

# **Neighbourhood Plan for Chalfont St Giles Parish 2014 - 2036**

**Report by Independent Examiner**

**Janet L Cheesley BA (Hons) DipTP MRTPI**

**CHEC Planning Ltd**

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## Summary and Conclusion

1. The Neighbourhood Plan for Chalfont St Giles Parish has a clear vision supported by objectives.
2. The Plan does not allocate sites for housing development. There have been a number of representations promoting land for housing development in the Green Belt. Under policies in the 2012 National Planning Policy Framework, against which this neighbourhood plan has been examined, a neighbourhood plan is unable to allocate sites for housing development in the Green Belt or roll back the Green Belt boundary. This can only be undertaken in the preparation or review of Local Plans.
3. The Plan supports the provision of rural exceptions sites in the Green Belt. In addition, it supports new housing development in the Built-Up Area where there is a maximum viable amount of affordable housing and the Plan provides design guidance for new development.
4. I have recommended modification to some of the policies in the Plan, for the reasons set out in detail below. I have recommended the deletion of Natural Environment Policy 3, Natural Environment Policy 4 and Planning Contributions Policy 1, as explained below. Even though I have recommended a number of modifications to the Plan, these do not significantly or substantially alter the intention or nature of the Plan.
5. **Whilst I have set out my reasoning under individual policies, my overall conclusion is that, subject to my recommendations, the Plan meets the Basic Conditions. It is appropriate to make the Plan. Subject to my recommendations being accepted, I consider that the Neighbourhood Plan for Chalfont St Giles Parish will provide a strong practical framework against which decisions on development can be made. I am pleased to recommend that the Neighbourhood Plan for Chalfont St Giles Parish, as modified by my recommendations, should proceed to Referendum.**

## Introduction

6. On 20 December 2012 Chiltern District council (CDC) approved that the Chalfont St Giles Parish Neighbourhood Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012. The Area covers the whole of the parish of Chalfont St Giles.
7. The qualifying body is Chalfont St Giles Parish Council. The Plan has been prepared by the Chalfont St Giles Neighbourhood Plan Working Party on behalf of the Parish Council. The Plan covers the period 2014 - 2036.
8. I was appointed as an independent Examiner for the Neighbourhood Plan for Chalfont St Giles Parish in May 2018. I confirm that I am independent from the Parish Council and CDC. I have no interest in any of the land affected

by the Plan and I have appropriate experience to undertake this examination. As part of my examination, I have visited the Parish.

## Legislative Background

9. As an independent Examiner, I am required to determine, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:
- the policies in the Plan 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 Plan meets the requirements of Section 38B of the 2004 PCPA where 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
  - that the Plan has been prepared for an area that has been designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.
10. I am obliged to determine whether the Plan complies with the Basic Conditions. The Basic Conditions are:
- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan;
  - the making of the neighbourhood plan contributes to the achievement of sustainable development;
  - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the Development Plan for the area of the authority; and
  - the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements.
11. *The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018* came into force on 28 December 2018. They state:
- Amendment to the Neighbourhood Planning (General) Regulations 2012.*
- 3.—(1) The Neighbourhood Planning (General) Regulations 2012(5) are amended as follows.*
- (2) In Schedule 2 (Habitats), for paragraph 1 substitute:*

*“Neighbourhood development plans*

*1. In relation to the examination of neighbourhood development plans the following basic condition is prescribed for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act(6)—*

*The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(7).”*

12. Since 28 December 2018, a neighbourhood plan is required to be examined against this extra Basic Condition. I will make further reference to this matter under EU Obligations.
13. Subject to the modifications I have recommended in this report, I am content that these requirements have been satisfied.

## **EU Obligations**

14. Directive 2001/42/EC and the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended) (EA Regulations) set out various legal requirements and stages in the production of a Strategic Environmental Assessment (SEA).
15. I raised concerns regarding the original environmental assessment screening of the neighbourhood plan and the level of detail in the original Habitats Regulations Assessment (HRA) determination by CDC. As a consequence, the examination was suspended, and CDC subsequently prepared an Environmental Assessment Screening Opinion for the Plan in June 2018 and an HRA Screening Opinion in September 2018.
16. The Environment Assessment Screening Opinion concludes that there is no potential for significant environmental effects to arise as a result of the Plan. As such, there is no requirement for a full Strategic Environmental Assessment. The statutory consultees agreed with this conclusion.
17. Based on the screening determination and consultee response, I consider that it was not necessary for the Plan to require a full SEA Assessment. The SEA screening accords with the provisions of the European Directive 2001/42/EC.
18. As regards the HRA Screening Opinion, it concludes that the Plan is unlikely to have significant environmental impacts on any Natura 2000 sites alone or in combination with other plans or projects and an Appropriate Assessment for the Plan is not required. Natural England concurred with this conclusion. On this basis, I consider that the Plan did not require a full HRA under Articles 6 or 7 of the Habitats Directive. I am satisfied that the Plan does not breach the requirements of Chapter 8 of Part 6 of *the Conservation of Habitats and Species Regulations 2017(7)*.

19. A Neighbourhood Plan must be compatible with European Union obligations, as incorporated into UK law, in order to be legally compliant. I am satisfied that the Plan is compatible with EU obligations and does not breach the European Convention on Human Rights obligations.

## Policy Background

20. The revised *National Planning Policy Framework* has been published on 24 July 2018. Minor modifications to the revised *National Planning Policy Framework* have subsequently been published in February 2019. At paragraph 214 it states: *The policies in the previous Framework published in March 2012 will apply for the purpose of examining plans, where those plans were submitted on or before 24 January 2019.*
21. The revised *National Planning Policy Framework* incorporates policy proposals previously consulted on in the Housing White Paper and the Planning for the Right Homes in the Right Places consultation, as well as changes to planning policy implemented through Written Ministerial Statements since the *National Planning Policy Framework* was published in 2012.
22. In accordance with paragraph 214 in the revised *National Planning Policy Framework*, I have examined this Plan against the previous *National Planning Policy Framework* (2012) (NPPF). Where I refer to the NPPF, it is to the 2012 version. This sets out the Government's planning policies for England and how these are expected to be applied.
23. The *Planning Practice Guidance* (2014) (PPG) provides Government guidance on planning policy. Similarly, I have examined the Plan against PPG guidance and any Written Ministerial Statements that related to the 2012 NPPF. The PPG provides advice on procedural and policy related matters related to neighbourhood plans. It provides clear explanation on what can or cannot be done in a neighbourhood plan and advice on the requirement for policies to be adequately justified and clearly expressed. The PPG is currently being revised in accordance with the revised NPPF. I have referred to paragraphs in the PPG that may be in the process of being archived as part of this revision, as it is necessary in this transition period to refer to PPG related to the 2012 NPPF.
24. Paragraph 7 in the NPPF identifies the three dimensions to sustainable development:

*There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:*

**•an economic role – contributing to building a strong, responsive and**

*competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*

*• a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high-quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and*

*•an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*

25. The development plan for the Chalfont St Giles Parish Neighbourhood Plan Area comprises saved policies in the Chiltern District Local Plan (adopted 1997 with alterations 2001 and consolidated 2007 and 2011) and the Core Strategy for Chiltern District (2011). The strategic policies include policies regarding the provision of housing, economic growth, and the conservation and enhancement of the natural environment.
26. CDC and South Bucks District Council are preparing a joint Local Plan for Chiltern and South Bucks Districts. The next stage in the process will be the publication of the Local Plan for consultation prior to its submission for an examination in public. Publication is anticipated for spring/summer 2019.
27. There is no legal requirement to test the Neighbourhood Plan against emerging policy although PPG advises that the reasoning and evidence informing the Local Plan process may be relevant to the consideration of the basic conditions against which the neighbourhood plan is tested. The Neighbourhood Plan adopts the same plan period as the emerging Local Plan.

## **The Neighbourhood Plan Preparation**

28. I am required under The Localism Act 2011 to check the consultation process that has led to the production of the Plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012.
29. The initial consultation process started in 2012. It included dedicated webpages providing information about the Neighbourhood Plan and how the community could be involved. A series of public meetings were held to identify the main issues. Jordans Village undertook a survey in 2013. A



questionnaire was also delivered to homes and businesses in Chalfont St Giles in 2013. Additional online and paper surveys were carried out in 2016 and 2017. In 2017 a flyer was distributed to 99% of households in Chalfont St Giles Parish and businesses promoting the launch of the Neighbourhood Plan process. Posters were distributed around the Parish at key consultation stages and a range of social media was also used to reach local groups.

30. The Consultation period on the pre-submission draft of the Plan ran from 1 May 2017 to 19 June 2017. A newsletter was sent to households in the Parish. Notifications of the consultation were sent to the statutory and non-statutory consultees by email. Posters advertising the consultation were displayed throughout the Parish. Hard copies of the draft Plan were made available for viewing, for example, at the local library. Notifications were made on the Parish's twitter account. Links to the consultation Plan were made available on the CDC and Parish Council's websites.
31. I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulation 14 in The Neighbourhood Planning (General) Regulations 2012. The consultation and publicity went well beyond the requirements and it is clear that the qualifying body went to considerable lengths to ensure that local residents and businesses were able to engage in the production of the Plan. I congratulate them on their efforts.
32. CDC publicised the submission Plan for comment during the publicity period between 26 February 2018 and 9 April 2018 in line with Regulation 16 in The Neighbourhood Planning (General) Regulations 2012. A total of 35 responses were received.
33. Following my initial review of the Neighbourhood Plan documents submitted for examination, I raised concerns regarding the environmental assessment screening of the neighbourhood plan and the level of detail in the original Habitats Regulations determination by CDC. This in particular related to a recent non-related legal case where it was held that an initial screening assessment should not include any effects of mitigation. As such I considered it would be prudent to undertake a fresh screening assessment before the Plan was formally examined. The Parish Council decided to suspend the examination and requested CDC to undertake the necessary steps to re-assess the environmental aspects of the Neighbourhood Plan.
34. Following the completion of the environmental assessment, the submission Plan was made available for further consultation under Regulation 16 in The Neighbourhood Planning (General) Regulations 2012, together with the new environmental documents. The consultation period ran from 21 December 2018 to 6 February 2019. A total of 14 representations were received. I have considered these representations alongside those received during the first Regulation 16 consultation period, together with the Parish Council's responses. I am satisfied that all these representations can be assessed without the need for a public hearing.

35. Some responses suggest additions and amendments to policies. My remit is to determine whether the Plan meets the Basic Conditions. Where I find that policies do meet the Basic Conditions, it is not necessary for me to consider if further suggested additions or amendments are required. Whilst I have not made reference to all the responses in my report, I have taken them into consideration.

## The Neighbourhood Plan for Chalfont St Giles Parish

### Background to The Neighbourhood Plan

36. It is necessary for Neighbourhood Plans to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as stated in the core planning principles in paragraph 17 in the NPPF. I do refer to clarity and precision with regard to some of my recommendations to modifications to the Plan. Where I do so, I have in mind the need to provide a practical framework in accordance with the core principles in the NPPF, thus ensuring that the Plan has regard to national policy in this respect.
37. It is not for me to re-write the Plan. Where I have found editing errors, I have identified them as minor editing matters and highlighted these as such. These have no bearing on whether the Plan meets the Basic Conditions.
38. PPG states: A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared. (Paragraph: 041 Reference ID: 41-041-20140306).
39. Paragraph 1.1 in the Plan refers to the Plan setting out Local Planning policies. So as to not confuse this with the Local Plan, I suggest that this paragraph refers to just 'planning policies'. **I see this as a minor editing matter.**
40. The first sentence in Paragraph 2.5 refers to the documents in the Chiltern Local Plan. This should refer to the development plan rather than the Local Plan. **I see this as a minor editing matter.**
41. Paragraph 2.7 refers to publication of a new draft Local Plan in 2018. As this has not happened, I suggest this paragraph is updated. **I see this as a minor editing matter.**
42. Paragraphs 2.9 - 2.16 refer to Local Plan and Core Strategy policies, but some references are wrong. The last sentence in paragraph 2.9 should refer

to both the Local Plan and Core Strategy. In Paragraph 2.10, Policy CS22 is from the Core Strategy, not the Local Plan. In Paragraph 2.11 the last sentence refers to Local Plan Policies GB1-GB5, but Policy GB3 has not been saved and thus should be deleted from this reference. In paragraph 2.13, the relevant policies should be Local Plan Policies CA1 to CA5. In paragraphs 2.14 and 2.15 the references to the Local Plan should be references to the Core Strategy. There are other references throughout the Plan to the Local Plan, when the references should be to the Core Strategy. It is not for me to point out all errors. **I see these as minor editing matters.**

