

WOBURN SANDS NEIGHBOURHOOD PLAN 2013-2026

EXAMINATION VERSION

A Report to Milton Keynes Council of the Examination into the
Woburn Sands Neighbourhood Plan

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Summary and Overall Recommendation

0.1 Following my examination of the Woburn sands Neighbourhood Plan, including a Neighbourhood Plan Public Hearing held at the end of January 2014, it is my view that the Woburn Sands Neighbourhood Plan reflects the views of the community and sets out a clear vision for the Neighbourhood Area.

0.2 However my report highlights a number of areas of concern where I consider the wording of the plan as submitted has insufficient flexibility to be able to fully meet the Basic Conditions.

0.3 I have therefore recommended a number of modifications to the Plan which should be made before the plan can proceed to Referendum. These are intended to ensure that first and foremost the Plan can meet the Basic Conditions and secondly that it comprises a useful and user-friendly document.

0.4 I acknowledge that the Town Council may be disappointed with some of the proposed modifications, particularly those in respect of policies WS5 and 6 which attracted the principal objections. However the modifications are deliberately designed to introduce an element of flexibility in response to my assessment of both national policy, principally in the Framework, and local policy in the Milton Keynes Core Strategy and also the challenge in the shape of objections at the post submission stage regarding the plan's position in respect of land for development.

0.5 Without these modifications being made and for the reasons set out in my report the plan, if it were to remain as drafted, would fail to meet the basic conditions. In proposing the modifications I have tried to ensure that the integrity and value of the neighbourhood plan and its vision is retained and that the intention of neighbourhood planning, where the community's wishes should be central to the plan, is honoured.

0.6 In addition to the recommended modifications it should also be noted that there will be a number of consequential changes to the supporting text and referencing that will be needed as a result of making the modifications. I have not highlighted each and every one of these consequential changes, but these are matters that will need remedying in a final version of the Plan prior to it progressing to referendum.

0.7 Subject to the recommended modifications in the report being completed I am satisfied that the Woburn Sands Neighbourhood Plan:

- has regard to national policies and advice contained in guidance issued by the Secretary of State;
- contributes to the achievement of sustainable development;
- is in general conformity with the strategic policies of the development plan for the area;
- does not breach, and is compatible with European Union obligations and the

European Convention of Human Rights.

- is not likely to have a significant effect on a European Site or a European Offshore Marine Site either alone or in combination with other plans or projects.

0.8 Subject also to the recommended modifications the Neighbourhood Plan also complies with the legal requirements set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990.

0.9 With the modifications in place the Woburn Sands Neighbourhood Plan will meet the Basic Conditions and can proceed to a Referendum. When that takes place I also recommend that the Neighbourhood Area is taken as the area for the Referendum.

Peter Biggers March 2014
Argyle Planning Consultancy Ltd

1. Introduction

1.1 The Neighbourhood Plan

1.1.1 Neighbourhood Planning provides communities with the power to establish their own planning policies to shape future development in and around where they live and work.

1.1.2 This Report provides the findings of the Examination into the Woburn Sands Neighbourhood Plan (referred to as the Neighbourhood Plan throughout this report).

1.1.3 The Neighbourhood Plan was produced by Woburn Sands Town Council in consultation with interested parties and local stakeholders.

1.1.4 This Examiner's Report provides a recommendation as to whether or not the Plan should go forward to a Referendum. Were it to go to Referendum and achieve more than 50% of votes cast in favour of the Plan, then the Plan would be *made* by Milton Keynes Council. The Plan would then be used to determine planning applications and guide planning decisions in the Woburn Sands Neighbourhood Area.

1.2 Spatial Context

1.2.1 Woburn Sands Parish is an area lying on the south east side of the city of Milton Keynes from which it is separated by open farmland. The parish is centred on the attractive town of Woburn Sands but which includes a countryside setting which is generally flat to the north, east and west but which rises to the south to the attractive wooded countryside of the Greensand Ridge. A peculiarity of the town is that part of the urban area on the east side of the town actually lies within the neighbouring parishes of Aspley Guise and Wavendon.

1.3 Appointment of the Independent Examiner

1.3.1 I was appointed by Milton Keynes Council, with the consent of Woburn Sands Parish Council, to conduct the examination and provide this Report as an Independent Examiner. I am independent of the qualifying body and the Local Authority. I do not have any interest in any land that may be affected by the Plan and I possess appropriate qualifications and experience – I have planning and development experience, gained over 30 years across the public and private planning sectors and am a member of the National Panel of Independent Examiners Referral Service run by the Royal Institute of Chartered Surveyors.

1.4 Role of the Independent Examiner

1.4.1 It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the "Basic Conditions." The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as

applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. In order to meet the Basic Conditions, the making of the Neighbourhood Plan must:

1. have regard to national policies and advice contained in guidance issued by the Secretary of State;
2. contribute to the achievement of sustainable development;
3. be in general conformity with the strategic policies of the development plan (see Development Plan Status below) for the area.
4. not breach, and must be otherwise compatible with, European Union (EU) and European Convention on Human Rights (ECHR) obligations.

1.4.2 Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out a further basic condition for Neighbourhood Plans in addition to those set out in primary legislation and referred to in the paragraph above. That is:

5. The making of the Neighbourhood Plan is not likely to have a significant effect on a European Site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European Offshore Marine Site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) either alone or in combination with other plans or projects.

1.4.3 In examining the Plan, I am also required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, (TCPA) to establish whether:

- The Neighbourhood Plan has been prepared and submitted for examination by a qualifying body
- The Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the TCPA as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004 (PCPA).
- The Neighbourhood Plan meets the requirements of Section 38B of the PCPA (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
- The policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the PCPA.

1.4.4 I have examined the Woburn Sands Neighbourhood Plan against the Basic Conditions above and as Independent Examiner, I must make one of the following recommendations:

- a) that the Plan should proceed to Referendum, on the basis that it meets all legal requirements;
- b) that the Plan once modified to meet all relevant legal requirements should

- proceed to Referendum;
- c) that the Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

1.4.5 If recommending that the Plan should go forward to Referendum, I am also then required to consider whether or not the Referendum Area should extend beyond the Woburn Sands Neighbourhood Area to which the Plan relates. I make my recommendation on the Referendum Area at the end of this Report.

1.4.6 The role of the independent examiner is not expressly to comment on whether the plan is sound or how the plan could be improved but rather to focus on the compliance with the basic conditions. However where I consider the current wording of a policy would be problematic in use – a concern raised by Milton Keynes Council in its post submission responses I have taken the opportunity to suggest an adjustment. To distinguish between recommendations that are in my opinion necessary to meet basic conditions and legal requirements and those that are advisory to meet the recommendations for neighbourhood plan policies in the *Planning Practice Guidance* just issued I have colour coded these red and amber respectively.

2. The Examination Process

2.1 It is a general rule that neighbourhood plan examinations should be held without a public hearing ie by written representations only. However, according to the legislation, when the Examiner considers it necessary to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing may be held.

2.2 With regard to the above and on consideration of all the evidence before me, whilst I confirm that in respect of much of the plan I have considered only written representations, I decided that it was necessary for there to be a Woburn Sands Neighbourhood Plan Hearing (referred to as the Hearing).

2.3 The Hearing was advertised in the local press and on the Woburn Sands Town Council and Milton Keynes Council Websites. A number of parties were invited to speak and the Hearing itself was open to those making representations on the plan and to the public. It took place on Wednesday 29 January 2014 and was held at Woburn Sands Memorial Hall, lasting from 9.30 until 13.30.

2.4 A neighbourhood plan public hearing is, essentially, to provide for the Independent Examiner to further consider matters against the Basic Conditions, referred to in section 1.4 of this report. It is specific to neighbourhood planning and is different to a planning inquiry, an examination in public or a planning appeal hearing. Invited parties were asked to consider specific parts of the Plan in more depth and to clarify points made during consultation.

2.5 The reason I considered that a hearing was necessary was specifically in response to substantive objections raised that the Neighbourhood Plan policies and

proposals would not be capable of ensuring that the Plan would be in accordance with the requirements of the Milton Keynes Core Strategy in respect of the quantity of housing and employment-generating development.

2.6 In addition to the Town Council and Milton Keynes Council 5 other participants took part directly in the round table discussion representing principally local landowners and adjoining parish councils. The process was observed by 28 people in the hall. Appendix 1 sets out the programme and discussion topics considered during the hearing and notes of the discussion are available separately from Milton Keynes Council. My analysis on the hearing matters is discussed in the relevant section of the plan below.

2.7 I am grateful to both the Town Council and Milton Keynes Council for their assistance in arranging the hearing and for helping the hearing run smoothly. I wish to record my thanks to the invited participants for their assistance to me in answering my questions and to the courtesy and professionalism extended to me and each other during the hearing.

