
- 3. Proposals should make provision for off-street car parking spaces in accordance with adopted standards, unless a clear case can be made for why the proposal will result in fewer spaces being required;**
- 4. Parking spaces should use permeable surfaces to allow for rainwater absorption and to maintain a rural character to the street scene;**
- 5. Proposals should identify out how they have considered housing mix, the energy efficiency of the scheme, the use of sustainable drainage measures and the provision of superfast broadband access infrastructure; and**
- 6. Proposals should respond positively to the historic environment and heritage assets in the area.**

*Retain paragraphs 5.11 to 5.15 of the Plan as supporting text with the following modifications:*

*In 5.12 replace ‘currently proposed’ with ‘adopted’*

*In 5.15 replace ‘are preferred to’ with ‘will’ and ‘is not desired’ with ‘will not be appropriate’*

**Policy NNP3: Design in the Conservation Area**

- 7.30 This policy sets out bespoke design guidance for new development within the three conservation areas in the parish. Their locations reflect the layout of the village itself. A conservation area in the village was initially designated in 1999. In 2007 boundary changes to the conservation area created three separate Conservation Areas within Nash village (Town’s End: The Hill and Stratford Road /Wood End).

- 7.31 I looked at the three conservation areas carefully during the visit.

- 7.32 The policy comments that development proposals in the conservation areas and/or their settings should respond positively to a series of design principles. The principles have been carefully-chosen and are distinctive to the parish and the three conservation areas. I am satisfied that this approach generally meets the basic conditions. In particular it will ensure that any new development in the conservation areas preserves or enhances their architectural and historic character.
- 7.33 I recommend that the policy is reconfigured as set out in paragraph 7.16 of this report. I also recommend detailed modification to the wording used so that the policy has the clarity required by the NPPF.
- 7.34 I also recommend modifications to the supporting text to draw attention to the excellent guidance on the character of the conservation areas in the Nash Conservation Area Review/Character Assessment. I also recommend that the policy refers to the 'setting' of the various conservation areas rather than to 'the locale' of the conservation areas as included in the submitted policy. Whilst the setting of any conservation area will be a matter of BC's local judgement, that language overlaps with that in national policy whereas 'the locale' of the conservation areas is a more nebulous concept.
- 7.35 Otherwise, the policy meets the basic conditions. It will contribute towards the delivery of the environmental and social dimensions of sustainable development by safeguarding the character of the three conservation areas.

**Replace the policy with:**

**'Development proposals in the conservation areas and/or their settings should respond positively to the following design principles:**

- 1. Proposals should be sympathetic to the surrounding buildings, environment and vernacular architecture giving due consideration to existing roofs, walls, windows, boundary treatments and use appropriate materials;**
- 2. Proposals should demonstrate how the design of the proposals has sought to retain or enhance positive features of the existing area;**
- 3. New buildings should be of a scale, size, colour and proportions which complement the character of existing traditional buildings in the conservation area concerned. Where they are appropriate within the overall design and layout modern, replacement and/or new build materials should visually complement those on the building concerned and within the immediate environment; and**
- 4. Any proposals for alterations or modernisation of retail or other commercial buildings, and in particular on the High Street, should reflect their heritage, retain any existing traditional frontages and ensure that the installation of any modern infrastructure is achieved in an unobtrusive and sensitive fashion to the host building'**

*Retain paragraphs 5.16 to 5.17 of the Plan as supporting text with the following modifications:*

*In paragraph 5.17 third sentence add '(2007)' after 'Appraisal'. After the third sentence add an additional sentence to read:*

*'This Appraisal should be used in designing development proposals in the three conservation areas to ensure that they meet the four criteria included in Policy NNP3'*

Policy NNP4: Important Views and Vistas

- 7.36 This policy identifies a series of important views and vistas. The views are derived from the 2007 Nash Conservation Area Appraisal and from additional work carried out as part of the preparation of the Plan. I looked carefully at the views during the visit. It was clear that they are an important part of the character of the wider parish. The policy has been carefully designed so that it would operate a non-prescriptive way. It does not prevent development coming forward but requires that it responds positively to the identified views and vistas.
- 7.37 I looked carefully at the views during the visit. It was clear that they are an important part of the character of the wider parish.
- 7.38 I am satisfied that this approach generally meets the basic conditions. In particular it will ensure that any new development is appropriately incorporated into the wider landscape setting of the village.
- 7.39 I recommend that the policy is reconfigured as set out in paragraph 7.16 of this report. I also recommend detailed modification to the wording used so that the policy has the clarity required by the NPPF and relates to the development management process. Otherwise, the policy meets the basic conditions. It will contribute towards the delivery of the environmental dimension of sustainable development by safeguarding the identified important views.

