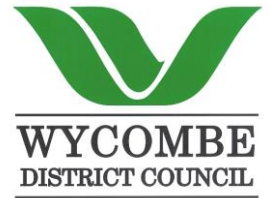


For official use only



**Publication of the Wycombe District Local Plan
October 2017
Representation Form**

We invite comments, also known as representations, on the publication version of the Wycombe District Local Plan. This is the version of the plan that we intend to submit to the Secretary of State for an independent examination.

- Please quote the paragraph, policy, or map you are commenting on (question 1 in part B).
- We would encourage you to complete this form to identify why the points you raise cause the plan to be unsound or not legally compliant (question 4, part B).
- If you wish to speak at the Examination, you need to clearly state you wish to take part (questions 6 and 7, part B).

You must send responses to Wycombe District Council by **11:59pm on Monday 27 November 2017**.

Responses can be submitted online at www.wycombe.gov.uk/wdlppublicationversion, by email to newlocalplan@wycombe.gov.uk (an automatic email response will confirm receipt) or sent by post to:

Planning Policy,
Wycombe District Council,
Queen Victoria Road,
High Wycombe,
Bucks,
HP11 1BB

You can submit as many comments as you would like. Please complete a separate part B for each part of the plan on which you want to comment.

This form has two parts:

- Part A – Your Details
- Part B – Your comment(s). Please expand the comments table as appropriate

All comments received will be submitted to the Secretary of State and considered as part of a public examination by an independent Planning Inspector.

PART A

1. Personal Details

2. Agent's Details (if applicable)

* If an agent is appointed, please complete only the Title, Name and Organisation boxes below but complete the full contact details of the agent in 2.

Title	Mrs	N/A
First Name	Nicola	
Last Name	Thomas	
Job Title (where relevant)	Partnership Manager	
Organisation (where relevant)	Buckinghamshire and Milton Keynes Natural Environment Partnership	
Address	c/o 7 th Floor, County Hall Walton Street Aylesbury	
Postcode	HP20 1UA	
Telephone	DD 07736 480 877	
Email Address	nthomas@buckscc.gov.uk	

3. Client Details

If you are an agent representing a specific site interest, please fill in the details below.

Site Interest	
Client's Name	

4. Please tick this box if you wish to be notified of future stages of the Wycombe District Local Plan

Y

5. Please tick this box if you wish to receive our electronic Weekly Planning Bulletin which gives you updates on local and national Planning matters (you will need to supply an email address to receive this)

6. Data Protection and Freedom of Information

For the purposes of the Data Protection Act 1998 processing of the representations you provide is necessary for the exercise of functions conferred on Wycombe District Council in connection with the Local Plan under the Town and Country Planning (Local Planning) (England) Regulations 2012. **The representations will also be disclosed to the Secretary of State and may be put into the public domain, including on the council's website.**

PART B – Please copy and use a separate sheet for each representation

Name or Organisation:

Buckinghamshire and Milton Keynes Natural Environment Partnership

1. To which part of the Plan does this representation relate?

SECTION 6.0 – DELIVERING THE STRATEGY, MANAGING DEVELOPMENT

Paragraph number:

DM30

DM34 (page 360) Policy Text - and Paras.6.141, 6.143 and 6.152

DM35 – Para 2 policy text; and Para 6.151

DM38 – Para 6.181; and DM39

Policy / site reference or name:

DM30

DM34 – policy text and supporting text

DM35 – Para 2 policy text; and Para 6.151

DM38 – Para 6.181; and DM39

Map number / name:

2. Do you consider the Plan is:

2.(1) Legally Compliant

Yes

No

2.(2) Sound*

Yes

No

2.(3) Complies with the Duty to co-operate

Yes

No

* The considerations in relation to the Plan being “sound” are explained in the National Planning Policy Framework in paragraph 182 and are set out in Appendix A of this form. *If you have entered **No** to 2.(2) please continue to Q3. In all other circumstances, please go to Q4.*

3. Do you consider the Plan is unsound because it is:

(1) Not positively prepared

(2) Not justified

(3) Not effective

(4) Not consistent with national policy

4. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The Buckinghamshire and Milton Keynes Natural Environment Partnership has reviewed the Regulation 19 Version of the Wycombe District New Local Plan with reference to our previous comments:

- Our Standard Response to Local Plan Consultations – sent to WDC on 21 December 2015
- Our bespoke response to WDC on the draft Local Plan – sent on 8th August 2016
- Our Duty to Cooperate meeting on 9th May 2017 and related emails throughout June and into early July 2017 on subsequent draft text amendments.

Summary

The Buckinghamshire and Milton Keynes Natural Environment Partnership is pleased to see that the monitoring section of the Wycombe District New Local Plan now includes a measure on a sample basis towards CP10 – the extent to which the applications lead to a net increase in biodiversity.

However - The NEP is concerned with the wording now included at Policy DM34 in particular (Delivering Green Infrastructure and Biodiversity in Development).

This is weaker than the draft July 17 version of the Plan that the NEP had been asked to comment on, particularly in relation to the commitment and delivery of biodiversity net gain.

We believe the current policy DM34 is no longer clearly compliant with NPPF requirements for biodiversity net gain. Details of these concerns are set out below and in our working document also included in this response.

We would welcome, at the least, a re-instatement of the draft July 2017 policy and supporting text at DM34, as proposed modifications, to address our concerns.

NEP'S Involvement in development of the Plan

The Buckinghamshire and Milton Keynes Natural Environment Partnership was invited to attend a Duty to Cooperate meeting on 26th May 2017 and were pleased to comment on subsequent drafts of the main policies of concern (in particular CP10 and DM34) during a sequence of emails with Wycombe DC throughout June and into early July 2017.