43. The Plan identifies key social, environmental and economic issues. The Plan has a vision: *To achieve sustainable development in the Parish of Chalfont St Giles by supporting growth that meets the local need for housing and enables our communities to grow stronger economically and socially, subject to the protection, conservation and enhancement of the special character of our villages and the surrounding rural areas. Creating a safe, secure and pedestrian-friendly village environment, with reduced impact from traffic.* The policies in the Plan aim to support the seven objectives.
44. Objective 5 should refer to conservation areas, rather than just one. Objective 6 should refer to conserving heritage assets, rather than preserving them, in line with terminology consistent with the NPPF. **I see these as minor editing matters.**
45. For ease of reference, I have used the same policy titles as those in the Plan. I have briefly explained national policy and summarised main strategic policies where relevant to each neighbourhood plan policy. I have tried not to repeat myself. Where I have not specifically referred to other relevant strategic policy, I have considered all strategic policy in my examination of the Plan.

## Housing

46. There have been a number of representations promoting land for housing development in the Green Belt. The emerging Local Plan is at an early stage. The Neighbourhood Plan Examination process does not require a rigorous examination of district wide housing land requirements. The Neighbourhood Plan does not need to set a target total for the number of dwellings required during the Plan period and is not required to allocate land for development.
47. Under policies in the 2012 NPPF, a neighbourhood plan is unable to allocate sites for housing development in the Green Belt or roll back the Green Belt boundary. This can only be undertaken in the preparation or review of Local Plans. It is not necessary for a neighbourhood plan to wait for an emerging Local Plan to be adopted. I appreciate that the emerging Local Plan will supersede this Neighbourhood Plan. If there is found to be a need for changes to the Green Belt boundaries as part of strategic policies in the

emerging Local Plan, the new 2019 NPPF allows for subsequent detailed amendments to those boundaries to be made through non-strategic policies, including policies in a neighbourhood plan.

48. This Neighbourhood Plan supports the provision of rural exceptions sites in the Green Belt. In addition, it supports new housing development in the Built-Up Area where there is a maximum viable amount of affordable housing and the Plan provides design guidance for new development. This approach does not undermine the ability of the emerging Local Plan to make changes to the Green Belt boundaries as part of strategic policies.

### **Housing Policy 1. Rural Exception Sites in the Parish**

49. Paragraph 54 in the NPPF refers to the provision of affordable housing on rural exception sites where appropriate to reflect local needs. Any development in the Parish outside the Built-Up Area of Chalfont St Giles would be within the Green Belt. Paragraph 89 in the NPPF states that new buildings are inappropriate in the Green Belt, unless included in the list of exceptions. This list refers to limited affordable housing for local community needs under policies set out in the Local Plan.
50. Core Strategy Policy CS9 supports rural exception sites subject to a list of criteria. These include identification of an established need; for the affordable housing to be for people with a local connection; and that the development respects the setting of the settlement and surrounding landscape.
51. The NPPF gives great weight to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty (AONB), which have the highest status of protection in relation to landscape and scenic beauty. Core Strategy Policy CS22 seeks to ensure that new development conserves and enhances the special landscape character, heritage, and distinctiveness of the Chilterns AONB.
52. Housing Policy 1 supports rural exception sites in the Parish and specifies the need to ensure that such developments have no adverse effect on the Hodgemoor Wood Site of Specific Scientific Interest. In addition, it requires a Landscape and Visual Impact Assessment (LVIA) for proposals in the AONB.
53. It is not clear in Housing Policy 1 what is required in a LVIA. In addition, I have no reason to suppose that it is the government's intention that the procedural requirements on developers for planning applications should be more onerous where neighbourhood plans are in existence than elsewhere. There would therefore need to be a special justification for a policy imposing the requirement for a LVIA to relate to all proposals for rural exception sites in the AONB and none has been presented to me. Therefore, I recommend deletion of this requirement in criterion d). In addition, to ensure that the

policy is clear and unambiguous, I recommend that the word 'may' in the first sentence is replaced with 'will'. Otherwise, this policy is in general conformity with Core Strategy Policy CS9 with regard to the provision of rural exception sites.

54. The Parish Council has suggested an additional criterion with regard to ensuring that any rural exception site does not have an adverse effect on the Chalfont St Giles Conservation Area. The Plan has to be read as a whole, and Historic Environment Policy 1 adequately protects the Conservation Area. Therefore, I do not consider the addition suggested is necessary for Housing Policy 1 to meet the Basic Conditions.
55. Housing Policy 1, as modified above, has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Housing Policy 1 meets the Basic Conditions.
56. Paragraphs 6.5 and 6.6 refer to the *Buckinghamshire Housing and Economic Development Needs Assessment* (2016). This has subsequently been updated in an Addendum Report (September 2017). It would be sensible to make reference to the most up to date report. **I see this as a minor editing matter.**
57. **Recommendation: to meet the Basic Conditions, I recommend:**

**modification to Housing Policy 1 to read as follows:**

**Housing Policy 1. Rural Exception Sites in the Parish**

**Rural exception sites in the Parish which provide affordable housing in perpetuity will be supported subject to all of the following criteria being met:**

**a) Evidence is provided to show the proposal provides an affordable housing tenure, size and mix consistent with the most up-to-date evidence of the Parish's affordable housing need.**

**b) All of the affordable housing in the proposed scheme is for people who can demonstrate a strong local connection to the Chalfont St Giles Parish. Where there is an up-to-date evidence need, the proposal provides units suitable for senior residents.**

**c) No development that would result in an adverse effect on the Hodgemoor Wood Site of Special Scientific Interest (SSSI) will be permitted.**

**d) Any proposal for development within the Area of Outstanding Natural Beauty (AONB) or the setting of the AONB must conserve and enhance the special landscape character, heritage, and distinctiveness of the AONB.**

## **Housing Policy 2. Well Integrated Affordable Housing in the Built-Up Area**

58. The NPPF at paragraph 50 emphasises the need to deliver a wide choice of high-quality homes. Local planning authorities should, amongst other matters, plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.
59. The Secretary of State's Written Ministerial Statement of 28 November 2014 on planning obligations for affordable housing and social infrastructure contributions is national planning policy. Extracts from the statement below explain the national policy regarding developer contributions and affordable housing. These are outlined in the PPG.