**Replace the policy with:**

**'The Plan identifies a series of Important Views and Vistas are defined as shown on the Policies Map.**

**The design, scale and layout of development proposals should respond positively to the Important Views and Vistas.**

**Proposals that would have an unacceptable impact on the value which an important view or vista makes to the special character of the village and its surrounding landscape, will not be supported.'**

*Retain paragraphs 5.18 to 5.19 of the Plan as supporting text.*

Policy NNP5: Landscape

- 7.40 This policy reflects the setting of both the parish and the village itself within its surrounding agricultural landscape. It comments that the neighbourhood plan will

protect and enhance the rich landscape features and fundamental characteristics of the village. The policy is helpfully non-prescriptive.

- 7.41 I am satisfied that this approach generally meets the basic conditions. In particular, it will ensure that any new development is appropriately incorporated into the wider landscape setting of the village.
- 7.42 I recommend that the policy is reconfigured as set out in paragraph 7.16 of this report. I also recommend detailed modification to the wording used so that the policy has the clarity required by the NPPF. In particular I recommend that the wording is modified so that the policy is more closely related to the development management process rather than a general comment about how the Plan will protect and enhance the landscape. Finally, I recommend that the reference to 'enhance' is applied only where such an approach would be practicable. Plainly this will not always be the case.

**Replace the policy with:**

**'Development proposals should protect and where practicable enhance the rich landscape features and fundamental characteristics of village'**

*Retain paragraphs 5.20 to 5.21 of the Plan as supporting text with the following modifications:*

*In 5.20 replace the opening three words with: 'Policy NN5 reflects the setting of both the parish and the village itself within its surrounding agricultural landscape. It has been designed to ensure that any new development is appropriately incorporated into the wider landscape setting of the village. The following landscape features are particularly important in the parish.'*

**Policy NNP6: Footpath and Bridleway Network**

- 7.43 This policy celebrates the integrity and importance of the footpath and bridleway network in the parish. I saw its significance during the visit. It identifies a network which it seeks to ensure that is retained by development proposals. It also offers support for extensions/improvements to the network.
- 7.44 I am satisfied that this approach generally meets the basic conditions. In particular, it will ensure that any new development is appropriately incorporated into the wider landscape setting of the village.
- 7.45 I recommend that the policy is reconfigured as set out in paragraph 7.16 of this report. I also recommend detailed modification to the wording used so that the policy has the clarity required by the NPPF. This includes an acknowledgement that not all such proposals will need planning permission. Finally, I correct the numbering sequence in the supporting text. Otherwise, the policy meets the basic conditions. It will contribute towards the delivery of the social dimension of sustainable development by safeguarding the footpath and bridleway network.

**Replace the policy with:**

**‘The Plan identifies a Footpath & Bridleway Network as shown on the Policies Map.**

**Development proposals that incorporate or adjoin the identified Network should maintain and where practicable enhance its functionality.**

**Insofar as planning permission is required, proposals to extend the identified Network will be supported, where they avoid or minimise the loss of mature trees and hedgerows, and are consistent with a rural location.**

**Proposals which would involve the loss, reduction or diversion of existing footpaths will not be supported.’**

*Retain paragraphs 5.23 and 5.24 of the Plan as supporting text with the following modifications:*

*Change paragraph numbers 5.23 to 5.22 and 5.24 to 5.23.*

*Add a new 5.24 to read:*

*‘When a path meets an estate road and the way forward is not immediately clear, the route can lose its identity and become difficult to follow. As such, staggered junctions should be avoided or be slight enough to enable users to see the continuation of the path ahead. The re-routing of a path along footways, or its extinguishment, should be avoided on all but the very smallest of development sites where there is no scope to provide a separate route. A right of way routed through public open space can be overlooked, yet can frequently be one of the easiest to use. In the case of public bridleways, special care should be taken in the design of the alternative route in order to prevent use by motor vehicles, whilst ensuring their use by horse riders and cyclists. The County Council can recommend suitable designs for such prevention measures.’*

Policy NNP7: Biodiversity

- 7.46 This policy seeks to safeguard the biodiversity in the parish. Nash is located within the Whaddon Chase Biodiversity Opportunity Area and is surrounded by farmland and woodland. This context largely defines the ecological and biodiversity significance of the parish. The policy comments that development proposals should protect and enhance biodiversity features.
- 7.47 In general terms, the policy takes an appropriate response to this important matter. However, I recommend that the policy is reconfigured as set out in paragraph 7.16 of this report. I also recommend detailed modification to the wording used so that the policy has the clarity required by the NPPF.
- 7.48 I recommend that the approach taken in the policy is modified so that the policy can be applied on a proportionate basis. Plainly different development proposals will be affected in their own ways by the criteria included in the policy. Finally, I recommend modifications to the supporting text to remedy issues with the numbering sequence in the submitted Plan.