The NEP had been pleased with the July 2017 draft version of the Policy DM34. This had stated clearly the requirement for all development to “...ensure a long-lasting net gain in biodiversity...”, measurable “using best practice in ...biodiversity accounting”, details of which would be contained in a forthcoming Supplementary Planning Document.

*[NB - The Regulation 19 version of the **draft Vale of Aylesbury Local Plan**, also currently out for consultation, clearly states the need for a net gain in biodiversity, measurable using best practice in biodiversity accounting and references the forthcoming SPD. The VALP also emphasises that monitoring and management of biodiversity features will be required into the long term (see Para 9.17 and Policy NE2 in the VALP). The NEP would welcome back similar references into the WDC Plan to ensure consistency across Buckinghamshire and Milton Keynes].*

Specific concerns over the Regulation 19 Version of the Plan (October 2017)

However, the Regulation 19 Version of the WDC Plan now released for consultation in October 2017 is very different.

Policy DM34 has either removed altogether or removed from the policy text (so de-prioritised) key policy aims related to biodiversity and net gain.

Policy DM 34 also seems now to confuse “green infrastructure” with “biodiversity”. The two terms had been referred to separately in the July draft. However, the Regulation 19 version of the DM34 Policy text seems to amalgamate biodiversity within the term “green infrastructure”, although this is not clear.

Biodiversity and green infrastructure are different. It is important that net gain in biodiversity should be a clear, stated aim, separate to net gains in Green Infrastructure. Even if the Policy DM34 set out to include “biodiversity” within “green infrastructure”, then DM 34 currently would not ensure a net gain in biodiversity occurs – so the policy is not compliant with the NPPF. As it stands - a developer can ensure a net gain in GI, through provision of mowed amenity grassland and sport pitches, and so be compliant with DM34 even though they may not be creating any habitat of significant value to biodiversity. This could lead to something far from a net gain in biodiversity, and indeed likely a net loss in biodiversity, contrary to the NPPF.

In particular, we would like to see the following re-instated. These had been present in the July 2017 draft, but are no longer included in the current October 2017 version of the Local Plan:

- ***A clear statement in the policy text of the requirement for development to achieve long-lasting net biodiversity gain, improved access to green infrastructure and improved network connections.***
- ***Specific reference to the “mitigation hierarchy”.***
- ***Use of the mitigation hierarchy: A requirement by development to demonstrate that proposals and enhancement have followed the mitigation hierarchy.*** The current policy’s reference to a “sequential approach” no longer appears to refer to all development (although this point is itself now unclear).
- ***Specific reference in the policy text to “measurable net gain” using best practice in... biodiversity accounting.***
- ***Reference to a forthcoming SPD to set out the biodiversity accounting methodology.*** (The mention of a possible SPD at 6.152 (DM34, Oct 2017 version) does not make it clear whether it would cover the details of the biodiversity accounting methodology).

The reference to the forthcoming SPD on biodiversity accounting should be reinstated as this work is ongoing and the SPD will set out the details of how to fulfil the NPPF requirements for biodiversity net gain.

The current result of not clearly stating these aims and requirements for biodiversity in the Wycombe District is a policy that appears to be weaker and less clear in respect of the aims for net gains in biodiversity than the draft July version that the NEP had been asked to review. It is also weaker on biodiversity net gains than the 2016 version of the plan sent for public consultation.

We also look to re-iterate our request in July to strengthen the policy:

- ***Provision should be made for the long-term monitoring, not just “management and***

maintenance” of GI – to ensure the gains expected are actually delivered (Policy text 3 d).

Risk of non-compliance

The NEP is also concerned that Policy DM34 as it now stands is no longer clearly compliant with the requirements for biodiversity net gain in the NPPF. Notably:

- NPPF Para 109 – “The planning system should contribute to and enhance the natural and local environment by ...minimising impacts on biodiversity and **providing net gains in biodiversity where possible...**”
- NPPF Para 118 – “**When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity...**”
- Other NPPF paragraphs of relevance: Paras 7, 8, 9, 17, 114, 152, 157, 187.

-
- NB NPPF Planning Guidance “**Is there a statutory basis for planning to seek to minimise impacts on biodiversity and provide net gains in biodiversity where possible?**” “...Yes”... NPPF planning guidance (provided only on .gov.uk)

<http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/biodiversity-ecosystems-and-green-infrastructure/>

“Is there a statutory basis for planning to seek to minimise impacts on biodiversity and provide net gains in biodiversity where possible?”

Yes. [Section 40 of the Natural Environment and Rural Communities Act 2006](#), which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector, which should be seeking to make a significant contribution to the achievement of the commitments made by Government in its [Biodiversity 2020 strategy](#).....

The National Planning Policy Framework is clear that pursuing sustainable development includes moving from a net loss of biodiversity to achieving net gains for nature, and that a core principle for planning is that it should contribute to conserving and enhancing the natural environment and reducing pollution.