*Due to the disproportionate burden of developer contributions on small scale developers, for sites of 10-units or less, and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought. This will also apply to all residential annexes and extensions.*

*For designated rural areas under Section 157 of the Housing Act 1985, which includes National Parks and Areas of Outstanding Natural Beauty, authorities may choose to implement a lower threshold of 5-units or less, beneath which affordable housing and tariff style contributions should not be sought.*

*These changes in national planning policy will not apply to Rural Exception Sites.*

60. Core Strategy Policy CS8 predates the Written Ministerial Statement and is subsequently out of date with regard to affordable housing thresholds. CDC has confirmed that the Council has not adopted a new affordable housing policy. Instead the Council applies the national planning guidance thresholds and only applies development plan policies where these are applicable in line with the national thresholds.
61. I sought clarification from CDC, via email, as to whether the Built-Up Area of Chalfont St Giles is designated as a rural area under the Housing Act 1985 and was informed that this is only applicable in the case of Chiltern District to the area covered by the AONB. In relation to the built-up area of Chalfont St Giles the lower (AONB) threshold would be applied to any developments to the north east of Dodds Lane which is excluded from the Green Belt but falls within the AONB.
62. Housing Policy 2 seeks the maximum viable amount of affordable housing on any housing site within the Built-Up Area. To have regard to national policy, the national thresholds for affordable housing need to apply to this policy. I have suggested revised wording.



63. This policy does not preclude the provision of market housing within the Built-Up Area but seeks to ensure that affordable housing is successfully integrated into development and that the provision of the type of units is determined by up to date evidence. This has regard to national policy in paragraph 50 in the NPPF.
64. To ensure that the policy is clear and unambiguous, I recommend that the word 'may' in the first sentence is replaced with 'will'.
65. Criterion c) refers to the tenure of housing. I see no justification for restricting the tenure of market housing. Tenure, in this instance, should only refer to the affordable housing provision. I have suggested revised wording in this respect.
66. The NPPF emphasises that advanced high-quality communications infrastructure is essential for sustainable economic growth and plays a vital role in enhancing the provision of local community facilities and services.
67. Core Strategy Policy CS26 requires development proposals to ensure that developments will be served by adequate infrastructure capacity in terms of high-speed broadband access.
68. Criterion e) in Housing Policy 2 requires developments to be served by up to date electronic communications infrastructure. A developer cannot be held to providing the latest broadband speeds as connection speeds are dictated by the internet provider. However, I do see the importance of new dwellings being provided with the necessary ducting capable of accepting such infrastructure, to assist the local community. Therefore, In the interest of precision, I recommend modification to criterion e) in Housing Policy 2 to specify a requirement for the provision of suitable ducting capable of enabling the provision of up to date electronic communications infrastructure. This has regard to national policy and contributes towards the economic role of sustainable development.
69. Subject to the modifications I have referred to above, Housing Policy 2 has regard to national policy, contributes towards sustainable development and is in general conformity with relevant strategic policy. Modified Housing Policy 2 meets the Basic Conditions.
70. Paragraph 6.11 refers to the Draft Strategic Housing and Economic Land Availability Assessment (January 2016). There is a Second Published Document (May 2017). It would be sensible to make reference to the most up to date report. **I see this as a minor editing matter.**
71. **Recommendation: to meet the Basic Conditions, I recommend modification to Housing Policy 2 to read as follows:**  
  
**Housing Policy 2. Well Integrated Affordable Housing in the Built-Up Area**

**New housing within the boundary of the Built-Up Area will be supported where applications meet all of the following criteria.**

- a) Subject to national thresholds for the provision of affordable housing, the scheme must provide the maximum viable amount of affordable housing.**
- b) The affordable housing component must be tenure blind i.e. of an equal quality in terms of its design and use of materials compared to the market element and it should be integrated into the overall proposal.**
- c) The size and mix of the housing units and the tenure of the affordable housing units must be consistent with the most up-to-date District and local evidence of need.**
- d) Where there is an up to date evidenced need, the proposal should provide units suitable for senior residents.**
- e) Developments should provide suitable ducting capable of enabling the provision of up to date electronic communications infrastructure.**

## **Community Facilities**

### **Community Facilities Policy 1. Protecting and Enhancing Community Facilities in the Parish**

- 72. Paragraph 28 in the NPPF states: *Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. One criterion to promote a strong rural economy is that neighbourhood plans should: promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.*
- 73. Paragraph 70 in the NPPF requires planning policies to *plan positively for the provision and use of community facilities and guard against the unnecessary loss of valued facilities.*
- 74. Core Strategy Policy CS28 aims to prevent the loss of existing public leisure and recreational facilities. Core Strategy Policy CS29 only permits the loss of community facilities in exceptional circumstances and encourages new provision where there is an identified need.
- 75. Community Facilities Policy 1 seeks to protect existing community facilities and supports appropriate new or improved facilities. My only concern is with the first sentence where it refers to existing facilities being enhanced. This implies that all existing facilities will be enhanced but does not specify how. The second sentence lists the criteria for consideration where there are



proposals for the improvement of existing facilities but does not require all existing facilities to be enhanced. This created internal conflict within this policy. In the interest of precision, I recommend the deletion of 'and enhanced' from the first sentence, leaving the detail for the consideration of proposals for the improvement of existing facilities in the second sentence. Subject to this modification, Community Facilities Policy 1 has regard to national policy, contributes towards sustainable development, particularly the social role and is in general conformity with strategic policy. Modified Community Facilities Policy 1 meets the Basic Conditions.

