

Longwick-cum-Ilmer Neighbourhood Plan Examination – WDC Recommendations

1. Summary

The purpose of the Longwick-cum-Ilmer Neighbourhood Plan ('the **Plan**') is to ensure the sustainable development of Longwick over the next 20 years by providing for a mix of housing subject to policies safeguarding the character of the village, and ensuring development doesn't take place until the delivery of sustainable transport provision. It was the Examiner's view that in order to meet the Basic Conditions alterations to the Plan were required. It is Wycombe District Council's ('**WDC**') view that if those recommendations were accepted the Plan would not achieve sustainable development. For this reason WDC recommends withdrawing the plan as the most appropriate way forward.

2. Aims and purpose of the Neighbourhood Plan

The Plan sets out a development framework to shape future development over the next 20 years (2015-2013). It identifies a new settlement boundary allocating up to 129 houses, with a series of policies prescribing the conditions required to ensure that development brought forward over the Plan period is sustainable.

The key aims of the Plan are to provide for a mix of housing which maintains the rural character of Longwick; to deliver development only with improved public transport provision; to make highways safer for people to walk and cycle; to provide better community facilities; and to support the local economy. These are part of a single integrated strategy for the village. The aims of bringing forward housing, maintaining the character of the village and ensuring development doesn't commence without improved sustainable transport provision being interdependent.

At present Longwick is a small village of approximately 440 homes, which offers very limited public transport, local services and facilities. Without achieving these aims, future development in Longwick would worsen the current unsustainability of development in Longwick.

3. How the Neighbourhood Plan sets out achieving those aims

The key policies for achieving sustainable development are set out in policies A1, A2, A3, and L1-L4. Policy A1 defines a new settlement boundary at Longwick identifying where sustainable development may be acceptable within the settlement boundary (policies L1 – L4), and where it will not be acceptable outside of the settlement boundary. Policy A2 sets

out the housing site allocations along with the requirements for sustainable transport provisions.

Policy A3 seeks to protect the identity of Longwick by preventing coalescence between Longwick and Princes Risborough, whilst allowing for new transport and infrastructure associated with the growth of Princes Risborough and Longwick. It prevents other development in this location in order to maintain a rural gap between the two settlements.

Policies L1 to L4 allocate sites for housing with a series of criteria to ensure development on those sites is sustainable. Typically each policy sets out a density requirement to ensure development is in keeping with the local character; provides for sustainable urban drainage systems, recognising surface and ground water issues; provides for pedestrian and cycle links; provides for open space; designs to minimise impacts on long distance views; identifies minimum set back distances between houses; provides appropriate landscaping; and ensures sufficient capacity for waste water and water supply, recognising the current sewerage capacity problems.

4. Results of the Examiner's Report

The Plan was submitted for examination on 8 December 2015 and the Examiner Report was received by Wycombe District Council and the Parish Council on 11 February 2016. The Examiner's Report makes a number of significant recommendations in order for the Plan to meet the Basic Conditions.

Before considering those recommendations it is important to note that the tests which a Neighbourhood Plan is required to meet before being put to a referendum are the 'Basic Conditions' set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990. Crucially, when examining a Neighbourhood Plan an examiner is not required to consider the test of soundness (as set out in paragraph 182 of the NPPF) with which Local Plans must comply.

It should also be noted that the standard of evidence required to satisfy the 'Basic Conditions' is lower than what would be required when examining a district wide Local Plan. Indeed, the Examiner of the Longwick Neighbourhood Plan exercised his discretion not to hold a hearing and the Parish Council and WDC had only a limited opportunity to explain the objectives and purposes of the Plan.

For policy A1 the Examiner supports the housing allocations within the settlement boundary. However, he recommends removing the part of the policy which limits development to rural uses outside of the settlement boundary. This essentially removes the limit to development

outside of the settlement boundary and severely restricts the ability to direct where development should take place. The effect is that the policy no longer protects the character of Longwick.

For policy A2 the Examiner recommends completely removing the public transport requirements. This part of the policy is fundamental to achieving sustainable development and would mean housing development would further compound the existing sustainability problems.

For policy A3 the Examiner recommends removing the 'gap' designation for protecting the identity of Longwick to prevent coalescence with Princes Risborough. Whilst he supports the principle of preventing coalescence, by removing the 'gap' designation he significantly weakens the policy that provides the requisite protection.

For policies L1 to L4 the Examiner recommends removing the density requirements of between 12 to 20 dwellings per hectare. The effect could be a far higher housing delivery for the sites allocated. That would undermine the intention of the Neighbourhood Plan.

5. The consequences of the recommendations made by the Examiner

The changes recommended by the Examiner fundamentally alter the Plan so that sustainable development is no longer achieved. The Plan no longer meets its purposes. In assessing how best to proceed, it is important to remember that the powers of a Neighbourhood Plan Examiner are limited. As set out above, the test for a Neighbourhood Plan is only whether the 'Basic Conditions' have been met, rather than the test of 'soundness' against which Local Plans are examined, where a firmer evidence base is required. The Longwick Neighbourhood Plan seeks to address some very complicated issues. The level of evidence provided when examining a Neighbourhood Plan is considerably less than that required for a Local Plan. No hearing was held and there was limited opportunity for the Parish Council and WDC to explain the fundamental objectives of the Plan. It may be that had the Examiner been better informed and provided with more evidence policies could have been altered rather than been deleted in their entirety. The Plan as amended by the Examiner's recommendations does not achieve the fundamental aims and objectives that are integral to the Plan.

6. Proposed recommendation for the Longwick Neighbourhood Plan

Under the regulatory powers there are four options for proceeding with the Neighbourhood Plan.

1. Make the recommendations as set out by the Examiner's Report and proceed to referendum. WDC considers the Plan no longer achieves its aims to provide for sustainable development and therefore would not recommend this option.
2. WDC refuse the Examiner's Report, setting out why it fails to meet the Basic Conditions. This is considered difficult. There would need to be very strong grounds to go against an Examiner's recommendation. Any decision could be subject to a legal challenge.
3. Rewrite the policies, re-consult and submit the Plan for examination again. This would add further costs to an already expensive exercise. It would not be significantly in advance of the district wide Local Plan and therefore of questionable merit. This option is not recommended.
4. The Parish Council to withdraw the plan. This would be the most appropriate option. This would mean the Examiner's Report would not hold any material weight in the decision process for assessing planning applications. Planning applications would continue to be assessed against the Development Plan policies set out in the 2004 Local Plan and 2008 Core Strategy; and also against the National Planning Policy Framework, along with other material considerations in accordance with Section 38(b) of the 2004 Act. As policies evolve for the new Local Plan, policies from the Longwick Neighbourhood Plan can be incorporated as far as possible.