

Please ask for: David Broadley  
Direct Line: 01296 585866  
Switchboard: 01296 585858  
Text Relay: prefix telephone number with 18001  
Email: [localplanconsult@aylesburyvaledc.gov.uk](mailto:localplanconsult@aylesburyvaledc.gov.uk)  
Our Ref: 03/04/Neighbourhood Planning/Nash



8 February 2019

Sent by email to Mr John Hamilton - Parish Clerk [clerk@nash-bucks-pc.gov.uk](mailto:clerk@nash-bucks-pc.gov.uk)

Dear Mr Hamilton

**Re: Nash Parish Neighbourhood Development Plan – Pre Submission consultation**

This letter sets out AVDC's formal response to the Nash Neighbourhood Development Plan pre-submission consultation. This builds upon the ongoing dialogue between AVDC and Nash Parish Council since the plan started to be developed. The tables overleaf set out comments for each part of the plan and for the supporting evidence. This is a collective response from the relevant officers at AVDC including Development Management (DM), Planning Policy, Design, Landscape, Heritage, Housing and Biodiversity teams.

The Neighbourhood Plan provides policy direction for how the community wish to see Nash develop to 2033. We commend the Neighbourhood Planning Steering Group on the hard work in getting to this stage.

As there has been on going correspondence between AVDC and Nash Parish Council we have been able to address some of the issues at earlier stages in preparing the plan. Nevertheless it will be very important for the Parish Council to work very closely with AVDC in making revisions to the Pre Submission document following this representation period. We have reviewed the plan to ensure it meets the 'basic conditions' but also to help ensure the final adopted plan will be affective when used to help make planning application decisions. Our comments relate to improvements that could be made to strengthen the plan in justification, delivery, clarity, and usability. We hope this will ultimately help the NNP progress through to a successful examination and referendum to then play its part in determining the future development of Nash.

Next Steps for the NNP

As you are aware, the next formal stage is to submit the Neighbourhood Plan to AVDC for a publicity period of at least six weeks. Before doing so it is important that the comments made are addressed, to ensure we can fully support the plan at the Examination stage.

**You may also wish to apply to NPIERS for an independent review of the Neighbourhood Plan before the plan is officially submitted to AVDC.** This is not something which AVDC can do on your behalf because it must be led by the Neighbourhood Planning group but we are happy to help with this process if required. Details of applying for the support can be found here:



<http://www.rics.org/uk/join/member-accreditations-list/dispute-resolution-service/neighbourhood-planning-independent-examiner-referral-service-npiers/>

If you wish to discuss any of the above please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink that reads "David A. Broadley". The signature is written in a cursive style with a small dot at the end.

David Broadley

Senior Planning Policy Officer  
Community Fulfilment

**Appendix -Table of AVDC Comments on the Nash NP Pre Submission documents, November 2018**

**Table 1. comments on the Pre-Submission Plan**

Page	Para	Comment
<b>Document: Pre-submission Plan</b>		
7	1.5	Paragraph 4 this needs to end with “...and appropriate changes will be made in preparation for the <b>Regulation 16 Submission stage.</b> ” This finishes the sentence more clearly and accurately on process.
13	3.3	Second sentence needs changing to: “ <i>The saved policies from 2007 remain in force for determining planning applications although the policies concerned with the supply of housing are out of date and are not given full weight in planning decisions. The particular policies saved and the reasoning for an adopted policy being no longer saved for use in planning decisions is set out in the Direction from Secretary of State on the AVDC website. Of the saved policies, the policies most relevant to this Parish are:</i> ” (continue as drafted)
13	3.4	The first sentence needs to say “The VALP , <b>when</b> adopted”... the Council clearly intends this, albeit we understand there is a formal decision at the end to actually adopt the plan post examination, after receipt of the final Inspector’s Report.  In the second sentence it needs to be stated what is the current version of the VALP at the time of writing. i.e. add a new sentence at the end of the second to say “ <i>At the time of writing the current version of VALP was the VALP Proposed Submission (November 2017)</i> ”
14	3.6	The plan needs to be clearer in line 2 what are the “ <i>environmental designations</i> ” that mean that any significant development will be prevented? This is a strong statement to make in the plan but may not be consistent with the NPPF and it needs to be clarified there needs to be <b>a demonstrable harmful impact from a development and the development considered to be contrary to policy</b> in the development plan. For example a site being in an Area of Attractive Landscape or in a Conservation Area alone is not a way significant development will be prevented – it is potentially harmful impact that will need to be demonstrated. Otherwise there is a danger this paragraph is inconsistent with the NPPF.  On the matter of the remoteness and A sentence could be added into the paragraph to say “ <i>The VALP Proposed Submission categories Nash as a Smaller village, the description of these are “Smaller less sustainable villages which have relatively poor access to services and facilities”. The VALP in Table 2 does not allocate any sites or specify an amount of housing development to come</i> ”

