

The Daws Hill Neighbourhood Plan 2018 -2033

Initial Comments of the Independent Examiner

Prepared by

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30th July 2019

Introductory Remarks

1. As you will be aware, I have been appointed to carry out the examination of the Daws Hill Neighbourhood Plan. I have carried out my initial review of the Plan and the accompanying documents that I have been sent. I visited High Wycombe and in particular Daws Hill on the 29th July 2019.
2. My preliminary view is that I should be able to deal with the examination of this Plan by the consideration of the written material only. I do still have to reserve the right to call for a public hearing, if I consider that it will assist my examination but I consider that is unlikely.
3. However, there are a number of matters that I wish to receive either clarification or further comments from either the Forum or the District Council or both. Such requests are quite normal during the examination process and will help me prepare my report and come to my conclusions.

Regulation 16 Comments

4. Firstly, I would like to offer the Neighbourhood Forum the opportunity to respond to any of the comments made in the representations submitted at the Regulation 16 stage.

Policy 1: Protection and Improvement of the Natural Environment

5. The first sentence of the policy sets out what an applicant is required to submit with a planning application. These matters are generally set out, not in the development plan, but in the Local Validation Checklist issued by the Council under different legislation. I note that the Wycombe Local List includes the requirement for all applicants to submit a Wildlife Checklist which then can then point to the specific need for an ecological assessment, in some cases. There could be some developments where there would be no ecological impact, such as a first-floor rear extension to a house and it seem over onerous to require say a householder to instruct an ecologist to prepare an ecological assessment in every single case. I would welcome the views of both the LPA and the Forum.

Policy 2: Trees, Hedgerows and Woodlands

6. The first paragraph of the policy refers to maintaining the woodland character of the area. I am conscious that there is a variety of different characters to different parts of the area and this is clearly described in the Character Assessment. Would the Forum consider it be more appropriate for the policy to refer to the woodland character of particular character areas, rather than the plan area as a whole?
7. Can the LPA confirm whether any of the woodland in the plan area would be classed as ancient woodland?

8. In terms of the replacement woodland – is it expected that this would be provided within the plan area and can the Forum give me an indication where it would wish to see the replacement trees planted as required by the policy?
9. I would ask the LPA to update me on the proposed public transport or pedestrian/ cycle link between the Pine Trees development and the Park and Ride at Handy Cross. Is it likely to be a line shown on a future version of the Local Plan or how will the route be promoted? I need to assess whether policies in the neighbourhood plan should be flexible enough to accommodate it, whether in general, or by reference to a particular scheme. I note the margin left beside the M40 but does the Forum have a view as to whether a route linking St Michaels School through the woodland could assist in the dropping off and collection of pupils?

Policy 3: Local Green Spaces

10. The designation as Local Green Space is the highest level of protection available for neighbourhood plans, which offers special protection to green areas of *particular importance* to the communities. It is necessary for the green area to be demonstrably special to the local community and holds a particular significance.
11. I was surprised that the plan identified a small area of highway land in the middle of the Dawes Hill Lane / Marlow Hill junction, LGS 5, which is occupied by approximately 8 equipment cabinets. The supporting text in Appendix A2 refers to a “park bench which provides a welcome rest point for pedestrian who have walked up Marlow Hill”. However, that park bench is on the larger area of land on the north side of the junction, which is actually outside the neighbourhood plan area. Furthermore, as an area of highway, the grassed verge could be lost through highway alterations, which would not be subject to planning control, as it would be permitted development. The LGS designation could not therefore protect this grass refuge as the designation intends. I am minded to conclude that the particular designation serves no purpose and does not meet the threshold for the highest level of protection but I would welcome the Forum’s views
12. The other designation, upon which I am seeking further information, is Myees Plantation. During my site visit, I was unable to ascertain how this area of woodland is accessed by the local community. When I approached St Michaels School site, I was faced by closed security gates and fences as it was school holidays. I now understand that this school entrance is the sole access to Myees Plantation. As I was not able to walk the site, I need to ask some further questions, which will help me to come to a view.
 - Who owns the woodland area and does it form part of the school grounds or is it separated from the school?
 - Is public access for dog walking by consent and is access available at all times and on every day of the year or are there any restrictions

when the residents cannot use, it such as evenings or weekends or public holidays when the school will be closed?

- Were the school authorities notified as to its proposed LGS designation, as required by advice in the PPG and did they respond?
- Are there any child safeguarding issues associated with unrestricted public access to this part of the school's grounds?
- I note that the text states that the woodland is used for a resident's barbeque. When was the last community barbeque held there and was it with the explicit consent of the school? The text says that there is no other suitable location for communal activities, but later in the table it says that the land at Fair Ridge adjacent to Foxleigh is used for an annual barbeque "attended by local residents and local councillors." As well as being used for the barbeque and dog walking, is the Myees Plantation significant for other reasons and in any event, is its woodland amenity not protected by Policy 2?
- Does the Forum wish to include the policy wording which will apply to development proposed on LGS or it is proposing to rely upon the policy in the NPPF as in effect the policy merely designates LGS, but is silent on the policies which will apply?

Policy 4: Recreation and Open Spaces

13. Does the policy only refer to St Michael's playing field or are there other parcels of land within the plan area which the policy seeks to protect?
14. What is the difference between formal open space and open space with a recreational value?

Policy 5: Backland Development

15. Do the presumptions against development in rear domestic gardens, apply to ancillary residential buildings such as annexes, sheds, summer houses or is it directed towards resisting new homes in a backland situation?

Policy 6: Flooding and Drainage

16. Can I be given links to the relevant documents and is Natural England the principle source of advice on drainage or should it be DEFRA?
17. Is there an existing issue of water supply or waste water capacity in the Daws Hill area? Has this been raised by Thames Water in previous consultations?

Policy 7: Design Quality

18. Can the existing viewpoints referred to in the sixth bullet, be shown on a map?
19. Do the requirements in the third bullet, duplicate the requirements in Policy 2?

Policy 8: New Shops

20. The policy refers to *renovated* shop frontages. Are there any shops in the plan area that can be renovated? I did not see any shops, except perhaps the shells of what could have been shop units at the end of Fair Ridge? Could the LPA let me know what the planning status of these units is?

Policy 9: Scale of Local Non-Residential and HMO Development

21. Paragraph 5.9.1 refers to the fact that the plan area primarily comprises “residential development alongside a variety of supporting community, commercial and employment uses”. Can I be pointed to the locations where there is existing commercial and employment uses in the plan area.
22. Can the LPA let me know how many licensed HMOs there are in the plan area and is there a different parking standards for such uses? Are there any Article 4 Directions relating to the removal of permitted development rights to change from residential C3 uses to small HMOs in Use Class C4 in the plan area?

Concluding Remarks

23. I am sending this note direct to the Neighbourhood Forum, as well as Wycombe District Council. I would request that all parties’ responses should be sent to me by 5 pm on **19th August 2019**.
24. I will be grateful, if a copy of this note and any subsequent response is placed on the appropriate neighbourhood plan websites.

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Independent Examiner to the Daws Hill Neighbourhood Plan.

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