See related policy: [paragraph 9](#); [paragraph 17 – 7th bullet](#); [paragraph 109](#); [paragraph 113](#); [paragraph 114](#); [paragraph 117](#); [paragraph 118](#); [paragraph 119](#); [paragraph 157 – last bullet](#)”

Paragraph: 007 Reference ID: 8-007-20140306

Revision date: 06 03 2014

SPECIFIC AREAS OF CONCERN:

POLICY DM30 -

- **The NEP supports the views of one of its Partners, the Chilterns Conservation Board (CCB), in advocating use of the suggested CCB model policy.**

POLICY DM34 – DELIVERING GREEN INFRASTRUCTURE AND BIODIVERSITY IN DEVELOPMENT

Policy Text

- **A clear statement of the aim to achieve long-lasting net biodiversity gain (July Policy DM34 1b), improved access to green infrastructure and improved network connections – are all now removed from DM34 policy text.**

The July draft policy text at 1(b) stated “**Maximise the opportunities available for green infrastructure and biodiversity enhancement. This must ensure a long lasting net gain in biodiversity.....**”

The October policy now talks of “**delivering long lasting measurable net gains**”, but in relation to green infrastructure rather than biodiversity, so the “net gain” for biodiversity element is no longer clear. The policy now refers to “**opportunities to enhance existing and provide new green infrastructure have been maximised, including delivering long lasting measurable net gains**”.

So - it is no longer clear if this refers to biodiversity specifically or GI in general (so risks being misinterpreted).

Biodiversity and green infrastructure are different. It is important that net gain in biodiversity should be a clear, stated aim, separate to net gains in Green Infrastructure. Even if the Policy DM34 set out to include “biodiversity” within “green infrastructure”, then DM 34 currently would not ensure a net gain in biodiversity occurs – so the policy is not compliant with the NPPF. As it stands - a developer can ensure a net gain in GI, through provision of amenity grassland and sport pitches, and so be compliant with DM34 even though they may not be creating any habitat of significant value to biodiversity. This could lead to something far from a net gain in biodiversity, and indeed likely a net loss in biodiversity, contrary to the NPPF.

The October policy refers to net gains in supporting text at Para 6.146 (“*In assessing net gains for biodiversity*”) but nowhere else in the policy – which is confusing. Pg 363.

- **Specific reference to the “mitigation hierarchy” (July Policy DM34 1b) has been removed.**
- **Use of the mitigation hierarchy in relation to development proposals and any related enhancements has been removed - and no longer seems to refer to all development (although this is now unclear).**

Reference to the mitigation hierarchy and its purpose had been clearly set out at 1c in DM35 policy text in the July version “*...Demonstrate that development proposals and any related enhancements have followed a mitigation hierarchy, where priority is given to avoidance, then mitigation, then on-site compensation, then off-site compensation as a last resort*”.

The current policy now talks of a “*sequential approach*” – under DM34 Para 2(b) but *only in relation to “developments likely to affect the significance of designated or non-designated green infrastructure assets”* when assessing existing and planned green infrastructure and ecological features and networks.

It not clear what “*designated or non-designated GI assets*” means and whether this should still refer to development proposals “and any related enhancements”.

- DM 34 Para 2 also states that “*Developments ... are required to evidence a thorough understanding of context through the preparation of a proportionate assessment of existing and planned GI and ecological features and networks both on the site and in the locality...*”.

It is also unclear what a “*thorough understanding of context*” is and what should be expected

/ assessed during the “proportionate assessment of existing and planned GI and ecological features and networks”. For example, it would be helpful to mention mapping explicitly if that is required, or a GI needs-assessment if that is intended.

- **Reference to the mitigation hierarchy must be more clearly related to securing biodiversity net gain** (2aii and 2b at DM34). Currently it is ambiguous - seems to be referring to GI gain rather than biodiversity net gain?
- **Reference in the policy text to “measurable net gain” using best practice in GI, biodiversity accounting... has been removed in the October Policy Text.** Supporting text Para 6.146 captures this, but to make things clearer and give appropriate emphasis, this should also be clearly stated in the policy text itself.
- **Reference to a forthcoming SPD to set out the biodiversity accounting methodology – has been removed.**

The mention of a possible SPD at 6.151 (DM34) does not make it clear whether it would cover the details of the biodiversity accounting methodology. The wording in 6.151 refers to Part 3 (minimum requirements of development) of the DM34 Policy text only.

The reference to the likely SPD on biodiversity accounting methodology should be reinstated in the policy text. This work is ongoing and the SPD will set out the details of how to fulfil the NPPF requirements for biodiversity net gain.

- **Provision should be made for the long-term monitoring, not just “management and maintenance” of GI – to ensure the gains expected are actually delivered. “Long-term” should be defined.** (October Policy supporting text at 6.155 at DM34 talks of “effective management for long lasting benefits”)
- **“Gains in other types of green infrastructure are likely to be measured both qualitatively and quantitatively”.** (Para 6.146, pg 363, Oct Policy). **It is not clear what this means.**

In respect of green infrastructure and landscape, we are also concerned to see the **following references no longer contained** in the DM34 Policy Text:

- **Requirement for an assessment of the opportunities presented by the context to deliver a net gain**
- **Achieve high standards of landscape design...**

The NEP also requests that:

- Para 6.141 - Refer to Appendix 2, NEP’s GI Vision and Principles doc – for a fuller list of built environment types and measures to enhance biodiversity in each.
- References to the other policies that should be read alongside this policy (e.g. CP7, 8, 10 and DM11-DM16) are clearly stated in the policy text – to assist those needing to use the policy in the future.
- 6.143 - the reference to the [NEP’s 2016 Green Infrastructure Vision and Principles](#) document is welcome – The NEP requests that the text also includes a direct list of the Nine Principles that need to be adhered to in order to meet the Vision, along with the current summary of

the nature of the Vision itself.

- 6.152 - buffers for protected habitats. [National Planning guidance on Protected sites and species](#) (2014) suggests a mitigation measure of a buffer zone of semi-natural habitat between development and ancient woodland. The text states ***“A minimum buffer should be at least 15 metres”***.