2.8 Notwithstanding the fact that the hearing allowed these matters to be discussed in more depth, I confirm that *all* representations to the Woburn Sands Neighbourhood Plan have been taken into account in undertaking this examination. A representation is not more, or less valid than another simply because it has been considered in further detail at a hearing

2.9 I undertook an unaccompanied site visit around the Parish on 28 January 2014.

3. Background Documents

3.1 Background Documents

3.1.1 In undertaking this examination, I have considered each of the following documents in addition to the Examination Version of the Woburn Sands Neighbourhood Plan Dated November 2013:

1. National Planning Policy Framework (The Framework) (2012)
2. Town and Country Planning Act 1990 (as amended)
3. The Planning and Compulsory Purchase Act 2004 (as amended)
4. The Localism Act (2011)
5. The Neighbourhood Planning (General) Regulations (2012)
6. Milton Keynes Core Strategy (Adopted 2013)
7. Woburn Sands Neighbourhood Plan Basic Conditions Statement
8. Woburn Sands Neighbourhood Plan Statement of Public Consultation
9. Woburn Sands Neighbourhood Plan Sustainability Appraisal April 2013
10. Woburn Sands Neighbourhood Area (map)

11. Woburn Sands Housing Information from the 2011 Census

12. Woburn Sands Neighbourhood Plan – Housing Numbers
(at January 2014)

Also:

13. Representations received during the publicity period ending 30 October 2014

14. Comments made during the Woburn Sands Neighbourhood Plan Hearing
29 January 2014.

4. Public Consultation

4.1 Background

4.1.1 An accessible and comprehensive approach to public consultation is the best way to ensure that a neighbourhood plan reflects the needs, views and priorities of the local community.

4.1.2 As land use plans, the policies of which will become the basis for planning and development control decisions, planning legislation requires public consultation to take place on the production of neighbourhood plans. Building effective community engagement into the neighbourhood plan-making process from the start encourages public participation and raises awareness and understanding of the plan's scope and limitations.

4.1.3 It is especially important to neighbourhood planning, because successful consultation creates a sense of public ownership, helps achieve consensus and provides the foundations for a successful 'Yes' vote at the Referendum.

4.1.4 Woburn Sands Town Council submitted a Consultation Statement, as required by regulation 15 of the Neighbourhood Planning (General) Regulations 2012, to Milton Keynes Council. This document and the Plan itself sets out who was consulted and how, together with a brief outline on the outcome of the consultation and what action was taken in response to representations received.

4.1.5 Public consultation on the Woburn Sands Neighbourhood Plan commenced with an issues meeting held on 29 March 2012. This was followed by various consultation stages, culminating in the formal, publicity stage, six week consultation period post submission of the plan from 4 September 2013 to 30 October 2013.

4.2 Woburn Sands Neighbourhood Plan Consultation

4.2.1 The first public consultation event, 29 March 2012, comprised the Issues Meeting to inform the community about neighbourhood planning and identify issues for the plan. It is not clear from the statement how this was advertised and arranged or how many people actually attended this meeting but the names of 23 local organisations excluding the Town Council itself and Milton Keynes Council are listed as attending. The issues that were identified are clearly set out.

4.2.2 The Annual Town Council Meeting on 10 May 2012 was used as a vehicle to

present and discuss the vision for the plan, the proposed sustainability objectives and the principles for the design statement. The meeting was attended by 26 residents but the statement does not make clear who these were or whether they were representing any particular groups.

4.2.3 The vision and objectives were then incorporated in the Town Council's summer newsletter issued to all residents and discussed at Parish Liaison Meetings in the summer and autumn. It is not clear from the statement whether this consultation resulted in changes to the vision and objectives.

4.2.4 A preliminary draft plan was published in July 2012, sent to all organizations who had attended the Issues Meeting and made available more widely via the Town Council website and the local library. The availability of the draft and of the draft sustainability appraisal was advertised in the Milton Keynes Citizen in September 2012 and copies were sent to English Heritage, Natural England and the Environment Agency. Although the statement makes clear that these bodies commented it is not clear how many other responses were received or the nature of those responses although the statement does indicate responses were generally favourable.

4.2.5 The plan and sustainability appraisal were revised in the light of comments received and in the light of a number of meetings with service providers in health and education and final consultation documents were prepared. These were published in January 2013 for the formal pre-submission consultation with copies sent to all those previously expressing interest, the statutory consultees and Milton Keynes Council. Copies were again placed in the local library and uploaded to the website. Seven weeks were allowed for formal comment. Again it is not clear from the statement how this main stage of consultation required by Regulation 15 was actually advertised or whether there were any opportunities for discussion and debate at this stage. Only a small number of written representations were received to this formal stage which were set out in the consultation statement.

4.2.6 I have some concern given the limited evidence before me as to how effective the consultation was in both the initial stages and in the formal pre-submission stage of consultation on the draft plan. This is compounded by a number of objections at the post submission publicity stage from local landowners and their agents who considered that the publicity and consultation on the plan had not been adequate. As this was a matter that related directly to the supply of development land which was the subject of the Hearing I took the opportunity to discuss this issue with the participants there.

4.2.7 Inasmuch as the initial stages are not prescribed by regulation, whether or not the consultation has been as effective as it might have been, is not directly a matter that raises concerns about the ability of the plan to meet the first basic condition. However, given that the whole ethos of neighbourhood planning is to engage the community in the preparation of the plan, this means that any inadequacy in this respect is disappointing. I accept that there was the opportunity for early

participation at the issues, vision and objectives and draft plan stages but what is not clear from the Consultation Statement is how the opportunities were communicated and whether people were successfully engaged.

4.2.8 It was clear from the Hearing that landowners and their agents were at least aware of the Neighbourhood Plan from the consultation on the Neighbourhood Area and first draft plan in July 2012 although there was criticism from this group that they were not kept directly engaged or given any specific opportunity to discuss development site options. In response the Town Council stated that they were not necessarily aware of land ownerships but that there was an open invitation for groups to come and talk to the Town Council. However no specific development proposals were put to the Council till later in the process.

4.2.9 I have the same concerns regarding the formal pre-submission consultation stage under regulation 15 although it would appear from the statement and evidence at the Hearing that the Town Council has done just enough to comply with the regulation and therefore to avoid an issue of non compliance with the first basic condition on this aspect.

4.2.10 I acknowledge that what may appear to be limited depth to the consultation process may be a result of inadequate detail in the consultation statement rather than an actual shortcoming in practice. With that in mind I make the following recommendation:

Recommendation 1 The Town Council revise the Consultation Statement providing significantly more detail on the matters identified in paragraphs 4.2.1 – 4.2.9 above prior to the plan progressing to referendum so that those voting can be reassured that the plan has been the subject of adequate consultation.

5. Compliance with matters other than the basic conditions

In terms of the procedural tests set out in paragraph 1.4.3 of this report my findings are as follows:

5.1 Qualifying body

5.1.1 Woburn Sands Parish Council is the *qualifying body* for leading the Neighbourhood Plan, in line with the aims of neighbourhood planning, set out in the Localism Act (2011) and recognised in the National Planning Policy Framework (2012). This complies with requirements.

5.2 Plan area

5.2.1 The Woburn Sands Neighbourhood Area coincides with the parish boundary of Woburn Sands.

5.2.2 The local government geography of the Woburn Sands area is complicated by the fact that Woburn Sands Parish is within the administrative boundary of Milton Keynes Council whilst Aspley Heath and Aspley Guise its neighbouring parishes are

within the administrative boundary of Central Bedfordshire Council.

5.2.3 Whilst it would have been opportune, given that the two Bedfordshire Parishes draw on the facilities and services of Woburn Sands, to have been able to prepare a joint Neighbourhood Plan I accept that procedurally this would have been difficult to achieve with two Local Planning Authorities and two sets of development plan documents at different stages.

5.2.4 I understand that a pragmatic approach has been taken with the two Bedfordshire parishes being kept closely informed and consulted at the various stages of the plan and I accept this approach.

5.2.5 An application made by the Woburn Sands Town Council on 10 April 2012 was approved by Milton Keynes Council on 25 July 2012 and the parish of Woburn Sands was designated as the Woburn Sands Neighbourhood Area.

5.2.6 This satisfied the requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended) and regulations 5, 6 and 7 of the Neighbourhood Planning (General) Regulations 2012.

5.3 Plan period

5.3.1 A neighbourhood plan must specify the period during which it is to have effect. The Woburn Sands Neighbourhood Plan clearly states in the introductory section that it covers the period to 2026 to coincide with Milton Keynes Council's Core Strategy. It therefore satisfies this legal requirement. However for clarity to the plan's users it would be advisable to incorporate the dates into the plan's title.

Recommendation 2 – Include the plan dates in the plan title

5.4 Excluded development

5.4.1 Subject to the contents of this report, and the modifications therein, the Plan does not include policies or proposals that relate to any of the categories of excluded development or to matters outside the Neighbourhood Area. In these respects it therefore meets requirements.

5.5 Development and use of land

5.5.1 Neighbourhood plans often contain projects or aspirational policies that signal the community's priorities for the future of their local area. However, the Neighbourhood Plan should only contain policies relating to development and use of land. This is not to say that matters or projects of this nature cannot continue to be included within the general text, as they represent proposals which the community seeks to achieve, but they should be deleted as policies. Therefore where a policy is considered to fall in this category I have recommended that the policy be amended to a proposal.

5.5.2 Subject to the contents of this report which recommends some modifications

be made to ensure that the policies in the Plan relate to the development and use of land in the Neighbourhood Area, this requirement can be satisfactorily met.