		<i>forward but does say in Table 2 “It is expected that some small scale development could be accommodated at smaller villages without causing unreasonable harm. This level of development is also likely to help maintain existing communities.”</i>
14	3.6	<p>Lines 3-5. Just to be clear, the VALP <u>does</u> make allocations for gypsy and traveller sites and potential pitches – these are set out in Table 4 of the VALP. There are 69 potential pitches on 10 sites. Some of the sites already have permanent or temporary planning permission. The land at Causter Farm site is allocated for 11 pitches and yes it is just outside the parish boundary even though the nearest settlement is Nash.</p> <p>Line 5 of para 3.6 needs clarifying what this means “...<i>there is no provision made in this plan for additional Gypsy and Traveller sites</i>”. In might be better to replace the 3<sup>rd</sup> sentence in this paragraph with:</p> <p><i>“The VALP Proposed Submission plan allocates sites for 69 pitches to meet the Gypsy and Traveller needs for the district and provide a five year supply of deliverable sites. One site is in close proximity to, but outside the parish of Nash – land at Causter Farm. This site already has a planning permission for 11 pitches and this is the same amount that the VALP allocates the site for. Beyond this there is no further provision allocated in the VALP to cover the period 2013-33”.</i></p>
General	Policies	<p>Just generally it would be a significant improvement if what constitutes each policy in the plan is clearly set out e.g. through putting policy into bold, or putting a box around all areas of the policy or putting the policy in a shading.</p> <p>For development management purposes it needs to be very clear what of the plan constitutes the policy and what is the supporting text/justification.</p>
19	Policy NNP1	<p>There seems to be duplication between the two parts of the policy that start ‘Development proposals’ and an opportunity to integrate the two sets of criteria for land outside the settlement boundary.</p> <p>Criterion 2 should say “<i>or exceptionally</i>” instead of “and well designed” in order to be a truly exception case to policy.</p> <p>Criterion 3 is repetition of AVDLP or VALP policies on the historic environment and so is considered unnecessary.</p>
19	Policy NNP1	<p>In comments on a draft of the Pre Submission plan Stephanie made a suggestion about putting the settlement boundary on a plan just after Policy NNP1. The current settlement boundary is shown on Annexe 3 on page 40 which is quite a long way away in the plan from NNP1. So this suggestion remains we would like to see the Policies Maps appear more in the middle of plan to make it more user friendly.</p>
21	Policy	<p>In the first sentence of the policy the word “<i>provide</i> “ needs to go between “<i>and</i>” and “<i>a good standard</i>”. Also the word “<i>amenity</i>” isn’t specifically defined enough to be used in development management purposes. This needs to be made clearer what ‘amenity’</p>

	NNP2	<p>means in this case.</p> <p>In criterion (2) what happens where housing types don't have hedges, trees or front or rear garden for example terraced houses, coach houses or flats? The criterion needs to be applicable to the types of housing where these landscape features are likely to be provided.</p> <p>In criterion (5) the plan needs to set out what it would consider to be a housing mix or refer to the VALP where there is evidence at para 5.56 on what the Buckinghamshire HEDNA advises for mix based on housing need.</p> <p>Criterion (5) second line on energy efficiency of a scheme – the matter of energy efficiency is dealt with by Part L of the Building Regulations, we don't set any further demands through planning policy.</p> <p>Criterion (6) is duplication of the VALP Policy BE1 which covers heritage assets or GP53-60 of the 2004 Adopted Local Plan. Therefore it is not needed.</p>
22	5.12	<p>Second sentence:</p> <p>This needs changing to (new text in bold) <i><b>“The context for this decision is that Nash has been identified as a “smaller village” by Policy S3 in the currently proposed VALP, there are no site allocations at Smaller Villages in the VALP however housing development can still come forward through neighbourhood plans or through the development management process considered against relevant policies in the Plan.</b></i></p> <p>This is to accurately reflect the approach in the VALP.</p>
22	Policy NNP5	<p>On a Draft of the Pre Submission Plan, Stephanie sent some comments on how to improve the landscape policy. These comments were:</p> <p>“I would suggest picking up on important Nash <b>specific landscape context that they want to protect and enhance</b>. Refer to saved policy RA8 of the Aylesbury Vale Local Plan (AVDLP) that may offer a starting point on which to build specific points regarding Nash. It may also be worth <b>mentioning the surrounding landscape of the Whaddon-Nash Valley Local Landscape Areas (LLA)</b> to the east of the village in the context of the distinct landscape features to be protected and enhanced, and again may be worth looking at saved policy RA.8 as a starting point to then create a statement more specific to Nash.”</p> <p>The following should therefore be added into the policy itself, after the five criteria to the existing written policy NNP5:</p>