As the current text at 6.152 states that national guidance or best practice is 15 metres for ancient woodland. Please therefore insert ***“a minimum”*** before ***“15 metres”*** to ensure this is consistent with the national guidance text.

In addition, the NPPF (Para 118) lists ancient woodland as just one example of an “irreplaceable habitat” *not* as the *only* type of irreplaceable habitat. ***“...planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland...”***

Therefore please insert ***“irreplaceable habitat, including ancient woodland”*** at 6.152 to accurately reflect the wording in the NPPF.

POLICY DM35 – PLACEMAKING AND DESIGN QUALITY

The NEP requests greater clarity in this policy so it can be properly understood and is effective, as follows:

DM35 Para 4 – “where the scale of development in its context provides the opportunity to do...”

It is unclear what *“the scale of development in its context”* means, and therefore when this part of the policy should be applied. The need for GI and its benefits, and the need to look for opportunities to connect it and provide multiple benefits and enhance biodiversity – should apply at *all scales* of development.

Para 6.170– “an assessment of the existing networks around and across the site”

The NEP requests that the *“assessment”* and its purpose are defined more clearly in the text so it is clear what is being required. Also to identify how doing this contributes to the first sentence *“Green infrastructure networks and high quality connected streets are essential”*.

The NEP expects the assessment to refer to a review of the GI that already exists on a development site, and its potential, compared to the services it could provide and which are demanded through development (e.g. for amenity, biodiversity and for other purposes such as transport and access).

POLICY DM 38 – WATER QUALITY AND SUPPLY

To bring the Plan in line with the NEP’s Standard response to Local Plans and recognition of the opportunities to achieve a biodiversity net gain, we request an addition to the last sentence of Para 6.163 after *“SUDs which contribute to removing pollutants”* the words *“and which are designed to maximise the opportunity to benefit biodiversity ...”*

POLICY DM 39 – MANAGING FLOOD RISK AND SUSTAINABLE DRAINAGE SYSTEMS

To bring the Plan in line with the NEP's Standard response to Local Plans the NEP requests the following addition to this policy: *The need to avoid building over or culverting of watercourses and encourage the removal of existing culverts.*

(Please continue on a separate sheet/expand box if necessary)

5. Please set out what changes(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the Matter you have identified at 5 above where this relates to soundness. Please note that any non-compliance with the duty to co-operate is incapable of modification at examination. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The latest October 17 version of the policy either **drops altogether or de-prioritises key NEP requirements in relation to biodiversity that had been referred to in the July 17 draft version of the draft Plan that the NEP had commented on.** There are also areas where the policy intention is unclear.

We suggest below proposed modifications to make the Local Plan clearer – and therefore effective and sound and compliant with NPPF requirements for net gain in biodiversity – in respect of the issues identified at Policy DM34; also at DM35, DM38 and DM39.

Suggested additions – highlighted in YELLOW

Suggested deletions – ~~striked through.~~

Why the proposed modifications will make the Local Plan legally compliant or sound:

The suggested additions and amendments shown below would make the Policy text and supporting paragraphs clearer – and therefore more effective - in terms of

- Stating a clear aim to achieve a long-lasting net gain in *biodiversity* (not just “green infrastructure”).
- *How* this is to be achieved – using best practice in biodiversity accounting, through use of the mitigation hierarchy and in accordance with a future SPD.
- That these requirements relate to *all development*.
- These additions will also make Policy DM 34 internally consistent with Policy CP10 Para 4.112 – where it is stated that Policy DM34 “*sets out the mechanisms... to secure net gain in biodiversity across the plan period*”.
- Referencing to other policies that should be read alongside DM34 would make the policy clearer and more user-friendly and effective.
- Ensuring that Para 6.143 is compliant with the NEP’s strategy document – “*Vision and Principles for the Improvement of Green Infrastructure in Buckinghamshire and Milton Keynes*”.
- Ensuring Para 6.152 text is in line with National Planning guidance on protected sites and species

Proposed modifications to Policy Text DM34 and Paras 6.141, 6.143 and 6.152, along with proposed modifications to Policies DM35, 38 and 39 and supporting text – are as follows:

POLICY DM34 – DELIVERING GREEN INFRASTRUCTURE AND BIODIVERSITY IN DEVELOPMENT

1. **To help achieve the aims of CP7, CP9, CP10 and DM11-16**, all development is required to protect and enhance **biodiversity** and green infrastructure features and networks both on and off site.

2. ~~Developments likely to affect the significance of designated or nondesignated green infrastructure assets~~ are required to evidence a thorough understanding of context through the preparation of a proportionate assessment of existing and planned green infrastructure and **ecological biodiversity** features and networks both on the site and in the locality, and demonstrate how:

a) Through physical alterations and **a long-term management and monitoring** plan:

i. Existing green infrastructure **and biodiversity** will be protected or maintained;

ii. Opportunities to enhance existing and provide new green infrastructure **and biodiversity** have been maximised – **to deliver a ,including delivering long lasting net gain in biodiversity, improved access to green infrastructure and improved network connections.**

iii. **These net biodiversity gains must be measurable net gains, using best practice in biodiversity accounting and in accordance with any methodology set out in future Supplementary Planning Documents.**

~~b) A sequential approach has been taken to avoid first, then minimise, mitigate, and finally compensate for (on then off site) any harm.~~ **Development proposals and any related enhancements have followed a mitigation hierarchy, where priority is given to avoidance, then mitigation, then compensation (on-site first; off-site as a last resort). If significant harm cannot be avoided, development will not be permitted. Mitigation, compensation and enhancement measures must be secured and maintained in the long term.**

