

BURNHAM NEIGHBOURHOOD PLAN

REGULATION 14 ANALYSIS NOTE OF STATUTORY BODY REPRESENTATIONS

February 2025

1. Introduction

1.1 This note summarises the representations made by the statutory bodies on the Pre-Submission version of the Burnham Neighbourhood Plan (BURNP) during its recent 'Regulation 14' consultation period. It concludes by recommending main modifications to the BURNP, and outstanding matters which need to be addressed, so that it may be submitted to the local planning authority, Buckinghamshire Council (BC), to arrange for its examination and referendum.

1.2 The most recent iteration of the National Planning Policy Framework (NPPF), published in December 2024, sets out transitional arrangements for neighbourhood plans. It states in §234 that plans submitted for Regulation 15 before 12 March 2025 will be examined under the previous iteration of the NPPF (December 2023). Plans submitted after 12 March 2025 will be examined under the latest iteration of the NPPF (December 2024). The 2024 NPPF states in §232 that policies assessed against the old framework should not be considered 'out of date' for decision-making purposes. Weight will continue to be given to policies according to their degree of consistency with the latest version of the NPPF. If BPC decide to submit before 12 March, ONH will explain how the policies of the BURNP have regard to the 2023 NPPF when writing the Basic Conditions Statement. In doing so, ONH will also acknowledge the new 2024 NPPF even though it is not technically being assessed against it to aid BPC in making planning representations in the future.

2. Representations

2.1 Representations have been received from:

1. BC
2. New School Campaign (NSC)
3. North East Burnham Residents Association (NEBRA)
4. Environment Agency
5. Natural England
6. Anglian Water
7. Avison Young on Behalf of National Gas

2.2 Adjoining Parishes were consulted but none have made representations. No representation was received from Historic England, and Anglian Water (6) indicates that Thames Water should have been consulted. **It is therefore recommended that these statutory consultees are**

contacted to ensure that they were aware of the consultation and have chosen to make no representation.

2.3 Representations (4, 5, and 7) raised no specific issues on the BURNP, while the representation by NSC confirmed their support for the BURNP. In addition to suggesting changes of significance, the representations made by BC and NEBRA seek to discuss those of minor consequence. As this note focuses only on those of greater substance, those of minor consequence (e.g. minor wording changes) should be addressed in finalising the document.

3. Analysis

General Points

3.1 NEBRA urges BPC to maximise the potential of previously developed land and infill opportunities within the built-up area of Burnham before the release of Green Belt is considered. Only strategic policy can establish whether it is necessary to release land from the Green Belt for additional growth. The emerging Buckinghamshire Local Plan is at an early stage of preparation and it is therefore not currently possible to confirm whether amendments to Green Belt boundaries will be necessary or not. Should it be established that this will be necessary, then BPC can either deal with this matter through a review of a made BURNP (if successful) or through engaging with the emerging Buckinghamshire Local Plan process. It should be noted that the latest version of the NPPF does set out a sequential approach to Green Belt release in its §148, requiring priority to be given to the use of previous developed land, then 'Grey Belt' land which hasn't been developed, then other Green Belt locations.

3.2 The current version of the BURNP has therefore chosen not to seek to deal with housing requirements at this early stage. However, the Design Code has sought to maximise the potential of previously developed land, and made provision for infill opportunities, within the built-up area of Burnham.

3.3 BC provides a useful update on the emerging local plan period, now expected to run to 2045, rather than 2042 as referenced in the introduction of the BURNP. **It is therefore recommended that the reference to 2042 in the introduction is updated and BPC consider changing the plan period of the BURNP from 2042 to 2045, to align with the emerging local plan.**

3.4 On §6.6 of the Implementation & Monitoring section, BC comments that the BPC cannot decide how BC spend their portion of CIL funding and that the funding required for a new secondary school would go beyond that which could be made available through CIL and S106. The list of projects included in §6.6 is not a demand or requirement being placed on BC by BPC, rather it is simply expressing some of the preferences of the local community which BC may wish to consider. BPC may wish to add further clarification that this is simply a list of priorities so as to avoid raising expectations which BC do not meet, as they point out. Similarly, the wording in §6.6 does not state that the entire cost of a new secondary school would be covered by CIL and S106 funding.