76. **Recommendation: to meet the Basic Conditions, I recommend modification to Community Facilities Policy 1 to read as follows:**

**Community Facilities Policy 1. Protecting and Enhancing Community Facilities in the Parish**

**Existing community facilities will be protected from loss. Proposals for new or improved community facilities will be supported subject to the following criteria:**

- a) The proposal would not have significant harmful impact on the amenities of surrounding residents.**
- b) The proposal would not have significant harmful impacts on the surrounding local environment.**

**The provision of flexible space that can be used for a variety of community uses is encouraged.**

**New facilities should be provided in accessible locations.**

## **Economy**

**Economy Policy 1. Supporting the Vitality of the Parish's Local Economy**

- 77. One of the core principles in the NPPF includes the need to proactively drive and support sustainable economic development. As previously mentioned, paragraph 28 in the NPPF promotes the retention and development of local services and community facilities in villages, such as local shops.
- 78. Core Strategy Policy CS19 seeks to support a sustainable rural economy. Core Strategy Policy CS29 seeks to ensure that local facilities such as local general stores remain open. It only permits the loss of community facilities in exceptional circumstances and encourages new provision where there is an identified need.
- 79. Saved Local Plan Policy S3 defines a Local Shopping Centre at Chalfont St Giles. In such centres, small scale developments are considered acceptable

providing they strengthen, rather than expand, the existing shopping role of the centre.

80. As there is only one designated Local Centre, it is wrong to refer to Jordans and Three Households as being Local Centres in Economy Policy 1 and Appendix 4. I will leave amendment to Appendix 4 **as a minor editing matter.**
81. Jordans does not have a Local Centre and as paragraph 8.7 rightly states, all planning applications in Jordans would fall under national Green Belt policy. In the interest of precision, I recommend that reference to Jordans in the first part of Economy Policy 1 is deleted.
82. Economy Policy 1 lists criteria for the provision or change of use of A1-A5 uses and seeks to resist the loss of such uses. The Use Classes Order allows for the change of use between certain A1- A5 categories without the need for planning permission. For example, planning permission is not required to change from A2 use to A1. Therefore, in the interest of precision, Economy Policy 1 should refer to development where planning permission is required.
83. One of the criteria in Economy Policy 1 is that new A1-A5 uses are in keeping with the existing percentage mix in the Parish. It is unclear how this would work, especially as change between some uses can occur without planning permission. Therefore, in the interest of precision, I recommend the deletion of this criterion from Economy Policy 1.
84. In Economy Policy 1, proposals will be viewed positively if they provide a variety of unit sizes to meet local business needs. Again, I cannot see how this would work in practice. Therefore, in the interest of precision, I recommend the deletion of this requirement from Economy Policy 1.
85. I have suggested revised wording to Economy Policy 1 to satisfy the concerns I have raised above. Modified Economy Policy 1 has regard to national policy, contributes towards the economic role of sustainable development and is in general conformity with strategic policy. Modified Economy Policy 1 meets the Basic Conditions.
86. The bottom of the central column in Table 1 refers to Map 7, whereas it should refer to Map 6. **I see this as a minor editing matter.**
87. Paragraph 8.1 refers to this section supporting saved Local Plan Policy R13 with regard to equestrian activities. There is no such mention in this section, thus I suggest this reference is deleted. **I see this as a minor editing matter.**
88. **Recommendation: to meet the Basic Conditions, I recommend modification to Economy Policy 1 to read as follows:**

**Economy Policy 1. Supporting the Vitality of the Parish's Local Economy**

**Where planning permission is required for proposals for the provision of new A1, A2, A3, A4 or A5 uses, or the redevelopment or change of use of existing A1, A2, A3, A4 and A5 uses in the Chalfont St Giles Local Centre and the Village Centre Uses area in Three Households, as set out in Map 6, they will be supported where the following criteria are met.**

**The application will demonstrate it:**

- a) Contributes to the attractiveness, vitality and viability of the area.**
- b) Responds positively to the existing scale and grain of the existing built form of the centre.**
- c) It retains and enhances active street frontages.**

**Applications that would result in the loss of any A1 – A5 uses will be resisted unless market evidence is provided that demonstrates that:**

- a) The use is no longer viable, as demonstrated by at least twelve months vacancy despite reasonable attempts to let; and or**
- b) The proposal would not be detrimental to the character and functions of the immediate vicinity.**

## **Green Spaces, Biodiversity and Better Routes**

### **Natural Environment Policy 1. Green Routes**

- 89. At paragraph 75, the NPPF seeks to protect and enhance public rights of way and access.
- 90. Core Strategy Policy CS32 seeks to identify, protect and enhance strategic green infrastructure assets.
- 91. Natural Environment Policy 1 seeks to increase or improve existing green routes.
- 92. The definition of development in planning policy encompasses a wide range, including change of use and there may be many instances where small scale residential development has absolutely no impact on green routes.
- 93. As previously mentioned, I have no reason to suppose that it is the government's intention that the procedural requirements on developers for planning applications should be more onerous where neighbourhood plans are in existence than elsewhere. There would therefore need to be a special justification for a policy imposing the requirement for all residential proposals to be accompanied by evidence detailing how the proposal supports and where possible enhances green routes and none has been presented to me. Therefore, in the interest of precision, I have recommended deletion of the second sentence in Natural Environment Policy 1. The retention of the first

sentence ensures that the aim to increase or improve existing green routes is retained in the policy.

94. Modified Natural Environment Policy 1 has regard to national policy, contributes towards the economic role of sustainable development and is in general conformity with strategic policy. Modified Natural Environment Policy 1 meets the Basic Conditions.

95. **Recommendation: to meet the Basic Conditions, I recommend modification to Natural Environment Policy 1 to read as follows:**

#### **Natural Environment Policy 1. Green Routes**

**Provisions to increase or improve existing green routes as identified on Map 8 as part of new planning applications are strongly encouraged.**

**Where planning applications include measures to improve or provide new green routes, they should demonstrate consideration has been made to the needs of all road users, in particular walkers, cyclists and horse riders, as appropriate. Opportunities to support all of these sustainable transport modes should be maximized.**

#### **Natural Environment Policy 2. Local Green Spaces in the Parish**

96. Paragraph 76 in the NPPF allows for neighbourhood plans to *identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances.*

97. Paragraph 77 in the NPPF states: *The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:*

*where the green space is in reasonably close proximity to the community it serves;*

*where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*

*where the green area concerned is local in character and is not an extensive tract of land.*

98. I must emphasise that in order for an area to be designated as a Local Green Space (LGS), it has to meet all the criteria for designation.