3. **And as part of the above, development is required to assess and enhance:**

a) Green Infrastructure as identified by Policy DM11 and/or DM12

b) Sites, habitats and species as identified by Policy DM13

4. **In all cases, development is required as a minimum to:**

- a) Secure adequate buffers to valuable habitats;
- b) Achieve a future canopy cover of at least 25% of the site area on sites outside of the town centres and 0.5HA or more;
- c) Within town centres and on sites below 0.5HA development is required to maximise the opportunities available for canopy cover (including not only tree planting but also the use of green roofs and green walls);
- d) Make provision for the long term management and maintenance of green infrastructure;
- e) Protect trees to be retained through site layout and during construction.

f) Achieve high standards of landscape design, which also contributes to positive placemaking in accordance with Policy DM35.

Para 6.141

Refer to Appendix 2, NEP's GI Vision and Principles doc – for a fuller list of built environment types and measures to enhance biodiversity in each.

Para 6.143

6.143 This Policy has been shaped by the NEP's 2016 Vision and Principles for the Improvement of Green Infrastructure in Buckinghamshire and Milton Keynes. The key points of the NEP Vision for the whole of Buckinghamshire and Milton Keynes by 2030 are working together towards a landscape-scale network of green and blue infrastructure that is:

- Well-designed, accessible, used and valued by our residents
- Connected together at the landscape scale
- Wildlife-rich
- Recognised as a necessity into the long-term to provide benefits for sustainable growth
- Delivered - through support, commitment and adequate funding ensuring additional, bigger, better and more joined up and connected green and blue infrastructure to provide multiple benefits is a priority.

To achieve the Vision, this Policy follows the Principles set out by the NEP:

- 1) *Green Infrastructure is as important and necessary as grey (man-made, constructed) infrastructure and social infrastructure for the health and wellbeing of Buckinghamshire's economy, environment and society***
- 2) *GI, its value and benefits are considered and planned for early and strategically at all***

spatial scales of development

- 3) *Green Infrastructure across Buckinghamshire should be planned to provide a range of benefits, or “ecosystem services”*
 - 4) *(Related to 3, above) GI creation and improvement is planned to contribute to the delivery of objectives and targets, good practice actions and activities for Buckinghamshire’s environment, health and economy*
 - 5) *GI is managed into the long-term*
 - 6) *Connected networks of green infrastructure are necessary - at both the landscape and local scale - to maximise the benefits*
 - 7) *GI creation and improvement is coordinated with activities cross-border*
 - 8) *GI protection, improvement and creation is prioritised in locations where GI can deliver most benefits. Opportunities to maximise the benefits of GI should be explored both strategically, when planning for GI provision ahead of growth and development, and when mitigating the impacts of development*
 - 9) *Linked and relevant to, informed by and co-ordinated with, other policy areas, strategies, activities and reviews*
-

Para 6.152 - buffers for protected habitats.

Protected habitats are highly vulnerable to direct and indirect impacts from development and adequate buffers are necessary to ensure their continued protection. Some of these are already well established in national guidance or best practice (e.g. 10 metres for streams or rivers, a minimum of 15 metres for irreplaceable habitat, including Ancient Woodland).

POLICY DM 35 – PLACEMAKING AND DESIGN QUALITY

The NEP requests greater clarity in this policy so it can be properly understood and effective, as follows:

DM35 Para 4 – “where the scale of development in its context provides the opportunity to do so...”

It is unclear what “the scale of development in its context” means, and therefore when this part of the policy should be applied. The need for GI and its benefits, and the need to look for opportunities to connect it and provide multiple benefits and enhance biodiversity – should apply at *all scales* of development.

Para 6.170– “an assessment of the existing networks around and across the site”

The NEP requests that the “assessment” and its purpose are **defined more clearly in the text so it is clear what is being required**. Also to identify how doing this contributes to the first sentence “Green

infrastructure networks and high quality connected streets are essential”.

The NEP expects the assessment to refer to a review of the GI that already exists on a development site, and its potential, compared to the services it could provide and which are demanded through development (e.g. for amenity, biodiversity and for other purposes such as transport and access).

POLICY DM 38 – WATER QUALITY AND SUPPLY

Para 6.181

In considering SuDS solutions, the need to protect surface water and groundwater quality must be taken into account, especially where infiltration techniques are proposed. SuDS which contribute to removing pollutants **and which are designed to maximise the opportunity to benefit biodiversity ...** as well as managing flows will be strongly preferred.

POLICY DM 39 – MANAGING FLOOD RISK AND SUSTAINABLE DRAINAGE SYSTEMS

To bring the Plan in line with the NEP’s Standard response to Local Plans the NEP requests the addition into this policy at Para 6 **the need to avoid building over or culverting of watercourses and encourage the removal of existing culverts.**

(Please continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

6. If your representation is seeking a change, do you consider it necessary to participate at the oral part of the examination?

Please note, you must answer yes to this question if you wish to have the opportunity to speak at the public examination.

No, I do not wish to participate at the oral examination

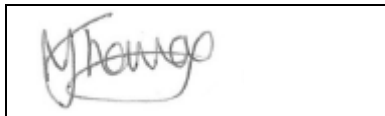
Yes, I do wish to participate at the oral examination

7. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To be provided with the opportunity to make the clear case, in person, regarding Policy DM34 in particular, and the need to differentiate between the terms “green infrastructure” and “biodiversity” in that Policy, if the requirements of the NPPF for net gains in biodiversity are to be met, and for the policy to be effective in implementation.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

Signature:

A rectangular box containing a handwritten signature in black ink. The signature appears to be 'M. Hwang'.