		<p><i>“Development proposals should respect the individual character and distinctiveness of the landscape in the Nash parish as described in the features above and the wider Landscape Character Areas. Harmful impacts resulting from development should be avoided but where there is harm then satisfactory mitigation will be required and this will be secured through conditions or Section 106 agreements. In applying this policy, particular regard should also be had to the Whaddon-Nash Valley Local Landscape Area.”</i></p> <p>In addition we have the following we suggest you add into the supporting text to make the approach being followed clear, justified and comprehensive:</p> <p>The Whaddon-Nash Valley Local Landscape area is shown on the AVDLP proposals map and the VALP policies maps it may be worth inserting a cross reference in paras 5.20-5.21.</p> <p>The landscape character, key characteristics, positive and detrimental features are all set out in the Landscape Character Assessment (2008) this should be referred to in paragraphs 5.20-5.21.</p> <p>Although this is not the adopted plan yet, a reference could be added into 5.20-5.21 that VALP Policy NE5 sets out the <u>process</u> the Council will be expecting development proposals to follow in assessing impact on the landscape.</p>
22	5.14	<p>Line 5 beginning with <i>“Importantly, they include the means...”</i> This text appears to be policy itself and so should be in the policy. However these two sentences amount to a cap on development and are not justified. There needs to be very clear evidence for a phased approach to releasing development but it would be inconsistent with the NPPF to unjustifiably control development through phasing.</p>
22	5.15	<p>The point in the first 3 lines on <i>“limiting the creation of separate enclaves”</i> is not reflected in policy and so needs to be put into policy and if so justified.</p>
23	Policy NNP3	<p>Line 1 – what is a <i>“Locale”</i> ? This needs expending/rewording to be clear so it can be used effectively in development management.</p> <p>Line 3 should better say <i>“The policy is not intended to limit...”</i> instead of <i>“The guidelines are not designed...”</i> this would make the plan clearer.</p>
24	5.16	<p>It isn't clear how this particular policy NNP:3 responds to rural and landscape constraints it is suggested a statement about the particular character of the Nash conservation area would be better.</p>

		Any elements of para 5.17 that are intending to set policy need to be in the policy itself to be carried out in development management on planning decisions. For example if the neighbourhood plan is also unsupportive of “backfill “ development.
25	NNP4	The second and third paragraphs in the policy repeat each other. One needs deleting.
27	NNP6	It is suggested the first paragraph of the policy should cover proposals to divert a footpath or bridleway. In what circumstances would diversion be acceptable?
29	NNP7	<p>There is no policy here – it goes straight into supporting text. The text that is there reads like description, 5.27 refers to a pond and para 5.28 does read like some policy.</p> <p>Stephanie’s comments provided at the Draft Pre Submission stage with assistance from the AVDC Ecologist still stand we wish to see a fuller policy development for NN7 setting out the following:</p> <p>Proposals for new development will be expected to conserve and enhance biodiversity and wildlife:</p> <ul style="list-style-type: none"> <li>• Landscaping schemes will be expected to maximise opportunities for wildlife, including the planting of trees to maximise diversity of wildlife species to achieve net gains in biodiversity where possible</li> <li>• The safeguarding or protection of designated sites, protected species, priority species and habitats, ancient or species rich hedgerows, grasslands and woodlands;</li> <li>• A measure of biodiversity for the development showing a net gain of biodiversity on the site, if this is not possible then a net gain of biodiversity within the parish will be expected.</li> <li>• Where appropriate development will contribute to the green infrastructure connecting the green spaces within the parish and to wider landscape.</li> <li>• Development proposals that will cause the loss of or damage to trees, woodland or hedgerows (including hedgerows of importance) that contribute positively to the character and amenity of the area must provide for appropriate replacement planting together with a method statement for the ongoing care and maintenance of that planting.</li> <li>• All suitable buildings bordering open spaces will be required to incorporate integrated bat and swift boxes</li> <li>• Lighting within and around development is expected to respect the ecological functionality of wildlife movement corridors.</li> <li>• Landscaping schemes will be expected to maximise opportunities for wildlife, including the planting of trees to maximise diversity of wildlife species to achieve net gains in biodiversity where possible</li> </ul> <p>This will make a policy approach consistent with the NPPF para 170.</p>
30	NN8	There is no policy here it is just paragraphs of supporting text. But para 5.30 5.31, 5.32 and 5.33 all contain some statements of policy that need to be moved into a policy on employment development.
32	6.7	Stephanie’s comment ‘BS96’ on a Draft of the Pre Submission plan suggested including some of the proposals in 6.7 into Policy

		<p>NNP6 still stands. Policy NNP6 should be added to something like <i>“Development proposals that help deliver a path or cycle route from the village to College Wood, an exceptional rural facility on the southern boundary of the village will be supported, subject to compliance with other plan policies”</i>.</p>
40	Annexe 3:Policies Maps	<p>What are the “Parish and County Greenspace” sites shown? What is the policy that sets out what should happen in development management for making planning decisions affecting these sites? If there is some kind of development restraint expected, what is the justification for these areas being designated?</p> <p>Are these areas intended to be <b>Local Green Spaces</b> (see NPPF para 99-101)? If so, a description of each site needs to be in a policy in the plan and a separate Local Green Spaces report is needed <a href="https://neighbourhoodplanning.org/toolkits-and-guidance/making-local-green-space-designations-neighbourhood-plan/">https://neighbourhoodplanning.org/toolkits-and-guidance/making-local-green-space-designations-neighbourhood-plan/</a></p>