**Replace the policy with:**

**‘As appropriate to their scale, nature and location, development proposals should protect and where practicable enhance biodiversity features.’**

*Retain paragraphs 5.25 to 5.27 of the Plan as supporting text.*

*Merge paragraphs 5.28, the second 5.28 and the second 5.27 into a single paragraph numbered 5.28.*

Policy NNP8: Employment

- 7.49 This policy seeks to encourage further changes in the relationship between home and work. The policy also acknowledges that working from home can invigorate the life of the village as less people would leave to work elsewhere.
- 7.50 I recommend that the policy is reconfigured as set out in paragraph 7.16 of this report. I also recommend detailed modification to the wording used so that the policy has the clarity required by the NPPF.
- 7.51 In particular I recommend that the wording is modified so that the policy is more closely related to the development management process rather than a general comment about how the Plan will encourage home working. In addition, I recommend that the policy acknowledges that not all such proposals will need planning permission. I recommend a consequential modification to the supporting text on this matter.
- 7.52 Otherwise the policy meets the basic conditions. It will contribute towards the delivery of the economic and social dimensions of sustainable development.

**Replace the policy with:**

**‘Insofar as planning permission is required, development proposals which would enable people to work from home will be supported’**

*Retain paragraphs 5.29 to 5.33 of the Plan as supporting text with the following modifications:*

*At the end of paragraph 5.31 add: ‘Policy NNP 8 acknowledges that not all such proposals will need planning permission. This judgement will be made on a case-by-case basis taking account of the nature of the proposal concerned and whether or not it would represent a material change of use of the property concerned’*

Local Infrastructure Improvements

- 7.53 The Plan includes a package of improvements to local infrastructure. They are non-land use issues which have naturally arisen during the plan-preparation stage. They are included in a separate part of the Plan as advised by national policy. They are as follows:
- bus services including the community bus service;
  - improved pedestrian and cycle links;
  - the maintenance and clearance of existing footpaths;

- improvements to mobile phone signals; and
- boosting the local electricity supply network.

7.54 The improvements have been well-considered. They are distinctive to the neighbourhood area. In some cases, their delivery will complement the land use policies.

#### Monitoring and Review

7.55 Section 6 comment very positively on this important matter. This is best practice.

7.56 It comments that the Plan will be assessed every five years. However, this is done so on a very general basis without any direct reference to other changing events. As such, I recommend that this part of the Plan acknowledges that the emerging Local Plan for Buckinghamshire may have an effect on the relationship between a 'made' neighbourhood plan and the development plan context. This may be a key issue in determining the nature and the timing of any review of the Plan.

*At the end of paragraph 6.1 add: 'In particular the Parish Council will assess the need or otherwise for a review of the Plan once the emerging Local Plan for Buckinghamshire replaces in Vale of Aylesbury Local Plan'*

#### Other Matters – General

7.57 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 NPC 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

7.58 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.

7.59 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. These comments overlap with my own observations about the Plan in paragraph 7.9 of this report. Other matters relate to the more general parts of the Plan. In combination they are as follows:

*Front Cover – change ‘October 2019’ to [include the date on which the Plan was submitted]*

*Front Cover – delete the blue text at the bottom*

*In the Foreword replace ‘including relevant units of the Aylesbury Vale District Council (AVDC) and the Buckinghamshire County Council (BCC)’ with ‘including relevant units of the former Aylesbury Vale District Council and the recently-formed Buckinghamshire Council.’*

*In the Foreword replace ‘15 November 2018’ with [include the date on which the Plan was submitted]*

*Replace paragraph 1.3 with: ‘The purpose of the Neighbourhood Plan is to set out a series of planning policies that will be used to determine planning applications within the neighbourhood area over the plan period to 2033. The Plan will form part of the development plan for Buckinghamshire Council alongside the adopted Vale of Aylesbury Local Plan’*

*In the third part of paragraph 1.5 replace ‘AVDC’ with ‘Buckinghamshire Council’*

*In paragraph 1.8 insert ‘former’ before ‘District Council’*

*Delete paragraphs 1.9 to 1.11.*

*Replace paragraph 3.1 with: ‘The parish is within Buckinghamshire’*

*In paragraph 3.2 replace ‘2012’ with ‘2021’ and the paragraph numbers quoted as follows:*

- *28 with ‘Sections 2 and 5’*
- *50/58 with ‘Sections 5 and 12’*
- *109 with ‘Sections 14 and 15’*
- *126 with ‘Section 16’*

*Replace paragraphs 3.3 to 3.6 with an equivalent factual description of the up-to-date strategic policy context in the County now that the VALP has been adopted. This should include a brief reference to the emerging Buckinghamshire Local Plan.*

- 7.60 BC also raise a series of other matters (mainly relating to archaeological 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 NPC.



## 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 2033. 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 its heritage assets.
- 8.2 Following the independent examination of the Plan, I have concluded that the Nash 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 Nash 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 6 June 2016.
- 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**  
**18 August 2022**