5.6 Milton Keynes Council undertook a final validation check of the Woburn Sands Neighbourhood Plan. This confirmed that, in the Council's view, the Woburn Sands Neighbourhood Plan meets all procedural requirements in the legislation. The validation check was approved, under delegated authority, on 23 July 2013 and the Council confirmed that the Plan could proceed to be publicised and proceed to this independent examination.

6. The Basic Conditions

6.1 National policy and advice

6.1.1 The main document that sets out national policy is the National Planning Policy Framework (the Framework) published in 2012. In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the strategic development needs set out in Local Plans, plan positively to support local development, shaping and directing development that is outside the strategic elements of the Local Plan.

6.1.2 The Framework also makes it clear that neighbourhood plans should be aligned with the strategic needs and priorities of the wider local area. In other words neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. They cannot promote less development than that set out in the Local Plan or undermine its strategic policies.

6.1.3 The Framework indicates that plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.

6.1.4 I consider the extent to which the plan meets this first basic condition in section 7 below.

6.2 Sustainable development

6.2.1 A qualifying body must demonstrate how a neighbourhood plan contributes to the achievement of sustainable development. The Framework as a whole constitutes the Government's view of what sustainable development means in practice for planning. The Framework explains that there are three dimensions to sustainable development: economic, social and environmental.

6.2.2 Whilst there is no legal requirement for a sustainability appraisal, an environmental assessment may sometimes be required if the neighbourhood plan is likely to have a significant effect on the environment. For this reason, environmental implications must be considered at an early stage.

6.2.3 A Sustainability Appraisal was carried out in respect of the Woburn Sands Neighbourhood Plan but at an early stage and sets out some of the thinking

substantiating the Plan's approach on different issues. There is thus considerable overlap between the Sustainability Appraisal and the plan itself. The extent to which it actually tests the impact of policies and proposals of the plan is very limited and is essentially confined to one table at paragraph 73 which is not adequately explained in the appraisal. From the Basic Conditions Statement the table purpose appears to be to demonstrate the Neighbourhood Plan's relevance to the Framework. Whereas the purpose of the Sustainability Appraisal should be to assess how the Plan's policies and proposals perform against sustainability principles.

6.2.4 Given that a sustainability appraisal itself is not a specific requirement of the Neighbourhood Planning Regulations the plan preparation process is not necessarily in conflict with the first basic condition. However as a document purporting to be a sustainability appraisal has been produced it should be modified to better assess the impacts of the plan's policies as follows:

Recommendation 3 - The Town Council should work with Milton Keynes Council to produce a replacement matrix at paragraph 73 that sets out an agreed set of sustainability principles on one axis and the Vision, Sustainability Objectives and each Policy on the other axis with a clearly explained indicator of how each performs against each sustainability principle. This would usually allow for the possibility of positive, negative and neutral impacts. A concluding statement on the results should follow the matrix. This should be available prior to the referendum to ensure that those voting are fully informed.

6.3 The Development Plan

6.3.1 In this case the development plan for Woburn Sands Neighbourhood Area is the Milton Keynes Core Strategy adopted in 2013 and saved policies of the Milton Keynes Local Plan.

6.3.2 Work is commencing on Plan MK which will be a detailed set of policies and proposals including site specific allocations but this is at too early a stage to be of direct relevance to the Neighbourhood Plan

6.3.3 Milton Keynes Council in a delegated decision on 29 October 2013 itself commented on the extent to which it considers the Neighbourhood Plan meets the Basic Conditions. Whilst generally welcoming the plan and acknowledging that it currently is generally in conformity with the Milton Keynes Core Strategy, the Council raises some issues which I consider in further detail in section 7 below.

6.4 European Union (EU) obligations

6.4.1 A neighbourhood plan must be compatible with European Union (EU) obligations, as incorporated into UK law, in order to be legally compliant.

Strategic Environment Assessment

6.4.2 Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment has a bearing on neighbourhood plans. This

Directive is often referred to as the Strategic Environment Assessment (SEA) Directive. Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds (often referred to as the Habitats and Wild Birds Directives respectively) aim to protect and improve Europe's most important habitats and species and can have a bearing on neighbourhood plans.

6.4.3 As stated above the Sustainability Appraisal of the Neighbourhood Plan was started early, however the question of the need for an SEA was not addressed until after the request for independent examination had been made. In fairness to the two councils this was for the most part a result of two factors. First there was not anticipated to be any significant environmental impact on any European Sites or habitats in terms of the content of the plan. Secondly the various guidelines on neighbourhood plans encourage the view that SEA would be unlikely.

6.4.4 However in response to recent neighbourhood planning decisions in this respect and the very limited information in the Basic Conditions Statement as submitted I advised Milton Keynes Council whilst undertaking the examination and in preparing for the hearing that for completeness a screening for SEA should be carried out.

6.4.5 An SEA Screening was carried out by Milton Keynes Council in January 2014 and following consultation with the statutory consultees it has been confirmed by the screening that SEA of the Neighbourhood Plan is not required. No issues were raised by the statutory or other consultees that have challenged this view and therefore I conclude that in respect of this EU obligation the plan is compliant.

Other EU obligations

6.4.6 No Habitats Regulations Assessment Screening Statement has been produced. Neither the Neighbourhood Plan documentation nor representations indicate that such an assessment is necessary. There are no European sites within the Neighbourhood Area. Therefore the Plan does not breach, and is otherwise compatible with, EU obligations in this respect.

6.4.7 I am not aware of any other European Directives which apply to this particular Neighbourhood Plan and no representations at submission stage have drawn any others to my attention. Taking all of the above into account, I am satisfied that the Woburn Sands Neighbourhood Plan is compatible with EU obligations.

6.5 European Convention on Human Rights (ECHR)

6.5.1 The basic conditions statement only contains a short statement that the Plan "has regard to the fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998". Whilst more explanation might have been useful, no evidence has been put forward to demonstrate that this is not the case and the Plan would appear to have at worst a neutral effect on groups with protected characteristics. In this respect then the Plan does not breach, and is otherwise compatible with, the ECHR.

7. The Neighbourhood Plan – Assessment

7.0.1 The Neighbourhood Plan is considered against the Basic Conditions in this section of my Report following the structure and headings in the Plan. Given my findings in section 6 above that the plan as a whole is compliant with Basic Conditions 4 and 5, this section largely focusses on Basic Conditions 1 (Compliance with National Policy), 2 (Delivery of Sustainable Development) and 3 (General Conformity with the Development Plan).

Where modifications are recommended, they are presented and clearly marked as such and highlighted in bold print, with any proposed new wording in italics.

7.0.2 As stated above I have not restricted my recommendations purely to matters where change is required to meet a basic condition but in order to clarify where the recommended modification is necessary to meet a basic condition I have inserted these in red typeface. Other recommended modifications are in amber.

7.1 The General Form of the Plan

7.1.1 The structure of the Neighbourhood Plan is reasonably clear, in that the sections distinguish between the policies themselves, and their justification. Each policy is accompanied by some supporting text and whilst I do not suggest any changes to this overall approach, as it presents a logical, simple structure, I do suggest in the topic sections below where a greater degree of justification is required.

7.1.2 The supporting text should provide useful context for each policy. It should also provide clear references to the adopted development plan. Furthermore, by preceding each policy with a summary of the key issues arising from consultation, the text can draw a direct and explicit link between views of the community expressed during consultation and the issues addressed by the relevant policy. This emphasises the importance the Neighbourhood Plan places on the input of the community during the plan-making process.

7.1.3 The overall layout of the plan is straightforward however as stated above the Framework indicates that plans should provide a practical basis within which decisions on planning applications can be made with a high degree of predictability and efficiency. The absence of a proposals map for the plan means that there is a tension with the Framework in this respect and therefore with the first basic condition.

7.1.4 The map that accompanies the plan that I have been provided with effectively only shows the plan area, is poor quality and not clear. A properly constructed proposals map with scale and north point indicating the following would be a significant and necessary improvement to the plan:

- Neighbourhood Plan Area
- Development Boundary as set out in the Milton Keynes Local Plan 2005
- Conservation Area

- Town Centre area
- Committed developments with planning permission and still to be completed.
- Any areas where a policy of the plan seeks to protect a feature or facility.

Recommendation 4 – the Town Council and Milton Keynes Council should work together to produce a proposals map for the Woburn Sands Neighbourhood Plan with as a minimum the elements set out in paragraph 7.1.4 above.

7.1.5 A number of policies in the plan stray into matters which do not involve the development and use of land and therefore are not entirely compliant with legislation (S38A of the PCPA 2004). In these cases the policy would be better expressed as a proposal. As there are a number of areas where I recommend this approach below it will be necessary to clearly differentiate visually between policies and proposals.

Recommendation 5 – In preparing the final version of the plan the layout should be designed so that policies and proposals are clearly distinguishable from the general text and from each other.

7.1.6 Finally it would improve the usability of the plan if all paragraphs were to be given a reference number and not just the headings.

Recommendation 6 – Provide a paragraph numbering system throughout the plan and not just on the headings and sub-headings.

7.1.7 With these modifications in place the general form of the plan will comply with the Basic Conditions.

7.2 Section 1, 2 and 3: Introduction, Plan Preparation Procedure and Background Information

7.2.1 Section 1 sets out what the plan seeks to do and the basic steps to its completion. Clearly as the plan proceeds this section will require updating but in the meantime there are a number of modifications required so that the terminology is as referred to in regulations and the first basic condition can be met.