Date:

24 November 2017

PART B – Please copy and use a separate sheet for each representation

Name or Organisation:

Buckinghamshire and Milton Keynes Natural Environment Partnership

1. To which part of the Plan does this representation relate? PART 4 – THE STRATEGY

Paragraph number:

CP10 – policy and supporting text Paras 4.105, 4.108 and 4.111

Also - CP1, CP2, CP12,

Policy / site reference or name:

CP10

Also - CP1, CP2, CP12,

Map number / name:

n/a

2. Do you consider the Plan is:

2.(1) Legally Compliant

Yes

No

2.(2) Sound*

Yes

No

2.(3) Complies with the Duty to co-operate

Yes

No

* The considerations in relation to the Plan being “sound” are explained in the National Planning Policy Framework in paragraph 182 and are set out in Appendix A of this form. *If you have entered **No** to 2.(2) please continue to Q3. In all other circumstances, please go to Q4.*

3. Do you consider the Plan is unsound because it is:

(1) Not positively prepared

(2) Not justified

(3) Not effective

(4) Not consistent with national policy

4. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

POLICY CP10 – GREEN INFRASTRUCTURE AND THE NATURAL ENVIRONMENT

The NEP had previously requested that the Plan addresses the following in relation to **Policy CP10**:

- i) The need for mapping at the District level to show how Wycombe will contribute to the NEP's GI Vision and principles for Bucks and MK. The NEP's view is that an adequate baseline assessment of what exists already (function, location, size, connectivity of GI) needs to take place so that maximum benefits from GI can be planned for and realised.
- ii) The NEP's requirements for biodiversity in Local Plans (pg 10-11, NEP's bespoke response to WDC Local Plan, 8.8.16; and pg 2-11, Standard Response – sent 21.12.15).

In addition:

- The reference to the Council ensuring a net gain in biodiversity should be a clear requirement **for all development, rather than as a requirement for net gains in biodiversity “across the District as a whole over the plan period”**. (CP10 para 2)

The NEP suggests that net gain in biodiversity should be required at the scale of individual development proposals, not just “across the District as a whole over the plan period”, to properly meet the requirements of the NPPF.

The NPPF specifically requires the planning system to provide **“...net gains in biodiversity where possible...”** (See Para 109); and that **“When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity...”** (NPPF Para 118).

- **Policy text 3b)** – it is not strong enough to just keep the GI network **“under review”** – it needs proactive, early, strategic planning just like other infrastructure in order to maximise its benefits, looking at the development sites and across borders – looking for opportunities / potential to enhance, expand, connect, improve etc. Development should be shaped to maximise those opportunities and benefits. **Currently this text does not adhere to the NEP's 2016 GI Vision and Principles document.**

There are also several areas of ambiguous wording / unclear meaning – which threaten the effectiveness of CP10:

Policy text:

The Council “...**will promote** the conservation and enhancement of the natural environment and GI...” – **meaning is unclear.**

1 c – “Taking a **landscape character based approach**” – **meaning is unclear.**

Para 3 - mentions coordinating with the NEP to keep under review and update the extent of the GI network – This is a welcome reference to the NEP – although we are also working to identify opportunities for GI across Bucks and MK rather than just reviewing the extent.

Supporting text:

Para 4.105 – “**planning for**”...existing assets is of strategic importance” – what does this mean?

Para 4.111 – what is meant by designated sites being “**the anchor**” to the green infrastructure network?

Para 4.111 – “**By requiring management plans where these sites are adjacent to development, it can be ensured their biodiversity value can be enhanced**”. NB just having a management plan does not ensure enhanced biodiversity value. This would require net gain in biodiversity to be a specific policy requirement for all development.

Para 4.108 “The reality is that **areas of biodiversity and landscape importance** form part of a wider green infrastructure network across that District that also extends beyond the district boundary.”

What are these areas of importance, how are they defined?

Para 4.112 – refers to Policy DM34 to set out the mechanisms to “*secure a net gain in biodiversity across the plan period*”. **We do not believe the text in Policy DM34 sets out these mechanisms** because the wording of DM34 has significantly changed since the July 17 version we were invited to comment on. (see comments on DM34, above).

POLICY CP1 - SUSTAINABLE DEVELOPMENT

The NEP requests that specific reference is made in the Plan’s overall strategic objectives and principles to the NEP’s “[Vision and Principles for the Improvement of Green Infrastructure in Buckinghamshire and Milton Keynes](#)”.

Stating that the Plan supports and ensures these are recognised and adhered to is essential for

achieving Sustainable Development across Buckinghamshire. This recognises that GI networks, planned for early and strategically – are necessary at all scales to maximise the benefits - from local to landscape scale, and not just local scale or “*main places in the District*”.

(CP1 Policy Text Para 2; also Paras 4.6-4.7, pg 27-28).

POLICY CP2 – OVERALL SPATIAL STRATEGY

The NEP requests the addition of “*including green infrastructure*” into Para 2 of the policy text after “*infrastructure needs*”, so that it is clear that the Local Plan recognises the importance of green infrastructure alongside traditional built / grey infrastructure, in line with the NEP’s Vision and Principles for the Improvement of Green Infrastructure in Buckinghamshire and Milton Keynes.

(CP2 Policy Text Para 2)

POLICY CP 12 – CLIMATE CHANGE

The NEP notes that its “Standard Response to Local Plans” (See Appendix 1, NEP’s [GI Vision and Principles Document](#)) expectations for mitigation and adaptation to climate change are not captured.