99. Paragraph 78 in the NPPF states: *Local policy for managing development within a Local Green Space should be consistent with policy for Green Belts.*

100. Whilst there is no strategic policy specifically concerned with LGS, saved Local Plan Policies R7, R8 and R10 resist the loss of amenity open space.
101. I have visited the Parish and seen for myself the proposed LGS listed in Natural Environment Policy 2. It is clear that all the sites are in reasonably close proximity to the local community, local in character and not extensive tracts of land. They are demonstrably special areas, which include areas of formal or informal recreation, cemeteries providing areas of tranquillity and the beauty of the meadows. I consider all the sites in Natural Environment Policy 2 meet the criteria for designation as LGS.
102. It is clear in the NPPF that development on LGS is only allowed in very special circumstances. These very special circumstances are not defined in the NPPF and it is not for me to decide whether development that performs a supplementary and supporting function to the LGS is a very special circumstance. Therefore, to have regard to national policy, I recommend modification to the last sentence to Natural Environment Policy 2. I have suggested revised wording.
103. The LGS maps need to be of a suitable scale for ease and accuracy of identification. In the interest of precision, I recommend that Map 11 is replaced with inset OS based maps at an appropriate scale that ensures the precise boundaries of the LGS are clearly identifiable.
104. Subject to the modifications I have recommended above, Natural Environment Policy 2 has regard to national policy and contributes towards sustainable development. Modified Natural Environment Policy 2 meets the Basic Conditions.
105. As part of the representations, there is a petition requesting the inclusion of the Public Open Space at Lapraik Grove as a LGS. The Plan has been subject to public consultation and for whatever reason; this site has not been included in the list of LGS. Whether or not this site meets the criteria for inclusion, my remit is to determine whether the Plan meets the Basic Conditions and other legal requirements. As such, I am unable to recommend the inclusion of this site as a LGS, as this is not required for the Plan to meet the Basic Conditions.
106. **Recommendation: to meet the Basic Conditions, I recommend**
- 1) modification to the last sentence in Natural Environment Policy 2 to read as follows:**
- Planning applications for development on the Local Green Spaces will only be permitted in very special circumstances.**
- 2) Map 11 is replaced with inset OS based maps at an appropriate scale that ensures the precise boundaries of the Local Green Spaces are clearly identifiable and for Natural Environment Policy 2 to cross refer to these inset maps.**

### **Natural Environment Policy 3. Locally Valued Landscapes**

107. The sites listed in Natural Environment Policy 3 all lie within the Green Belt and are designated as LGS in Natural Environment Policy 2. As such they have a high level of protection where development is only allowed in very special circumstances. In addition, the Upper and Lower Stone Meadows are within the AONB, where the NPPF advises that great weight should be given to conserving landscape and scenic beauty.
108. Usually a neighbourhood plan policy should provide an additional level or layer of detail to national policy and the local planning authority's policies. There is significant protection of these sites under national policy. By designating these sites as both LGS and as Locally Valued Landscapes, there is internal conflict within the Plan. In particular, Natural Environment Policy 3 does not allow any development on the sites, whereas as LGS, there may be development in very special circumstances. The internal conflict in the Plan would not provide a practical framework for decision making.
109. The definition of development in planning policy encompasses a wide range, and there may be instances where small scale development could enhance the special qualities of these sites. To prevent any development on these sites would not contribute towards the achievement of sustainable development.
110. To have regard to national policy and to contribute towards sustainable development, I recommend the deletion of Natural Environment Policy 3 and supporting justification text. The existing national high levels of protection and their designations as LGS in this Plan are sufficient to protect these areas in terms of their contribution to the green gap and in terms of preventing coalescence of the Built-Up Area.
111. **Recommendation: to meet the Basic Conditions, I recommend the deletion of Natural Environment Policy 3 and supporting justification text.**

### **Natural Environment Policy 4: Biodiversity**

112. The NPPF, in Paragraph 109 requires the planning system to contribute to and enhance the natural and local environment. This includes protecting and enhancing valued landscapes and minimising impacts on biodiversity and providing net gains in biodiversity where possible.
113. One of the principles to conserve and enhance biodiversity outlined in Paragraph 118 in the NPPF is: *if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.*



114. Core Strategy Policy CS24 aims to conserve and enhance biodiversity. It includes exceptional circumstances where *development outweighs any adverse effect upon the biodiversity of the site and there are no reasonable alternative sites available, replacement habitat of higher quality will be provided through mitigation and/or compensation to achieve a net gain in biodiversity.*
115. Natural Environment Policy 4 seeks to protect and enhance biodiversity. However, the detailed wording in Natural Environment Policy 4 is not in general conformity with Core Strategy Policy CS24, and this does not provide a practical framework for decision making. In particular, it does not specify mitigation/compensation measures. I have no robust evidence before me to justify this approach.
116. If I were to recommend modification to Natural Environment Policy 4 it would add no local policy detail above that required under Core Strategy Policy CS24. It would not be a distinct policy that reflected and responded to the unique characteristics and planning context of the neighbourhood area. Therefore, to meet the Basic Conditions, I recommend the deletion of Natural Environment Policy 4 and the paragraphs on page 47, starting from the last sentence on page 46. Development proposals will continue to be assessed against the biodiversity criteria in Core Strategy Policy CS24.
117. **Recommendation: to meet the Basic Conditions, I recommend the deletion of Natural Environment Policy 4 and the paragraphs on page 47, starting from the last sentence on page 46.**

## Historic Environment

### Historic Environment Policy 1. Heritage Assets and Conservation Areas in the Parish

118. The NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
119. Core Strategy Policy CS20 requires that new development is of a high standard of design which reflects and respects the character of the surrounding area and those features which contribute to local distinctiveness.
120. Historic Environment Policy 1 seeks to conserve and/or enhance designated heritage assets and their settings. Historic England has suggested modification to this policy to ensure it has regard to national policy in Section 12 in the NPPF, where it refers to the special interest of Conservation Areas, the appearance of Conservation Areas and the significance of heritage assets. I concur with their view and recommend modification to the policy accordingly.

