

John Slater Planning

Lakes Estate Neighbourhood Plan

Submission Version

A Report to Milton Keynes Council on the Examination of the Lakes Estate Neighbourhood Development Plan

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Introduction

Neighbourhood planning is a process introduced by the Localism Act 2011 which allows local communities to create the policies which will shape the places where they live and work. The Neighbourhood Plan provides the community with the opportunity to allocate land for particular purposes and to prepare the policies which will be used in the determination of planning applications in their area. Once a plan is made, it forms part of the statutory development plan alongside, which in the case of Milton Keynes will be the adopted Core Strategy and the saved policies of the Local Plan. Decision makers are required to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

The neighbourhood plan making process has been led by The Lakes Estate Neighbourhood Plan Task and Finish Group which is a working group of The Lakes Estate Regeneration Steering Group who were appointed to undertake the plan preparation on behalf of Bletchley and Fenny Stratford Town Council which is a “qualifying body” under the Neighbourhood Planning legislation, which entitles them to lead the plan making process.

This report is the outcome of my examination of the Submission Version of The Lakes Estate Neighbourhood Development Plan. My report will make recommendations based on my findings on whether the Plan should go forward to a referendum. If the plan then receives the support of over 50% of those voting at the referendum then the Plan will be “made” by Milton Keynes Council, which is the Local Planning Authority.

The Examiners Role

I was appointed by Milton Keynes Council in November 2014, with the agreement of the Town Council, to conduct this examination. My role is known as Independent Examiner. My selection has been facilitated by the Neighbourhood Planning Independent Examiner Referral Service which is administered by the Royal Institute of Chartered Surveyors (RICS)

In order for me to be appointed to this role, I am required to be appropriately experienced and qualified. I have over 36 years’ experience as a planning practitioner, primarily working in local government, which included 8 years as a Head of Planning at a large unitary authority, but latterly as an independent planning consultant. I am a Chartered Town Planner and a member of the Royal Town Planning Institute. I am independent of both Milton Keynes Council and Bletchley and Fenny Stratford Town Council and I can confirm that I have no interest in any land that is affected by the Neighbourhood Plan.

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Under the terms of the neighbourhood planning legislation I am required to make one of three possible recommendations:

- That the plan should proceed to referendum on the basis that it meets all the legal requirements.
- That the plan should proceed to referendum if modified
- That the plan should not proceed to referendum on the basis that it does not meet all the legal requirements.

Furthermore if I am to conclude that the Plan should proceed to referendum I need to consider whether the area covered by the referendum should extend beyond the boundaries of area covered by the Lakes Estate Neighbourhood Plan.

In examining the Plan, the Independent Examiner is expected to address the following questions

- a. Do the policies relate to the development and use of land for a Designated Neighbourhood Plan area in accordance with Section 38A of the Planning and Compulsory Purchase Act 2004?
- b. Does the Neighbourhood Plan meet the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 namely that it specifies the period to which it is to have effect. It must not relate to matters which are referred to as “excluded development” and also that it must not cover more than one Neighbourhood Plan area.
- c. Has the Neighbourhood Plan been prepared for an area designated under Section 61G of the Localism Act and has been developed and submitted by a qualifying body.

I am able to confirm that the Plan, if amended in line with my recommendations, does relate to the development and use of land covering the area designated by Milton Keynes Council for The Lakes Estate Neighbourhood Development Plan on 22nd January 2013.

I can also confirm that it does specify the period over which the plan has effect namely the period up until 2026 to coincide with the Core Strategy. The Plan does not specify a start date and for the case of clarity I intend to make it clear that the Plan covers the period 2015 – 2026, subject to the plan being made this year.

I can confirm that the plan does not cover any “excluded development”.

There are no other neighbourhood plans covering the area covered by the Plan designation.

Bletchley and Fenny Stratford Town Council as a parish council is a qualifying body under the terms of the legislation.

Recommendation

The title of the Plan should be The Lakes Estate Neighbourhood Plan 2015-2026

The Examination Process

The presumption is that the neighbourhood plan will proceed by way of an examination of written evidence only. However the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or if a person has a fair chance to put a case.

I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions.

I am satisfied that I am in a position to properly examine the plan without the need for a hearing. No parties have requested a hearing. I did during the course of the examination invite further written representations in respect of Policy GP7 which I refer to in the relevant section of my report. The relevant exchange of correspondence was placed on both the Council and on the Town Councils' respective websites.

I carried out an unaccompanied visit to the area on Friday 2nd January 2015 to familiarise myself with the estate and I visited all the sites referred to in the Plan.

The Consultation Process

The submission has been accompanied by a Consultation Strategy which set out the various stages of consultation, what issues were raised at each stage and how these issues and concerns have been incorporated in to the final plan.

Residents were being consulted on issues associated with living and working on the Lakes Estate as early as 2007, through a Placecheck Exercise. Obviously this was before the neighbourhood plan but it was a good starting point.

Prior to the Plan's designation, during the summer of 2012, various events and workshops were arranged by the Town Council, with questionnaires being sent to all households on the estate, achieving an excellent response rate of 23.9%. This was supplemented by a Planning For Real event, all carried out under the banner "Your Future Your Choice", which clearly established the "agenda" for the plan, including the acceptance of new development and in particular site identification and engagement about issues around street layout and parking, open space and recreation, community facilities and footpaths.