The latest policy text also removes previous reference to “detailed design policies and guidance” as a mechanism to promote mitigation and adaptation to climate change.

(Please continue on a separate sheet/expand box if necessary)

5. Please set out what changes(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the Matter you have identified at 5 above where this relates to soundness. Please note that any non-compliance with the duty to co-operate is incapable of modification at examination. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The NEP suggests below proposed modifications to make the Local Plan clearer in respect of the issues identified in this Section.

Suggested additions – highlighted in YELLOW

Suggested deletions – ~~striked through~~.

Why the proposed modifications will make the Local Plan legally compliant or sound:

The suggested additions and amendments shown below would make the Policy text and supporting paragraphs clearer – and therefore more effective - in terms of

- Ensuring that the Policy Text at CP10 is clearly compliant with the NPPF in respect of net biodiversity gain.
- Ensuring that the Policy and supporting text is compliant with the NEP’s strategy document – “Vision and Principles for the Improvement of Green Infrastructure in Buckinghamshire and Milton Keynes”.
- To ensure that green infrastructure is recognised as important as “grey infrastructure” in development planning.
- To improve the clarity and meaning of the Policy Text – so making it more effective to operate.

Proposed modifications are provided below –

to Policy Text CP10 and Paras 4.105, 4.108 and 4.111;

along with proposed modification to Policies CP1, CP2 and CP12 and supporting text:

POLICY CP10 – GREEN INFRASTRUCTURE AND THE NATURAL ENVIRONMENT

The Council will promote **requires** the conservation and enhancement of the natural environment and green infrastructure of the District through:

1. Conserving, protecting and enhancing the Chilterns Area of Outstanding Natural Beauty and other natural environmental assets of local, national and international importance by:
 - a) Protecting them from harmful development through development management policies in this Plan and the Delivery and Site Allocations Plan including the protection of biodiversity and landscape designations and landscape character based approach to considering proposals;
 - b) Working with the Chilterns AONB Board and other agencies to improve the management of the AONB and other natural assets, and help people's enjoyment of them;
 - c) ~~Taking a landscape character based approach to~~ **Evaluating impacts on surrounding landscape and character in** considering proposals.
2. Ensuring there is a net gain in biodiversity **through all development** across the District ~~as a whole~~ over the plan period.
3. Protecting and enhancing the green infrastructure network of the District by:
 - a) Protecting designated sites and through management plans ensuring their biodiversity value will be enhanced;
 - b) **Proactive, early and strategic planning of green infrastructure to maximise its benefits, including a baseline assessment of what exists (function, location, size, connectivity). Development should be shaped to maximise those opportunities and benefits and all development is required to look for opportunities to enhance, expand, connect, improve and use the existing green infrastructure, including across the border of the development site.**
 - c) **Keeping under review, and updating the extent of the Green Infrastructure network and working to identify opportunities for GI** in coordination with the Bucks**inghamshire** and Milton Keynes Natural Environment Partnership and other agencies;
 - d) Protecting the network through development management policies;
 - e) Ensuring green infrastructure is planned into new developments; and
 - f) Taking opportunities to enhance the network, providing new or enhanced links in the network, including where appropriate through new development.
4. Working in partnership with the Environment Agency, Natural England and the water companies to protect, manage and improve water quality in the District, particularly the quality of water bodies which are currently failing to meet the Water Framework Directive (WFD) requirements as set out in the Thames River Basin Management Plan (RBMP).

Para 4.105

The landscape character and green infrastructure within the District are vital to its sense of place.

Planning for and Protecting and enhancing existing assets through planning is of strategic importance.

Para 4.108

The reality is that areas of biodiversity and landscape importance – **DEFINE WHAT IS MEANT BY THIS**

TERM HERE – form part of a wider green infrastructure network across that District that also extends beyond the district boundary, and that also includes “blue” infrastructure – the District’s rivers and streams. The Delivery and Site Allocations Plan identifies the green infrastructure network and the Council will continue to work with the Bucks and Milton Keynes Natural Environment Partnership and other partners to refine the definition of the Green Infrastructure Network and to help deliver the vision and principles for improving the network as identified by the partnership

Para 4.111

These designated sites are the anchor to an important part of the green infrastructure network. By requiring net gain in biodiversity for all development, and long-term management and monitoring plans to secure it, including where these designated sites are adjacent to development, it can be ensured their biodiversity value can be enhanced.

POLICY CP1 - SUSTAINABLE DEVELOPMENT

The NEP requests that specific reference is made in the Plan’s overall strategic objectives and principles to the NEP’s [“Vision and Principles for the Improvement of Green Infrastructure in Buckinghamshire and Milton Keynes”](#).

Stating that the Plan supports and ensures these are recognised and adhered to is essential for achieving Sustainable Development across Buckinghamshire. This recognises that GI networks, planned for early and strategically – are necessary at all scales to maximise the benefits - from local to landscape scale, and not just local scale or “*main places in the District*”.

(CP1 Policy Text Para 2; also Paras 4.6-4.7, pg 27-28).

CP2 – OVERALL SPATIAL STRATEGY

Para 2, Policy Text:

The Council will, through partnership working, progress issues of strategic connectivity relating to the strategic settlements, their connectivity infrastructure needs, including green infrastructure, within a wider sub-regional spatial strategy for growth for inclusion in future revisions of this plan.

(Please continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

6. If your representation is seeking a change, do you consider it necessary to participate at the oral part of the examination?

Please note, you must answer yes to this question if you wish to have the opportunity to speak at the public examination.