121. Paragraph 128 in the NPPF advises: *in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.*
122. In its Local Validation Requirements List, CDC requires a Heritage Assessment to accompany planning applications for developments that affect heritage assets, such as Conservation Areas. The Heritage Assessment should include a description of the significance of the heritage asset and its setting together with an assessment of the impact of the proposal on that significance.
123. Historic Environment Policy 1 requires planning applications for developments in the Conservation Areas to be accompanied by a Heritage Statement. The list of criteria for inclusion in such a Statement does not include a description of the significance of the heritage asset. As there is already a CDC requirement for the submission of a Heritage Assessment and as the criteria for a Heritage Statement in Historic Environment Policy 1 do not comply with the CDC Heritage Assessment requirements, I recommend the deletion of reference to a Heritage Statement in Historic Environment Policy 1. This will provide a practical framework for decision making.
124. Subject to the modifications I have suggested above, modified Historic Environment Policy 1 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Historic Environment Policy 1 meets the Basic Conditions.
125. Paragraph 10.3 refers to The Chiltern District Council Townscape Character Assessment (2013). I have been provided with an extract from the Chiltern and South Bucks Townscape Character Study (November 2017). This is an update of the 2013 study. Thus, I suggest paragraph 10.3 is updated. **I see this as a minor editing matter.**
126. Paragraph 10.5 refers to development affecting a listed building. This paragraph should refer to development which would adversely affect the significance of a listed building. In addition, this paragraph refers to Appendix 3, when it should refer to Appendix 2. **I see these as minor editing matters.**
127. **Recommendation: to meet the Basic Conditions, I recommend modification to Historic Environment Policy 1 to read as follows:**

### **Historic Environment Policy 1. Heritage Assets in the Parish**

**Development proposals in the Chalfont St Giles Parish are required to conserve and/or enhance:**



**a) The special interest, character and appearance of the Chalfont St Giles and Jordans Conservation Areas; and**

**b) The significance of designated heritage assets and their settings including listed buildings and monuments in line with National and District Policy.**

## High Quality Design

### Design Policy 1. New Development

128. Paragraph 11.1 refers to policies in this section. However, there is only one policy. **I see this as a minor editing matter.**
129. The NPPF at paragraph 58 requires neighbourhood plans to include policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics.
130. As mentioned above, Core Strategy Policy CS20 requires that new development is of a high standard of design.
131. Design Policy 1 seeks to ensure that new development positively responds to local character in the local character zones.
132. Paragraph 11.2 refers to a local character analysis, which is a supporting document to the Plan. I have not been provided with this document and it has not been made available for public consultation on the submitted Plan. In this circumstance it is not therefore appropriate for it to be included at such a late stage as a supporting document. Instead, the Plan will have to rely on the summary of characteristics of the Character Zones as outlined in paragraphs 11.3 – 11.10 and identified on Map 12. In the interest of precision, I recommend that Design Policy 1 refers to these paragraphs and Map 12 in the first sentence. (Later on, I recommend that Map 12 is replaced by OS maps of a suitable scale, so this map number may alter). In addition, to ensure that the policy is clear and unambiguous, I recommend that the word ‘may’ in the first sentence is replaced with ‘will’.
133. The last sentence of paragraph 11.2, referring to a local character analysis should be deleted. **I see this as a minor editing matter.**
134. Design Policy 1 requires evidence to accompany planning applications on a list of design matters. As I have previously mentioned, I have no reason to suppose that it is the government’s intention that the procedural requirements on developers for planning applications should be more onerous where neighbourhood plans are in existence than elsewhere. Such a requirement for this additional evidence for all planning applications would be an onerous requirement, and I have not been provided with a robust justification for this approach in Design Policy 1. Instead, I suggest that

Design Policy 1 sets out criteria against which proposals for development will be assessed, where relevant to the development proposed. I have suggested revised wording.

135. For the same reasons as mentioned under Housing Policy 2, criterion h) should be modified to specify a requirement for the provision of suitable ducting capable of enabling the provision of up to date electronic communications infrastructure for appropriate development.
136. Paragraph 11.10 correctly states that much of the Plan area is within the Green Belt. In the interest of precision, I have suggested additional wording to Design Policy 1 to reflect this.
137. Paragraph 11.11 refers to new housing developments being required to demonstrate that they are in line with the Government's Technical Housing Standards (2015). In a Written Ministerial Statement of 25 March 2015, the Government announced that neighbourhood plans should not be used to apply these national technical standards. To have regard to national policy, I recommend deletion of this reference from paragraph 11.11.
138. The Character Zones outlined on Map 12 need to be of a suitable scale for ease and accuracy of identification. In the interest of precision, I recommend that Map 12 is replaced with inset OS based maps at an appropriate scale that ensures the precise boundaries of the Character Zones are clearly identifiable.
139. Subject to the modifications I have recommended above, modified Design Policy 1 has regard to national policy, contributes towards sustainable development, particularly the environmental role and is in general conformity with strategic policy. Modified Design Policy 1 meets the Basic Conditions.
140. **Recommendation: to meet the Basic Conditions, I recommend:**

**1) modification to Design Policy 1 to read as follows:**

**Design Policy 1. New Development**

**Proposals for new development, including infill, that positively responds to the characteristics of the local Character Zones, identified on Map 12 and summarised in paragraphs 11.4 – 11.10, will be supported. Where sites are situated in the Green Belt, National and District Green Belt policies will apply.**

**Proposals for new development will be supported where they meet the following criteria, where applicable.**

**a) Context: Development should create a positive relationship between the site and the existing built up area.**

- b) Plot width:** Plots should be of sufficient width as not to cause overlooking and to allow for the separation between dwellings to a scale that reflects the positive character of the immediate vicinity.
  - c) Building line:** Where the set-back from the road or pavement of existing buildings is a feature of the area, new development should respect that building line.
  - d) Visual separation:** New buildings must have similar spacing between buildings to that commonly found on the street frontage.
  - e) Building height:** New buildings should reflect the height of existing buildings in the immediate vicinity.
  - f) Daylight and sunlight:** New buildings should not adversely affect neighbouring properties by seriously reducing the amount of daylight available.
  - g) Boundary treatment:** Boundary treatment along the frontage of the scheme should reflect the immediate area.
  - h) developments should provide suitable ducting capable of enabling the provision of up to date electronic communications infrastructure.**
- Applications for infill developments must have direct access to the highway.**

**2) the deletion of reference to the Government's Technical Housing Standards (2015) from paragraph 11.11.**

**3) Map 12 is replaced with inset OS based maps at an appropriate scale that ensures the precise boundaries of the Character Zones are clearly identifiable.**

## **Planning Contributions**

### **Planning Contributions Policy 1**

- 141. Paragraph 173 in the NPPF states: *Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be delivered viably is threatened.*
- 142. CDC does not currently have a Community Infrastructure Levy charging schedule (CIL). If CIL charging is introduced, the neighbourhood portion of the levy available to the Parish Council could be spent on a wider range of things than the rest of the levy, provided that it meets the requirement to

‘support the development of the area’. In those circumstances, the neighbourhood portion of the levy could be spent on the Parish’s Key Neighbourhood Priorities identified in Planning Contributions Policy 1. However, at the current time, in the absence of CIL, developer contributions can only be sought where they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the *Community Infrastructure Levy Regulations 2010*.