Recommendation 7 – Replace the last sentence of paragraph 1 of the introduction and the beginning of paragraph 2 with the following wording:

“The Plan is subject to an examination by an Independent Examiner and the approval of the wider community through a referendum. If the majority of those voting in the referendum approve the plan it will be ‘made’ by Milton Keynes Council, the local Planning Authority for the area.

Once ‘made’ the Plan will be a material consideration.....”

7.2.2 Section 2 sets out the background to the neighbourhood planning process in Woburn Sands and describes the reasoning behind the decision to prepare the Woburn Sands Neighbourhood Plan. In terms of making this section more understandable I would suggest that the section at 2.1 on History would be better moved to the beginning of section 3 but this is not a matter that relates to the basic conditions.

7.2.3 Section 2.2 sets out in detail the rationale for the plan area and as stated above it is a pragmatic response to a difficult local planning situation. Given my Recommendation 4 that there should be a proposals map for the Woburn Sands Neighbourhood Plan, the reference at the start of paragraph 1 of section 2.2 should simply refer to the Proposals map.

7.2.4 The second paragraph of this section raises a complicated issue which I consider needs a modification to the text. Because a neighbourhood plan can only include policies and proposals that relate to the neighbourhood area (in this case Woburn Sands Parish only) the aspirations set out in section 2.2 need to be clarified. Otherwise the plan will conflict with the first basic condition. It is necessary to make it clear that whilst there may be support for the policies from neighbouring parishes the policies themselves only relate to the Neighbourhood Area.

Recommendation 8 – To clarify the intention, the text in the second paragraph of 2.2 should be modified to remove the last two sentences and the following text added in their place.

“However in accordance with Neighbourhood Planning (General) Regulations 2012 the policies and proposals in the Neighbourhood Plan apply only to the Woburn Sands Neighbourhood Area and not to adjoining parishes”.

7.2.5 Section 2.3 of the plan sets out the procedure and, inasmuch as some of this repeats the Consultation Statement, it could be summarised further. As stated above a Sustainability Appraisal (SA) was carried out in respect of the Woburn Sands Neighbourhood Plan but at an early stage in the plan process. Whilst it is good practice for sustainability appraisals to be commenced early in the plan, including testing options that have been considered and discounted, in this case the extent to which the SA actually tests the impact of policies and proposals against sustainability principles is limited. See Recommendation 3 for the suggested action in this respect.

7.2.6 Section 3 of the plan summarises background information and provides the context for the plan and identifies issues for the plan under a number of topic headings.

It distils a significant volume of information in an interesting way and as such, is informative. I do not propose any modifications to this largely factual section. I find that the section is capable of providing for useful comparison as time progresses and review takes place.

7.2.7 With the modifications in recommendations 7 and 8 implemented these initial sections of the Neighbourhood Plan will comply with Basic Conditions.

7.3 Section 4: The Milton Keynes Context

7.3.1 This section of the plan really establishes the planning policy context provided by the Milton Keynes Core Strategy. That being the case and the fact that the planning

policy context is also critically provided by the Framework this section should be renamed and extended to begin with a reference to the Framework.

Recommendation 9 - Rename the section *The Planning Policy Context* and include text that recognises as a minimum the requirement of the Framework for the planning system, including neighbourhood plans, to achieve sustainable development within its 3 dimensions – economic, social and environmental.

7.3.2 The section on the Core Strategy gives a fair précis of the objectives and most of the policies which could be considered to be the ‘strategic policies’ with which the Neighbourhood Plan needs to be in general conformity. However one policy that is directly relevant has been missed and that is policy CS9 the strategy for the rural area. Accordingly the plan should be modified to include a reference to the policy to complete the context provided by the Core Strategy.

Recommendation 10 – Insert at the top of page 9 a further bullet point stating: *Policy CS9 Strategy for the Rural Area – the policy states that development will be focused on the Key Settlements of Newport Pagnell, Olney and Woburn Sands as the most sustainable rural settlements, taking into account the population, constraints, transport links and the capacity of services in these towns.*

To avoid unnecessary repetition the following paragraph should simply begin : *“Paragraph 9.1 of the Core Strategy states.....”*

With these modifications at recommendations 9 and 10 implemented section 4 of the plan will be compliant with the first 3 basic conditions.

7.3.3 Finally, in respect of the penultimate paragraph of section 4 which sets out the position in respect of housing supply I have two concerns. First the paragraph should now be updated with the figures as provided at the hearing as at January 2014 and secondly the text from the paragraph starting “Table 5.2” should be moved to the section on Housing at section 6.3.

Recommendation 11 – Update the penultimate paragraph in section 4 to reflect the housing supply position as at January 2014 and relocate it and the previous paragraph to the housing section.

7.4 Section 5 - A Vision for Woburn Sands

7.4.1 With these modifications the introductory sections to the Neighbourhood Plan mark a logical progression from background through planning context to vision and objectives.

7.4.2 The section of the plan setting out the vision gets to the crux of some of the concerns expressed by objectors in the post-submission stage and at the hearing. At heart the Town Council is concerned at the major change and substantial development that has taken place and continues to take place in the town on former industrial land at Parklands and the need in their view for a period of assimilation. This rapid and considerable expansion, the aspiration to retain the attractive

environmental character of Woburn Sands and the wish to retain the town as a sustainable service base are the drivers shaping the vision of the Neighbourhood Plan.

7.4.3 By contrast planning agents representing landowner interests at the hearing expressed concern that given the housing targets in particular in the Core Strategy and the fact that site allocations had not been finalised there was insufficient evidence for the Neighbourhood Plan to take the view that there should be no further significant expansion.

7.4.4 In itself, it appears to me, that the vision as actually expressed seeking to retain the town's sustainability into the future does not raise a conflict with the basic conditions. Indeed the Core Strategy vision at clause 14 places importance on the character of the rural area when it states:

"In the rural area, some limited development will have occurred in Newport Pagnell, Olney and Woburn Sands to support provision of services and facilities for the Borough's rural community. Any development in the towns and villages will have reflected the distinct character of its surroundings."

7.4.5 The Woburn Sands vision based on the circumstances in the town I therefore consider reflects the Core Strategy vision.

7.4.6 However the supporting text leading into the vision stresses that the intention is that "no further significant expansion should take place" and that the town "should not be required to absorb any further growth" after Parklands is completed.

7.4.7 It is not the purpose of Neighbourhood Plans to stop development. They must as a minimum accommodate the strategic requirements of the Core Strategy. The issue of housing and employment land supply is discussed in more detail in the relevant sections below but inasmuch as this vision section sets the scene for those sections I consider that the text requires a modification to moderate the statements in section 5 and avoid a conflict with the first three basic conditions.

Recommendation 12 – Add a paragraph following the vision stating:

"Whilst this vision has been agreed to ensure the Neighbourhood Plan manages a period of consolidation in the town following the Parklands development which is likely to build out over the next 5 years, the plan cannot be used as a vehicle to stop development in the town. Rather it will be the means by which development and change will be managed recognising that the ongoing development by Milton Keynes Council of Plan MK may over the period of the plan necessitate some further development."

7.4.8 The sustainability objectives draw from and expand on the vision and provide useful marker indicators to the policies that will help to deliver the objectives.

7.4.9 In respect of the objective on the second bullet however the intention needs to be tempered with a modification. The Neighbourhood Plan is intended to have a life

to 2026 during which time it is virtually impossible to say that a balanced stock of housing could be maintained with no significant change. A modification is therefore necessary to this objective to ensure the first three basic conditions are met.

Recommendation 13 – Modify objective 2 to read:

A balanced stock of housing sufficient to meet local housing needs within Woburn Sands will be maintained once the Parklands development has been completed.

7.4.10 With these modifications at recommendations 12 and 13 implemented the vision and objectives of the Plan will be compliant with the first 3 basic conditions. The following sections consider the policies of the Neighbourhood Plan in detail. These are separated into 10 Key Issues with their attendant policies.

7.5 The Ambience and Environment of the Town - Policies WS1-WS4

7.5.1 The first section of the plan at 6.1 deals with the environment of the town and its setting and seeks to protect its character and quality. The section sets out on a set of bullet points what that means for the Neighbourhood Plan. In essence the overriding objective of this section is not in conflict with the basic conditions but again the first bullet point starts with an absolute in terms of no expansion of the built up area.

7.5.2 The detail on this issue I discuss in respect of policy WS5 but stating absolutes in this way is contrary to the concepts behind the Framework and therefore in order to comply with the first basic condition again I recommend that this statement is modified.

Recommendation 14 – add to the end of the first bullet point:

“...where this would adversely impact on the character and countryside setting of the town”.

7.5.3 The second bullet relates to the maintenance of the Conservation Area but whereas there are policies in respect of all the other bullet points there is not in respect of the Conservation Area. This is a point which was a concern for English Heritage in their post-submission comments and who encourage the Town Council to add a policy on the protection of the historic environment. Given that there is a statutory duty on the local planning authority to preserve or enhance the character or appearance of the Conservation Area and the Core Strategy in policy CS19 already addresses this I do not consider that the absence of a policy is in conflict with the basic conditions. I am aware however that Milton Keynes Council in 2010 prepared the Woburn Sands Conservation Area Review which provides guidance on change affecting the Conservation Area. It may be that the Town Council may wish to consider as part of my Recommendation 15 in respect of WS1 below building in a reference to the Conservation Area Review and its guidelines.