No, I do not wish to participate at the oral examination


Yes, I do wish to participate at the oral examination

7. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To be able to set out clearly, in person, the NEP's concerns particularly over Policy CP10 and related policies.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

Signature:



Date:

24 November 2017

PART B – Please copy and use a separate sheet for each representation

Name or Organisation:

Buckinghamshire and Milton Keynes Natural Environment Partnership

1. To which part of the Plan does this representation relate? PART 3.0 - VISION AND STRATEGIC OBJECTIVES

Paragraph number:	3.7 – Cherish the Chilterns - Para 3.7 3.9 – Improve strategic connectivity – Paras 3.10-3.14 3.15 – Champion Town Centres – Paras 3.17
Policy / site reference or name:	
Map number / name:	

2. Do you consider the Plan is:

2.(1) Legally Compliant	Yes		No	
2.(2) Sound*	Yes		No	X
2.(3) Complies with the Duty to co-operate	Yes		No	

* The considerations in relation to the Plan being “sound” are explained in the National Planning Policy Framework in paragraph 182 and are set out in Appendix A of this form. *If you have entered **No** to 2.(2) please continue to Q3. In all other circumstances, please go to Q4.*

3. Do you consider the Plan is unsound because it is:

(1) Not positively prepared	
(2) Not justified	
(3) Not effective	X
(4) Not consistent with national policy	

**4. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.
If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.**

The NEP's GI Vision and Principles should be applied to all spatial scales of development – to ensure consistent approach across Bucks and MK to protecting, enhancing, connecting and extending GI and the services it provides to the growing needs of communities in Bucks.

To be in keeping with this, particular reference should be inserted as follows:

Para 3.7 – CHERISH THE CHILTERNES

GI should provide not just for local needs but as a District contribution to provider for higher-level, strategic needs of Communities in Bucks and MK – as set out in the NEP's GI Vision and Principles document.

This section should include reference to the link strategically between individual developments with the landscape-wide goal – including into surrounding areas – to achieve Sustainable Development.

(Para 3.7, pg 20)

Para 3.14 – IMPROVE STRATEGIC CONNECTIVITY

This section should include the need to plan for, early and strategically, connected network of GI – which should be seen as equally as important as grey infrastructure. GI should be planned for and protected at all spatial scales through the planning system, development requirements and phases of growth. (Para 3.10-14, pg 22-23)

Para 3.17 – CHAMPION TOWN CENTRES

The term “environmental quality” in town centres, noted as “critical to their success” should be explained more clearly so the policy can be understood and more effective when implemented.

For example – this could include

- more specific language around improving and providing green spaces with multi-functional benefits appropriate to the local area, including a range of objectives, targets, actions and activities;
- Ensuring at the more strategic-scale that access to larger areas of green space meets ANGSt criteria as a minimum.

(Please continue on a separate sheet/expand box if necessary)

5. Please set out what changes(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the Matter you have identified at 5 above where this relates to soundness. Please note that any non-compliance with the duty to co-operate is incapable of modification at examination. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Para 3.7 – CHERISH THE CHILTERNES

GI should provide not just for local needs but as a District contribution to provider for higher-level, strategic needs of Communities in Bucks and MK – as set out in the NEP’s GI Vision and Principles document.

This section should include reference to the link strategically between individual developments with the landscape-wide goal – including into surrounding areas – to achieve Sustainable Development.

(Para 3.7, pg 20)

Para 3.14 – IMPROVE STRATEGIC CONNECTIVITY

This section should include the need to plan for, early and strategically, connected network of GI – which should be seen as equally as important as grey infrastructure.

Green Infrastructure should be planned for, protected and enhanced at all spatial scales through the planning system, development requirements and phases of growth. (Para 3.10-14, pg 22-23)

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The term “environmental quality” in town centres, noted as “critical to their success” should be explained more clearly so the policy can be understood and more effective when implemented.

For example – this could include

- more specific language around improving and providing green spaces with multi-functional benefits appropriate to the local area, including a range of objectives, targets, actions and activities;

Ensuring at the more strategic-scale that access to larger areas of green space meets ANGSt criteria as a minimum.

(Please continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further

representations based on the original representation at publication stage.

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6. If your representation is seeking a change, do you consider it necessary to participate at the oral part of the examination?

Please note, you must answer yes to this question if you wish to have the opportunity to speak at the public examination.


No, I do not wish to participate at the oral examination

Yes, I do wish to participate at the oral examination

7. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

Signature:



Date:

24 November 2017

Appendix A

Legal compliance

In order to be legally compliant, a Local Plan must meet the requirements set out in section 20(5)a of the Planning and Compulsory Purchase Act (2004). These requirements are:

- That the Local Plan is included in the current Local Development Scheme and that key stages have been followed.
- That the process of involving the community is in line with the Wycombe Statement of Community Involvement.
- That the Local Plan complies with the Town and County Planning (Local Planning) (England) Regulations (2012), including making the required documents available at our offices and on our website, and notifying prescribed people and organisations (including those who have asked to be notified)
- That the Local Plan is accompanied by a Sustainability Appraisal report.
- In London, Local Plans must confirm to the London Plan (this does not apply to our Local Plan)

Soundness and the National Planning Policy Framework (March 2012, DCLG)

Paragraph 182 of the NPPF sets out the considerations in relation to a plan being 'sound' as:

- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

Duty to Cooperate

The Duty to Cooperate was introduced in the Localism Act (2011). It requires Local Planning Authorities like ourselves to work together with other local authorities, and other relevant bodies to maximise the effectiveness of the strategic policies of our Local Plans.