143. As there is no CIL charging schedule, I recommend the deletion of Planning Contributions Policy 1. I realise that the Parish’s Key Neighbourhood Priorities are important to the local community. They can remain in the Plan as non-planning policy proposals, but the funding of them from developer contributions cannot be a land use and development policy requirement. It is not necessary for me to provide detailed wording as it is not for me to re-write the plan.
144. **Recommendation: to meet the Basic Conditions, I recommend the deletion of Planning Contributions Policy 1 and accompanying justification text, and the last sentence in paragraph 9.5. The Parish’s Key Neighbourhood Priorities are important to the local community. They can remain in the Plan as non-planning policy proposals.**

## Appendices

145. A representation from a member of Jordans Local Quaker Meeting has referred to inaccuracies on page 66 in Appendix 1 regarding the Jordans Quaker Meeting House. It is suggested that the second sentence is replaced as this is not accurate. The suggested replacement is: *it was one of the first purpose built Quaker Meeting Houses in Britain*. In addition, it has been suggested that the last two sentences are modified as follows: *its association with William, who is buried in the original 1671 burial ground, adjoining and predating the Meeting House, means that it is of great interest to visitors and receives many from the USA. The burial ground further up the hill is in current use for Quakers from North and West London as well as those in the Chilterns. The first recorded burial there was in January 1914.* **I see these as minor modifications.**
146. It has been brought to my attention through the representations that Hill House in Bowstridge Lane should be added to the list of Listed Buildings in Appendix 2. **I see this as a minor editing matter.**
147. Appendix 7 implies that Jordans Village Ltd owns all the land within the Village Estate Boundary, but it has been brought to my attention through the representations that there are residential freeholds within this area. This should be mentioned in Appendix 7. **I see this as a minor editing matter.**

## Glossary of Terms

148. The definition of infill development in the Glossary differs from that in paragraph 11.13. These should be the same. There are no defined settlement development limits boundaries in the Plan, so this definition is not needed. Similarly, there is no reference elsewhere in the Plan to flood risk assessment, greenfield sites, green-space, housing associations, soundness, sustainable communities or Communities and Local Government. **I see these as minor editing matters.**
149. Under Rural Exception Sites, there is a list of issues to be addressed in a legal agreement. To introduce this list of issues in a glossary does not create a practical framework for decision making. This is not a definition of Rural Exception Sites and thus, in the interest of clarity, the text should be deleted and replaced with an appropriate definition.
150. **Recommendation: to meet the Basic Conditions I recommend the deletion of the text on page 103 for Rural Exception Sites and its replacement with the definition of Rural Exception Sites in the NPPF.**

## Additional Matter

151. High Speed Two (HS2) Ltd has referred to the *High Speed Two Phase One London to the West Midlands Safeguarding Directions With Guidance Notes For Local Planning Authorities* (August 2018). These state that in preparing any Development Plan Document the area safeguarded by the Safeguarding Directions should be taken into account. To have regard to this statutory guidance, I recommend the inclusion of the safeguarded route through the Plan area is identified on a Map in the Plan. In accordance with the Guidance, reference should be made to the HS2 Safeguarding Directions having been formally made by the Secretary of State for Transport and that powers for the construction of Phase One of the route have been obtained. This is not a proposal in the Neighbourhood Plan and the route will not be determined through the development plan process. This has regard to national policy.
152. **Recommendation: to meet the Basic Conditions I recommend the inclusion of a map identifying the safeguarded HS2 route through the parish and the inclusion of the following paragraph:**
- The HS2 Safeguarding Directions have been formally made by the Secretary of State for Transport and powers for the construction of Phase One of the route have been obtained following Royal Assent for the High-Speed Rail (London to West Midlands) Act in February 2017. This is not a proposal in the Neighbourhood Plan and the route will not be determined through the development plan process.**

## Referendum and the Chalfont St Giles Parish Neighbourhood Plan Area

153. I am required to make one of the following recommendations:
- the Plan should proceed to Referendum, on the basis that it meets all legal requirements; or
  - the Plan as modified by my recommendations should proceed to Referendum; or
  - the Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.
154. **I am pleased to recommend that the Neighbourhood Plan for Chalfont St Giles Parish as modified by my recommendations should proceed to Referendum.**
155. I am required to consider whether or not the Referendum Area should extend beyond the Chalfont St Giles Parish Neighbourhood Plan Area. I see no reason to alter or extend the Neighbourhood Plan Area for the purpose of holding a referendum.

### Minor Modifications

156. The Plan is a well-written document, which is easy to read. Where I have found errors, I have identified them above. It is not for me to re-write the Plan. If other minor amendments are required as a result of my proposed modifications, I see these as minor editing matters which can be dealt with as minor modifications to the Plan. In particular, I note that Section 13, with regard to what happens next, will need updating.

**Janet Cheesley**

**Date 18 March 2019**

## Appendix 1 Background Documents

The background documents include:

The National Planning Policy Framework (The Framework) (2012)  
The Revised National Planning Framework (2018) and minor modifications  
(February 2019)  
The Planning and Compulsory Purchase Act 2004  
The Localism Act (2011)  
The Neighbourhood Planning Regulations (2012)  
The Neighbourhood Planning (General) (Amendment) Regulations (2015)  
The Planning Practice Guidance (2014)  
The Conservation of Habitats and Species and Planning (Various  
Amendments) (England and Wales) Regulations 2018  
Saved Policies in the Chiltern District Local Plan (Adopted 1 September  
1997. Including alterations adopted 29 May 2001. Consolidated September  
2007 & November 2011)  
Core Strategy for Chiltern District (2011)  
CDC Local Validation Requirements List for Planning Applications  
All supporting documents submitted with the Neighbourhood Plan  
Regulation 16 Representations  
Parish Council responses to Regulation 16 Representations