7.5.4 Section 6.1.1 on Design Parameters and Policy WS1 is an example of where I think the preamble is simply too short and the plan is short on detail. Given the fact that Section 7 of the NPPF places significant weight on achieving high quality of design as does CS13 of the Core Strategy, the Neighbourhood Plan would be justified in developing this policy area further. This is particularly true as policy CS 13 is slanted to the urban context in a number of its clauses and to have more detail regarding design in Woburn Sands would be a valuable addition to the Neighbourhood Plan.

7.5.5 Although the Design Guide at Appendix 3 does provide more detail in this

respect I am concerned that, being in an Appendix, its status and the weight to be attached to it is ambiguous. I accept that the Appendix is linked through policy WS1 but it is a sufficiently short document to be formally part of section 6.1.1.

7.5.6 This could be achieved by incorporating the Framework quote and the first paragraph of Appendix 3 with the preamble to policy WS1 and then reword the policy including the bullet points from the Appendix as principles to be followed and adding in the point regarding the Conservation Area Review above.

Recommendation 15 – Modify text and policy at section 6.1.1 to include the content of Appendix 3. Reword policy WS1 to read: “...will be expected to comply with the following design principles:

- *Developments within the plan area should respect the existing distinct vernacular character of the settlement.*
- *Any development which takes place within the Conservation Area or affects its setting is required to apply the guidelines set out in the Woburn Sands Conservation Area Review.*
- *The detailed design appearance of housing should contribute to the character of the area.*
- *Landscaping plays an important role in determining the acceptability of any development. Detailed landscaping plans will be required as part of a full planning application for all major developments and the Council will expect these to be submitted.*

7.5.7 Whatever the decision in respect of this recommended modification the existing paragraph preamble to policy WS1 must be modified. As it stands the intention of the second sentence is completely unclear. The principles underlying the Conservation Area cannot be applied elsewhere unless it is the intention to extend the Conservation Area and I get the sense that this is not what is proposed. As it stands the text is in conflict with the first basic condition. I therefore suggest a modified wording for what I think is the aim.

Recommendation 16 – reword second sentence to read: “*The attention to design detail, context, spaces and setting that applies within the conservation area should be applied as good practice throughout the plan area.*”

7.5.8 Section 6.1.2 and Policy WS2 dealing with open space within the current built up area seeks to protect green spaces within the town but yet does not seek to use the specific power offered by the Framework in paragraph 77– that of designating Local Green Spaces to do so. Paragraph 78 of the Framework ascribes a similar level of control on development within Local Green Spaces to that applying in Green Belts.

7.5.9 Whilst the Town Council could give consideration to designating Local Green Spaces in place of policy WS2, in terms of the stage the plan has reached it would be advisable if such designations were left to a future review of the Neighbourhood Plan.

7.5.10 In the meantime policy WS2 as it stands, in stating an absolute restriction on development, goes beyond the Framework advice at paragraph 74. Also the policy would be unworkable in respect of say development to improve the recreation ground. In order to meet the first basic condition therefore a modification is required as follows:

Recommendation 17 – Add at the end of policy WS2 : “...save in the exceptional circumstances set out in the National Planning Policy Framework.”

Recommendation 18 – The Town Council considers designating Local Green Space when the Neighbourhood Plan is reviewed.

7.5.10 In respect of the section on traffic and parking the aspiration to manage heavy traffic within the town is appreciated however policy WS 3 is an example of where this is beyond the scope of the Neighbourhood Plan as a policy see paragraph 7.1.5 above. Given that the intention would fall within the responsibility of the Highways Authority it would also be sensible to add wording to reflect this. The modification at Recommendation 19 is necessary to recast this as a plan proposal which should be distinguished from policy for example in a different font. Without making this modification the plan conflicts with the first basic condition.

Recommendation 19 – Replace policy WS3 with a plan proposal

Recommendation 20 – Revise wording of the new proposal to state :

“The Town Council will work with the Local Highway Authority to promote....”

7.5.11 Finally in this section the plan’s policy in respect of off street parking provision is again understood but paragraph 39 of the Framework sets out a number of considerations when setting a local parking requirement. To avoid conflict with the first basic condition the policy requires a modification.

Recommendation 21 – Reword Policy WS4 to read

“All development proposals must make adequate provision for off street parking taking into consideration the type of development, the accessibility of the location and the requirements of Milton Keynes Council’s Parking Standards”.

7.6 Development Envelope

7.6.1 Development boundaries for Woburn Sands and other settlements in the Rural Area were defined in the Milton Keynes Local Plan and are for the time being are saved together with policies S7 and S10 which restrict development in the open countryside outside development boundaries. The Core Strategy in its Development Strategy and policies CS2 and CS9 effectively continues this policy approach and it is clearly not the intention that housing will be developed in open countryside.

7.6.2 The Neighbourhood Plan wishes to carry the town’s development boundary forwards and has adopted the position that it does not wish to see any extension of the development boundary into surrounding countryside essentially to protect the character of the landscape and countryside setting of the town.

7.6.3 At present given the current position of the Core Strategy this proposed policy approach in the Neighbourhood Plan is a defensible position and would be in general conformity with the Core Strategy.

7.6.4 The concerns of those objecting to the Plan at post-submission stage are twofold. First at this stage it is not entirely clear that the quantity of housing required for the rural area can be accommodated within the existing built up areas including Woburn Sands. Secondly, in what is essentially a sustainable settlement with a reasonable level of services, and a location close to Milton Keynes, the evidence base as to why none of the land surrounding the town could be considered for development is incomplete.

7.6.5 I deal with the issue of housing land supply in detail in the section below and for the reasons set out there it is not my recommendation that any specific allocation of land for development beyond the development boundary is made at this stage.

7.6.6 However the commitment to an early review of the Core Strategy – through Plan MK - and the wording of policies CS2 and CS9 of the Core Strategy makes clear that in preparing Plan MK the opportunity will be taken to review development boundaries for settlements in the Rural Area in the context of accommodating any updated housing requirement.

7.6.7 Whilst the 3rd basic condition is about general conformity with the Core Strategy and not subsequent plans, there is the possibility that in a relatively short period of time there may be a review of development boundaries. In that context it would be desirable that the Neighbourhood Plan provides positive guidance to inform that process rather than simply opposing the concept of any change. In that way it would also avoid any criticism that it does not fully accord with the Framework and the first basic condition.

7.6.8 The Plan names 7 broad areas immediately adjoining the current development boundary most of which have been proposed for development in the past. The text of the Plan includes some brief assessment of these areas but it is very limited before concluding that none could be developed without adversely impacting on the character of the open countryside and the setting of the town.

7.6.9 I can appreciate that certain sites, such as Edgwick Farm and the allotments and land south west of the town and south of the Bow Brickhill Road rising towards the Greensand Ridge are important to maintain as open because of their landscape character and importance to the setting of the south side of the town and their community value. However, having named four other areas (the first 4 in the list at section 6.2 of the Plan) only one of these, land adjoining Deethe Farm, is discussed to any degree and ruled out on the grounds of its recent planning history. The evidence base provides insufficient justification as to why some areas could not be considered further. In response to the question at the Hearing on what analysis and assessment had been carried out on these areas the Town Council came back with more information than was evidenced in the Plan.

7.6.10 If the position of the Plan is that there would be no further prospect of expanding the development boundary without fundamentally damaging the landscape character and countryside setting of the town or for reasons of other environmental constraints this must be demonstrated. If it does not, the Plan will conflict with the first basic condition, in particular the objective behind paragraph 16 of the Framework amongst other things.

7.6.11 To retain this position in the Plan a number of modifications to text and policy therefore need to be made. First, to avoid confusion, by introducing the term

'Development Envelope' at 6.2, the section and all references within it should be to 'Development Boundary' as this is the term in the Milton Keynes Local Plan where it is officially defined. Secondly, rather than beginning with the seven areas, the preamble to the policy needs to begin with a paragraph explaining the Development Boundary, how and where it is defined and what its purpose is. Recommendation 4 suggesting a proposals map will at least allow its extent to be defined. From there a further paragraph should explain the Neighbourhood Plan's objectives for retaining the Development Boundary which as I understand it is essentially the third paragraph after the bullet points in the current section 6.2 although the justification here could be stronger. After this the text could introduce the 7 areas that have been considered, possibly in a tabular format that allows you to indicate why extension of the Development Boundary to include these would not be appropriate. This would then allow you to conclude more rationally as to why the intention for the time being is to retain the Development Boundary. Much as with my recommendation in respect of Housing below however, the text at section 6.2 also needs to acknowledge that in the context of the review of the Core Strategy – Plan MK - the Development Boundary may be proposed for alteration and if that were the scenario what the Neighbourhood Plan's position would be.

7.6.12 In respect of policy WS5 the intention appears to be 2 fold to protect the countryside setting and footpath links and to prevent the extension of the built up area. The policy purpose and intention would be clearer if it was restructured with the protection first and the intention not to extend the Development Boundary second but including at the end of the policy the exceptional circumstances in which an amendment to the Development Boundary would be accepted. Without this last clause the policy will conflict with the basic conditions.