BUR1: Burnham Design Code

3.5 BC has requested that listed buildings are identified separately to proposed local heritage assets and that it is clear which heritage assets each design strategy is referring to. Clarity in design codes are important. **It is therefore recommended that the Character Area analysis and design strategy sections are revised to separate the heritage assets and clarify the application of the design strategy.**

3.6 BC suggests additional wording to Code HCB.2.1 to allow for better control. ONH agrees that there is a potential gap in provision. **It is therefore recommended that the following sentence is added onto the end of Code HCB.2.1:**

'The exception will only apply if the new scheme respects the character and appearance of the Character Area.'

BUR2: Green Infrastructure

3.7 BC comments on the wording of Clause A suggesting that it should be moved to the supporting text and that further information should be added to supporting text para §5.11 in relation to the distinctiveness multiplier score of the BNG Metric. Clause A of the policy identifies the Green Infrastructure Network and is a necessary part of policy. A similar version of this policy was included in the Westbury Neighbourhood Plan which passed through examination in December 2024. It is therefore considered that the policy wording can remain in its current state. From a user standpoint, it may be beneficial to add a link to the Biodiversity Metric User Guide. **It is therefore recommended that the following link** https://assets.publishing.service.gov.uk/media/669e45fba3c2a28abb50d426/The_Statutory_Biodiversity_Metric_-_User_Guide_23.07.24_.pdf **is added to supporting text para §5.11.**

3.8 BC recommends that the South Bucks Heaths and Parklands Biodiversity Opportunity Area (BOA) is incorporated into the Burnham Green Infrastructure Network. Plan J and the other policies maps were produced using Parish Online's software. As the BOA is not within their database, it is not possible to add it directly onto the map showing the Network. **It is therefore recommended that a separate map showing the BOA is added below Plan J, alongside additional supporting text to explain this and Clause A is amended to explain that the BOA forms part of the Network.**

BUR3: Local Green Spaces

3.9 NEBRA have recommended BPC consider designating the Fairway Amenity Green Space as a local green space. BPC did adopt criteria which meant that spaces owned by BPC would not be pursued for designation as the likelihood for development was low. There is an option to drop this criterion and reassess all candidates against relevant NPPF tests once again. Any changes to the currently proposed list of Local Green Space designations would likely result in the need to re-run Regulation 14 before proceeding to Regulation 15 submission. After further discussion, it was decided that BPC would proceed to the Regulation 15 submission stage with the current list of Local Green Spaces.

3.10 NEBRA has also suggested that BPC write to landowners of unprotected small green spaces in the parish to consider designating their land as a local green space. BPC has assessed all relevant candidates and adopted a methodology to assess them in accordance with national policy and guidance. Just because some green spaces are not being put forward as a LGS candidate, does not mean they are not important. BPC's work outside the BURNP will continue to protect and enhance those spaces which aren't LGS candidates.

BUR4: Urban Greening

3.11 BC has suggested that this policy includes requirements for ecological enhancements. **It is therefore recommended that the following wording is added to the policy:**

'All new buildings and bordering open spaces will be required to incorporate integrated swift and bat boxes.'

BUR5: Sustainable Travel

3.12 As with BUR2, BC has suggested Clause A is moved to the supporting text, however Clause A forms part of policy and this type of policy has also passed through examination and should therefore remain as it is.

3.13 BC has recommended that reference is made to Cycle Infrastructure Design (LTN 1/20) and the draft Buckinghamshire Local Cycling & Walking Infrastructure Plan (LCWIP). **It is therefore recommended that reference is made to these in the supporting text.**

3.14 BC recommends considering EV charging facilities. While BPC is supportive of the transition to net zero, EV charging is now largely covered by building regulations and therefore there is little scope for the BURNP to cover this.