Recommendation 22-A - Retitle section 6.2 "Development Boundary" so that terminology is consistent and restructure the explanatory text as set out in paragraph 7.6.11 above.

22-B Reword Policy WS5 to read:

The preservation of the countryside setting, existing woodland and footpath links into the countryside is key to the future of Woburn Sands. No extension to the Woburn Sands Development Boundary will therefore be permitted other than in the following exceptional circumstances:

- ***The review of the Milton Keynes Core Strategy - Plan MK identifies a specific need for an amendment to the Development Boundary of Woburn Sands and***
- ***Any proposed amendment to the Development Boundary has been brought forward through Plan MK following full consultation with Woburn Sands Town Council and***
- ***The implications of any revised Development Boundary has been assessed in terms of the need to protect and maintain the character of the countryside setting to Woburn Sands.***

7.6.13 With these modifications in place the neighbourhood plan would meet the basic conditions in particular 1 and 3.

7.7 Housing Numbers and Balance

7.7.1 Neighbourhood Plan Policies WS 6 and WS7 are concerned with the housing provision and the priority to be given to starter housing for families respectively.

7.7.2 Essentially the plan starts from the premise that the development of Parklands will provide sufficient development to meet the Core Strategy housing requirements and by the time it is built out in approximately 5 years' time will have significantly expanded Woburn Sands by increasing the number of households by approximately 50%.

7.7.3 Accordingly the Neighbourhood Plan wishes to substantially restrict the level of new housing to minor infilling and development of previously developed land only. This policy has attracted objection at the post-submission stage from landowners who consider that this approach is contrary to basic conditions in particular basic condition 3 in that it is not clear the extent to which the Core Strategy's housing requirement for the rural area can be met. This was the main reason why the Hearing session was necessary.

7.7.4 In preparation for the Hearing a briefing paper on housing land supply as at January 2014 was provided and which was agreed at the Hearing to set out the current position as regards housing supply in Woburn Sands and the rural area.

7.7.5 From this it is clear that of the total requirement within the rural area of 1760 dwellings between 2010 and 2026 almost 1200 dwellings have either been completed or have planning permission of which Woburn Sands contribution of 388 amounts to 32%. (NB This assumes Phase 5 Parklands is approved.)

7.7.6 In order to comply with the Core Strategy requirement the rural area must therefore provide at least c 560 dwellings before 2026. Policy CS1, CS2 and CS9 of the Core Strategy set out the expectation that in the rural area the bulk of this development will be provided in the 3 key settlements of Newport Pagnell, Olney and Woburn Sands.

7.7.7 The issue of how the distribution of the remaining 560 units should be achieved in practice was the subject of discussion at the hearing. The landowners' representatives argued that because the Core Strategy did not distinguish between the 3 settlements it could not be assumed that Woburn Sands would not be required to take further housing development through the Site Allocations Plan and Plan MK during the period to 2026. However the Council considered that the expectation was not that the 3 key settlements would be required to take equal shares and that as Newport Pagnell and Olney were larger settlements than Woburn Sands, with acknowledged opportunities for development, it was reasonable that they would

take the larger shares of the remaining requirement.

7.7.8 Milton-Keynes Council and the Town Council consider that in any event windfall on infill sites and redeveloped land will make a significant contribution to the remaining requirement in the rural area. Certainly the Core Strategy in table 5.2 on housing land supply assumed that 455 units throughout the rural area could be expected from windfall sites in the 13 years to the end of the plan period based on a figure of 35 units per year - a figure based on past rates and validated in the Strategic Housing Land Availability Assessment 2012. However, for a settlement such as Woburn Sands which is placing considerable importance on the quality of its townscape, and given the extent of the Conservation Area, a policy dependent on infilling could be counter-productive by eroding character over time.

7.7.9 It was evident from the discussion at the Hearing that the figure for windfall between 2010 and Jan 2014 as set out in the Jan 2014 statement at c 6 per year was high compared to the longer term supply from this source between 2002 and 2012. It could not therefore necessarily be assumed to continue at c6 per year in the period up to 2026. At the Hearing the council felt that development in the town up to 2026 on infilling sites and previously developed land without harming townscape character would be in the order of 25 units in total. This was not disputed by the parties at the hearing and would still leave at least 535 dwellings to be provided elsewhere in the rural area.

7.7.10 The Council at the hearing clearly endorsed the view that the Neighbourhood Plan would not give rise to problems in meeting the housing target for the rural area because of other available sites. However, the Council in its post-submission comments evidently had an element of concern as it only stated that the neighbourhood plan would “currently be in general conformity”. It could not preclude the possibility that Plan MK may require the allocation of land in the area in the future. Moreover at the hearing the Council did stress that work on the review of the Core Strategy – Plan MK, and the Site Allocations Plan, was at an early stage. As such I am concerned that if policy WS6 remains as drafted allowing only windfall development in the remaining period up to 2026 there is at least some likelihood that the Neighbourhood Plan will be overtaken by events and rapidly superseded by the emerging Plan MK. In such a scenario without some modification to the policy I am concerned that the relevance of the Neighbourhood Plan will be sidelined.

7.7.11 In addition in respect of the first basic condition and the need to comply with the Framework I am also concerned that the Neighbourhood Plan as drafted is arguably contrary to the stated intent of the Framework in respect of neighbourhood plans where it states at paragraph 16 that “neighbourhoods should:

- develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development;
- plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local

Plan.”

7.7.12 At present the Neighbourhood Plan could be argued to give only limited guidance to shaping and directing future development.

7.7.13 I accept of course that this is set in the wider context of the Framework and all its policies, including the balanced approach to the economic, social and environmental roles of planning. Nevertheless, given the importance in the Framework placed on delivery of at least a rolling 5 year supply of homes, as discussed at the Hearing I strongly recommend that there is a need to modify the plan.

7.7.14 The solution that the objectors would wish to see put in place is for an allocation or allocations of land to be made. However, in the circumstances before me, I am not persuaded that this is currently necessary provided that some flexibility is introduced into the plan and guidance as to how a further development proposal should be treated.

7.7.15 I suggest that the main thrust of WS6 is retained but that it is amended to acknowledge and advise on the possibility of further developments. I do accept that it is reasonable that further development must be justified through the local plan process, that site selection must maintain the character of the Woburn Sands area as paramount and that the Town Council as Qualifying Body must be closely consulted. It may also be desirable to phase any such further development to the back end of the plan period. However this may only be possible in the short term and I consider it would be desirable, when the plan proceeds to referendum, that within it is a commitment to its early review once Plan MK is adopted. (See also Recommendation 36).

7.7.16 Accordingly, in order to ensure the plan meets basic conditions 1 and 3 the following modifications will be essential:

Recommendation 23-A - Reword the preamble paragraph to policy WS 6 based on the supply position as set out in the statement prepared in January 2014 circulated at the Hearing.

23-B Replace the penultimate and final sentence to the preamble paragraph with the following :

“It is the strongly held view of the Town Council, residents and neighbouring Parish Councils that, following the development of Parklands, there should be a period during which the town can assimilate the large increase in population and that during the early years of the plan period further development should be limited to infilling and the redevelopment of previously developed land. It is recognised however that in the context of the expected review of the Milton Keynes Core Strategy – Plan MK – that there may, in the longer term, be a need for additional housing development. The basis on which such development, over and above infilling and redevelopment, would be considered is as set out in policy WS6.

23-C Reword policy WS6 to read:

“The Parklands development is expected to meet the needs for large scale housing development in Woburn Sands during the plan period. Additional housing in the plan area will therefore be limited to small scale infilling opportunities between existing properties or redevelopment of previously developed sites other than in the following circumstances:

- ***The review of the Milton Keynes Core Strategy - Plan MK identifies a specific housing need for additional land to be released in the Woburn Sands Plan Area and***
- ***Land proposed for development has been brought forward through Plan MK following full consultation with Woburn Sands Town Council and***
- ***Development is of a scale and in a location that complies with the vision and policies of the Neighbourhood Plan and***
- ***Any such land is phased for development in the latter part of the Neighbourhood Plan period in order to allow the assimilation of the substantial new development at Parklands before further land is released.(This last bullet point optional)***

7.7.17 In respect of the balance of housing the plan identifies that Parklands has widened the range and type of housing in Woburn Sands and concludes that the only category of housing where there is a perceived shortage is in respect of starter housing for families. Accordingly policy WS7 seeks to prioritise that group.

7.7.18 Policy CS10 of the Milton Keynes Core Strategy and for that matter the Framework stress the need to achieve a balance in housing provision. Thus, while I don't dispute the fact that family starter housing may currently be the priority in the Neighbourhood Area, I am concerned that over the period of the Neighbourhood Plan this may not continue to be the case and therefore the Plan arguably doesn't have the flexibility that both the Framework and Core Strategy require for basic conditions 1 and 3 to be met.

7.7.19 In addition there is a practical problem with the wording of policy WS7 in that the last clause “who have a connection with Woburn Sands” is imprecise and therefore difficult to apply. As such there is a need for a modification. In making the modification it makes sense that the same wording in policy WS6 regarding infilling and redevelopment of previously developed land is also used.

Recommendation 24 – Reword policy WS7 to read :

“Priority for any infilling development or redevelopment of previously developed land will be given to proposals which provide starter housing for families who have a local housing need within Woburn Sands or its adjoining parishes. Other types of housing identified as being in short supply to meet identified local housing needs will also be prioritised as necessary.

7.7.20 Finally, the paragraph before policy WS7 is another example which has attracted objection because of the statement in respect of the Greens Hotel site. The

3rd, 4th and 5th sentences of the paragraph add nothing to the point being made regarding the sufficiency of housing for the elderly and have simply resulted in unnecessarily attracting objection to the references to Greens Hotel. It is therefore recommended that the preamble is modified.

Recommendation 25 – Remove the 3rd, 4th and 5th sentences of the final paragraph before policy WS7 and extend the second sentence to state:

“...and, given the decision to develop the Greens Hotel site for accommodation for housing for the over 55s, the needs of this sector of the population are deemed to be met for the time being”.

7.8 Employment

7.8.1 Neighbourhood Plan Policy WS 8 supports the provision of land for employment purposes in the final phases of the Parklands development but does not seek to designate further employment land in the town.

7.8.2 The Core Strategy at Table 5.3 demonstrates that there is anticipated to be sufficient jobs overall based on the current land supply plus office and retail employment in Central Milton Keynes for the level of proposed housing and that the current employment land supply until 2026 is adequate. Policy CS3 and table 5.4 sets out the employment land supply including the 1.3 hectares at Parklands in Woburn Sands.

7.8.3 Concerns from objectors have been expressed that, in the same way as in the housing policy WS6, the Neighbourhood Plan at policy WS8 is seeking to stifle further employment growth. This matter was one of the issues discussed at the hearing where the Council indicated it was satisfied that 1.3 hectares was sufficient.

7.8.4 Given that the commitment to Parklands is carried forward in policy WS8 it is in general conformity with Core Strategy policy CS3 although as with the general comment at Recommendation 4 above the area could usefully be identified on the proposals map and the policy amended to refer to this.

7.8.5 In one important respect policy WS8 is different to the concerns over the housing policies in that it does not suggest that employment-generating development will not be permitted, it simply states that it is not the intention to **designate** any further land for employment purposes – an important distinction.

7.8.6 I note the Council’s and objectors’ point that Plan MK will review the adequacy of the employment land supply with a view to determining whether further strategic employment sites will be required. However it is unlikely that such strategic allocations would be within the rural area and to that extent policy WS8 is unlikely to be problematic.

7.8.7 However given the Framework’s strong support for economic growth where it states that planning system should do *“everything it can to support sustainable economic growth”* and later that *“policies should be flexible enough to*

accommodate needs not anticipated in the plan” I find policy WS8 disappointing. In order to be compliant with the first basic condition I consider the policy should be modified and the Town Council may wish to review the supporting text accordingly.

Recommendation 26 – Reword policy WS8 to state:

“Any application to develop the land allocated on the proposals map for employment purposes in Parklands will be welcomed. Whilst it is not the intention to designate further land for employment purposes within the Neighbourhood Area during the plan period, proposals for development which generates employment opportunities to meet local employment needs in the town will be supported”.

7.9 Retail Development - Policy WS9

7.9.1 Neighbourhood Plan policy WS9 seeks to maintain the vitality and viability of the High Street in Woburn Sands. Policy CS4 of the Core Strategy looks to the smaller town centres such as Woburn Sands to be principally local shopping designations and requires town centre uses outside the existing centres to follow the Framework’s sequential test procedures.

7.9.2 The policy is not one which has attracted objection and in terms of the overall objective it is acceptable. However the overall thrust of the section is to both protect and promote the High Street and I am concerned that policy WS9 does not entirely provide the mechanism to do that.

7.9.3 Although policy WS9 does imply the sequential test I am not persuaded that it would be useable by the Council in determining a planning application. The Framework at paragraph 23 states that policies should define the extent of the town centre and make clear which uses will be permitted in such locations. Fundamentally although the High Street is named, the town centre and its limits are not defined and therefore the policy is not exact in terms of where and when it will be applied. Moreover the preamble to the policy appears to be seeking to protect the High Street shops and yet the policy does not do that.

7.9.4 Accordingly for the policy to meet the first basic condition it requires modification. In doing so it would be preferable for the first part of the policy to be converted to a proposal as it is questionable the extent to which this section could be applied as policy. The wording of the last paragraph and the 6 bullet points following of the supporting text on P.14 would provide a satisfactorily worded proposal subject to it being distinguished from the text and policy as a proposal.

Recommendation 27A –Reword policy WS9 to read:

“Within the town centre, as defined on the Proposals Map, development and changes of use which promote the vitality and viability of the High Street will be supported. Retail development outside the town centre which impinges on the health of the High Street will not be permitted.”

27B Define the appropriate limits of the town centre, from the Milton Keynes Local Plan 2005, on the Neighbourhood Plan Proposals Map (See Recommendation 4)_

Recommendation 28 – Convert the final paragraph of page 14 and 6 bullet points to a proposal and distinguish from the policy.

7.10 Education Provision – Policy WS10

7.10.1 This section of the plan raises a fundamental issue referred to in paragraph 2.4.1 above relating to Section 38A of the PCPA 2004. No education facilities or sites lie within the Neighbourhood Area although they are virtually adjoining. As such policy WS 10 cannot be included in the Neighbourhood Plan and the Plan must be modified to remove it and comply with the first basic condition. If the Town Council wish to recast the policy as a proposal there is no reason why they should not. However in doing so they may wish to consider referring to the Town Council working with adjoining Parish Councils and the Local Education Authority to achieve the policy objective.

Recommendation 29 – Remove policy WS10 from the plan and consider recasting it as a proposal

7.11 Medical Services - Policy WS11

7.11.1 Unlike the educational facilities, the Asplands medical centre is within the Neighbourhood Area and therefore can be the subject of a policy. However the last phrase of policy WS11 could be interpreted to extend over areas outside the Neighbourhood Area and therefore is contrary to the regulations and needs to be modified. Given that the concern of the community appears to be about protecting the facilities based at Asplands it would be open to the Town Council to consider also using the policy to protect health services at the site and designate the health centre on the proposals map.

Recommendation 30 – reword policy WS 11 to read :

“...to support the coherent provision of medical services to the community based on the Asplands Medical Centre”

Recommendation 31 – Town Council to consider using the policy to protect the Asplands site and designate it on the Proposals Map.

7.12 Recreation and Leisure – Policy WS12

7.12.1 Policy WS12 seeks to preserve existing recreation and leisure facilities and to develop new facilities.

7.12.2 The Core Strategy policy CS17 supports this policy area and the aspiration is consistent with the Framework in promoting improvement to the quality of life in the town and therefore contributing to sustainable development. However, the preamble to the policy suggests that the phrase within the policy “the wider Woburn Sands area” may be intended to be more than the Neighbourhood Area. Again this would be contrary to the requirements of Section 38A of the PCPA 2004 and the first basic condition and for the avoidance of doubt the policy therefore requires a minor modification.

Recommendation 32 – reword policy WS12 to read:

“The preservation of all existing recreational and sports facilities across the Woburn Sands Neighbourhood Area will be a priority.....”

7.13 Community Safety - Policy WS 13

7.13.1 This section of the plan deals with community safety whilst policy WS13 relates to joint working of the two police forces covering the area. This is another example where the plan presents a policy which goes beyond matters which can be part of a statutory neighbourhood plan. As such the first basic condition is not met and a modification is necessary to revise this to a proposal. The Town Council may also wish to extend the proposal to give support to the proposed relocation of the police office to the Institute if this has not yet happened. Indeed that is a matter involving physical development and change of use that could be the subject of a supportive policy.

Recommendation 33 – remove policy WS13 from the plan and reword as a proposal.

7.14 Transport and Communications – WS14-WS16

7.14.1 The final policy section of the plan relates to public transport and other communications, the matter of traffic and parking having been dealt with earlier in the plan as the more critical issue. (See Recommendation 19 and 20).

7.14.2 In respect of both the policy on bus services - WS14 and the policy on Broadband - WS 16, while the intentions are understood, neither directly involve the development and use of land and therefore are not entirely compliant with legislation (S38A of the PCPA 2004). In these cases the policies should be expressed as proposals to avoid conflict with the first basic condition.

Recommendation 34 -remove policies WS14 and WS16 from the Plan and reword both as proposals.

7.14.3 For both the community in the Neighbourhood Area and Network Rail it is clear that the level crossing in the town is a significant issue. However I am not persuaded that policy WS15 as worded delivers a clear message to Network Rail on the likely position of the Neighbourhood Plan in respect of line improvements and increased rail traffic. I therefore recommend that the policy is modified.

Recommendation 35 – Reword policy WS15 as follows:

“Proposals to improve rail services through Woburn Sands including electrification will be supported where the following principles apply:

- ***Plans are developed and finalized in consultation with Milton Keynes Council and Woburn Sands Town Council and***
- ***Proposals improve the level of rail services for the town for both commuting and leisure use and***
- ***Proposals include measures to ensure the safety of both cars and pedestrians crossing the railway without increasing delay and congestion on Station Road through the town.”***

7.14.4 Network Rail submitted a significant representation on the Neighbourhood Plan at the post-submission stage. However this largely serves as a reminder to the Local Planning Authority of its duties in respect of development in proximity to a level

crossing over the railway. To the extent that the Neighbourhood Plan is not making any specific proposals for development in close proximity to the railway other than the completion of Parklands, which presumably has already been the subject of consultations with Network Rail, I do not consider it is necessary for the Plan to reiterate procedure in respect of development close to the railway.