BUR6: Local Community Uses

3.15 As pointed out by BC, unfortunately the Appendix E link directly under the supporting text of BUR6 is for an older version. The correct version is that linked in the list of appendixes in the 'Policy Maps & Insets' page. Updating the hyperlink to the updated version of Appendix E will address BC's comments. **It is therefore recommended that the hyperlink to Appendix E under BUR6 is updated to the correct version.**

3.16 BC also suggested that it would be beneficial for a planning officer making a decision on a proposal if an individual detailed map was added for each facility. Clarity is necessary and important. **It is therefore recommended that an individual map is added for each community facility in Appendix E.**

3.17 NEBRA has recommended that BPC consider a Fields in Trust agreement for Burnham Park. It is unlikely that this could be pursued through a planning policy in the BURNP, however if this is something BPC may be interested in, it could be referenced in the Implementation & Monitoring section of the plan. The same applies to the George Pitcher Memorial Ground. **It is therefore recommended that the BPC considers a project investigating the designation of Burnham Park and the George Pitcher Memorial Ground as Fields in Trust, alongside any other suitable candidates.**

3.18 NEBRA has expressed their desire for the Opendale school site to be reopened. The current policy approach of the BURNP is to seek to protect the last established use of the site as a school. There have been no applications for change of use of the site since it closed as a school in 2019.

3.19 BC have objected to the approach the BURNP is taking with regards to the school and suggests that there is currently no evidence that there is a demand for secondary school places which cannot be met elsewhere. It also argues that the way in which secondary school places demand is currently being met suits current and projected trends.

3.20 There is no question that the most effective way for BPC to address BC's objection is to produce evidence that dispels projected demand and trends currently relied on by BC. However, even if current evidence shows insufficient demand for a new secondary school in Burnham at this time, it could be argued that its location is so significant that should it be required within the plan period (now 2045), the site ought to be safeguarded for the future. This

is particularly pertinent looking into the future, given the recent increase in BC's updated housing requirement figure. In policy terms, the BURNP can continue to be safeguarded as a school (the last established use was F1) and there have been no applications to change the use.

3.21 NEBRA urge BPC to provide Burnham Football Club with the highest possible level of protection. Therefore, if the BPC wish to take this further, they could monitor the new Government's position of giving local communities a 'right to buy' for valued community assets, as set out in the *English Devolution White Paper* (<https://www.gov.uk/government/publications/english-devolution-white-paper-power-and-partnership-foundations-for-growth/english-devolution-white-paper>). **It is therefore recommended that the BPC consider whether to pursue 'right to buy' and reference this in the 'Implementation & Monitoring' section of the BURNP.**

BUR7: Burnham Village Core

3.22 BC support the principle of Clause B, however they are unclear how a decision maker will assess proposals that 'contribute to the attractiveness of Burnham Village Centre'. **It is therefore recommended that the following wording is added to the supporting text:**

'The Conservation Area Appraisal details many features and characteristics that contribute to the attractiveness of Burnham Village Centre and should be used as a starting point to inform the design of public realm enhancements'.

BUR8: Addressing the Sustainability Performance Gap

3.23 BC raises a number of concerns with the policy and its provisions. ONH considers that BC's position relies on outdated considerations and does not provide sufficient justification. The BPC should discuss and agree its position on this matter. **It is therefore recommended that the wording of BUR8 is amended accordingly if necessary.**

4. Conclusions & Recommendations

4.1 The representations from BC and NEBRA suggest that further clarification and detail is required for policies proposed in BURNP. However, it is considered that only minor modifications will be necessary to improve the clarity and application of policy wording. In that case, **it is therefore recommended that the BURNP can proceed to the Regulation 15 submission stage without further consultations.**