7.15 Next Steps and Implementation and Review

7.15.1 The short section on next steps on P.18 of the Neighbourhood Plan will need to be revised and updated for the next stage.

7.15.2 The section of the Plan dealing with its delivery and review is very brief and I have a number of concerns about the section procedurally.

7.15.3 First, the Neighbourhood Plan is not adopted by Milton Keynes Council rather it is 'made'. Once 'made' it forms part of the Development Plan and will be used by the Council in determining planning applications. It is not therefore simply a plan for use by the Town Council.

7.15.4 Secondly, the last sentence of the first paragraph of this section again raises a difficult procedural matter in that whilst the adjoining councils may have regard to the aspirations of the Woburn Sands Neighbourhood Plan they will not be able to directly use its policies as reasoning for opposing or supporting development proposals within their own parish area. They would however be able to refer to the policies where the development is in Woburn Sands but they have been consulted as a neighbouring parish.

7.15.5 Thirdly, the last sentence of paragraph 2 of section 8 is procedurally flawed. It will not be possible for the Town Council simply to review policies on the basis of a majority vote at an annual town meeting and to do so would be contrary to the first basic condition.

7.15.6 In view of the fact that the review of the Milton Keynes Core Strategy - Plan MK is underway it would be advisable for the Neighbourhood Plan to be reviewed within 5 years and for the text to commit to doing so complying with procedures set out in neighbourhood planning legislation and regulations that are in place at that time. At the Hearing the Town Council accepted that a review of the Plan may be necessary in a relatively short period and such a modification would also help to reassure those objectors who considered that the plan's policies were only appropriate for the short term.

7.15.7 Accordingly the following modification is necessary:

Recommendation 36A – Reword paragraph 1 of section 8 as follows:

“Once the Neighbourhood Plan has been ‘made’ by Milton Keynes Council the Council will determine all planning applications and other proposals in the light of policies set out in the plan. Similarly the Town Council will look to apply the Plan’s

policies and proposals in its decision making. Applicants will.....policies. The adjacent Parish Councils will be expected to have regard to the policies and proposals where they are consulted on development proposals within Woburn Sands Parish."

36B Amend the second sentence of paragraph 2 of section 8 to read:

"In order to avoid the Neighbourhood Plan being superseded by the imminent review of the Core Strategy – Plan MK - a review of the Neighbourhood Plan will be commenced within 5 years from the date it is made and will follow the procedures for review as may be set out in neighbourhood planning regulations applying at that time".

8.Referendum

8.1 I recommend to Milton Keynes Council that, subject to the recommended modifications being completed, the **Woburn Sands Neighbourhood Plan should proceed to a Referendum.**

8.2 I am required to consider whether the Referendum Area should be synonymous with the Neighbourhood Area or extended beyond the Woburn Sands Neighbourhood Area.

8.3 The Neighbourhood Area mirrors the Parish boundary and, whilst I understand that residents over a wider area, particularly those in Aspley Guise and Aspley Heath Parishes look to the town for its services, I acknowledge there are practical difficulties in developing the Neighbourhood Plan for that wider area.

8.4 Having taken the decision to focus the Plan purely on Woburn Sands Parish the policies of the Plan therefore can only relate to the Parish area. Given also that the Plan does not propose any major allocations of land that could be considered to have a significant impact on the adjoining Parishes I do not consider that residents of the adjoining Parishes need to be given the opportunity to vote in the referendum.

8.5 Accordingly, I consider that it is unnecessary to recommend any other referendum area than the Neighbourhood Area and no evidence has been submitted to suggest any alternative approach.

8.6 I recommend that the Neighbourhood Plan modified as specified above should proceed to a Referendum based on the Woburn Sands Neighbourhood Area as defined by Milton Keynes Council on 25 July 2012.

Peter Biggers March 2014
Argyle Planning Consultancy Ltd

Appendix 1

Woburn Sands Neighbourhood Plan Hearing

Date – Wednesday 29th January 2014

Time – 9.30 – c13.15

Venue – Memorial Hall Woburn sands

The Independent Examiner Mr Peter Biggers BSc Hons MRTPI appointed to carry out an examination of the Woburn Sands Neighbourhood plan has requested that a hearing in public be held to consider whether the Neighbourhood Plan is in general conformity with the Milton Keynes Core Strategy in respect of housing and employment land provision. No other matters will be discussed at the Hearing.

Draft Programme

- 9.30** Introductions, opening remarks and scope of the hearing
- 10.00** Understanding the Core Strategy's requirements of the neighbourhood plan area
- 10.30** Understanding the vision and development strategy for the neighbourhood plan
- 11.00 Break**
- 11.15** Housing land supply and meeting requirements
- 12.15** Employment land supply and meeting requirements
- 12.45** Understanding the consultation opportunities afforded to interested parties to comment on the plan's provisions for housing and employment
- 13.15 Close**

Woburn Sands Neighbourhood Plan Examination – Hearing 29 January 2014.
Independent Examiners Pre-Set Questions to Guide the Discussion

Opening remarks - General Procedural Questions

- What have been the governance arrangements during the preparation of the plan? - for example was a representative steering group established to prepare the plan? (WSTC to open)
- Has screening in respect of Sustainable Environmental Assessment been carried out and what was the outcome of that? (MKC to open)

Session 1 – Understanding the Core Strategy’s requirements of the Neighbourhood Plan.

- What is the expectation of Woburn Sands as one of 3 key settlements in the rural area as identified in policy CS1 of the Core Strategy? (MKC to open)
- Is the intention of the Core Strategy that Woburn Sands and the other 2 key settlements will continue to provide the bulk of housing provision in the Rural Area? (MKC to open)
- If so is the assumption that the 3 settlements will take an equal share of development – both completed and still required? (MKC to open)
- Has Plan MK or preceding work for the Site Allocations DPD reached a point to assist in evidencing whether a ‘no further development in Woburn Sands strategy’ would jeopardise the achievement of wider Core Strategy objectives? (MKC to open)
- Is there an expectation in the Core Strategy’s spatial development strategy that there should be a strategic gap retained between Milton Keynes and Woburn Sands? (MKC to open).

Session 2 – Understanding the Vision and Development Strategy for the Neighbourhood Plan

- Is the strategy of the plan of essentially no further development other than infilling based on clear and robust evidence? (WSTC to open)
- Is the aspiration of the Neighbourhood Plan to retain Woburn Sands as a sustainable settlement without development a tenable position in the longer term? (WSTC to open)
- What would be the actual harm if some further development was to be accommodated in the plan area? (WSTC to open)
- Is such a development strategy likely to need to be reviewed in the near future with work progressing on Plan MK? (MKC to open)

Session 3 – Housing land supply and meeting requirements

- Are the implications of policy CS2 and table 5.2 of the Core Strategy that some of the housing development outstanding will be expected to be located in Woburn Sands? (MKC to open)
- The implication of the Housing Supply Figures provided as at Jan 2014 is that there is a land requirement for c 590 houses still to be found in the rural area over and above completed and committed. Is that correct? (MKC to open)
- Is it reasonable to assume that c 200 of that outstanding requirement will need to be provided for in Woburn Sands? (MKC to open)
- Table 5.2 of the Core Strategy identifies 115 units from Developable and Deliverable SHLAA sites – are any of those in the Neighbourhood Plan Area?(MKC to open)
- Is it reasonable to assume that Woburn Sands share of windfall infill sites c 150 units up to 2026 will be achieved? (Any to open).
- The Housing Supply figures at Jan 2014 state that all approved sites in Woburn Sands will be completed within 5 years ie by 2019. Are there therefore implications for maintaining a 5 Year Housing Land Supply if more land is not identified in the rural area? (MKC to open)
- In order to understand the position taken in policies WS5 and WS6 of the Neighbourhood Plan what assessments were carried out of the areas of land mentioned in paragraph 6.2 and what were the findings of these assessments in respect of potential development? (WSTC to open)
- Would a criteria based policy or policies, setting out the circumstances in which future development proposals in the plan area may be considered favourably, in place of policy WS6, offer a more acceptable alternative? (Any to open)
- Would such a policy reassure landowners and MKC that the plan would be flexible enough to respond to future circumstances? (Landowners and MKC to open)
- Would such a policy satisfy WSTC that key controls could be retained to ensure that the Vision for Woburn Sands was not jeopardised? (WSTC to open)

Session 4 – Employment land supply and meeting requirements

- Is 1.3 hectares of employment land as part of the Parklands development deemed to be enough land for the plan period? (MKC to open)
- Is policy WS8 as it is worded likely to help Woburn Sands towards retaining a sustainable employment base within the town and help to achieve policy objectives in CS9 and CS16 of the Core Strategy? (WSTC to open)

Session 5 – Understanding the consultation opportunities

- How and in what way did the Qualifying Body (Woburn Sands TC) ensure that the opportunities for engagement were maximised for all in the community including local landowners? (WSTC to open)
- What specific opportunities was there for potential development sites to be put forward, considered and debated? (WSTC to open)