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These ideas were then developed in a further round of workshops and drop in sessions entitled “Big Ideas” over the winter and spring 2013, which explored the key themes that had emerged during earlier consultations and which have made it through to the Submission Plan.

The next stage of Plan Preparation was an exhibition of preferred options which took place in October 2013 where residents had the opportunity to attend 5 consultation events to look at the proposed development allocations sites as well as the general approach to new development on the estate. Most of the responses were supportive and it is clear that the final plan has addressed detailed comments that were raised during these sessions.

The formal Regulation 14 Pre Submission consultation took place on the draft plan between 25th November 2013 and 6th January 2014. This consultation involved further public engagement as well as seeking the views of various statutory bodies, such as the Canal and Rivers Trust and various teams within Milton Keynes Council.

I am entirely satisfied that the neighbourhood planning process has been an open and engaging process giving residents and businesses on the estate ample opportunities to become involved and influence the plan making process. Similarly it is clear that the final plan reflects the issues raised and the sites that have been allocated for development enjoy a strong degree of public support.

Regulation 16 Consultation

I have had regard, in carrying out this examination, to the comments made during the period of consultation when the Council had received the Plan prior to the examination. This is known as the Regulation 16 Consultation. This includes the comments made by officers of Milton Keynes Council which were included in the report to the Cabinet Member but also to the comments made by specific officers which had been received after the Cabinet Member’s meeting. These came from the Waste Strategy Programme Manager, the Regeneration Programme Director as well as planning officers covering urban design issues.

I have also had regard to the comments of the residents of Kinloch Place who have objected to the effect of the development at the Southern arm of Windermere Drive on the views for the rear of their houses. A resident of Serpentine Court has expressed her concerns on the adequacy of consultation with the residents of Serpentine Court which she argues breaches EU obligations.

In terms of other statutory consultees, namely the Coal Authority, the Highways Agency, English Heritage, Natural England, OFGEM, Central Bedfordshire Council

and the Environment Agency, all offered either no objections or were supportive of the policies in the Plan.

The Basic Conditions Test

The neighbourhood planning examination process is different to a Local Plan examination, in that the test is not one of “soundness”. The Neighbourhood Plan is tested against what is known as the Basic Conditions which are set down in legislation. It will be against these criteria that my examination will focus.

The 5 questions which constitute the basic conditions test seek to establish that the Neighbourhood Plan:-

- Has had regard to the national policies and advice contained in the guidance issued by the Secretary of State
- Will contribute to the achievement of sustainable development
- Will be in general conformity with the strategic policies set out in the Development Plan for the area?
- Does not breach or is otherwise incompatible with EU obligations or human rights legislation?
- Whether the making of the Plan will have a significant effect upon a European site or a European offshore marine site, either alone or in combination with other plans and projects.

Compliance with the Development Plan

To meet the basic conditions test the Neighbourhood Plan is required to be in general conformity with the strategic policies of the Development Plan which in this case is the adopted Core Strategy 2013 and the saved policies of the Milton Keynes Local Plan 2005. Of particular relevance is Policy CS8 of the Core Strategy dealing with Other Areas of Change which identifies the Lake Estate as a pilot study area under the Neighbourhood Regeneration Strategy initiative which says inter alia that Neighbourhood Plans will be used for specific changes required for the area addressing the need for Physical Change, Economic Improvement, Improved Human Capital and Social Capital.

Compliance with European and Human Rights Legislation

The Town Council initially requested MKC to screen whether the Lake Estate Neighbourhood Plan should be the subject of a Strategic Environmental Assessment

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(SEA) as required by EU Directive 2001/42/EC which is enshrined into UK law by the “Environmental Assessment of Plans and Programmes Regulations 2004”. Milton Keynes Council consulted the Environment Agency, Natural England and English Heritage who all agreed that an SEA was not required. The Council concluded that the Neighbourhood Plan did not need to be subject to a Strategic Environmental Assessment.

A second screening request was submitted on 4th April 2014 and again Milton Keynes Council confirmed on 17th April 2014 that a SEA was not required. I concur with that conclusion. Furthermore no European sites are affected by the Plan’s proposals and hence a Habitat Regulation Assessment is not required.

I have also considered whether the Plan complies with the European Convention on Human Rights, particularly in terms of Article 8 (privacy): Article 14 (discrimination) and Article 1 of the First Protocol (property) under the meaning of the Human Rights Acts 1998 and I am satisfied that the Plan is compatible with all these provisions.

I have noted the comment of one of the residents of Serpentine Court that there had been a lack of consultation with the residents of that development which was a breach of EU Obligations. My conclusion is that there have been numerous opportunities for the residents of the estate to be aware of the plan and its proposals and indeed I noted that the resident availed herself of the opportunity to comment at the Regulation 16 stage.

The Neighbourhood Plan: An Overview

The Vision Statement for the Neighbourhood Plan is:-

“The Lakes Estate – A vibrant community, where the residents have a commitment to quality design and construction, care about their neighbourhood, treasure the environment and are proud of where they live , work and play”

I consider the following paragraph (4.3) better sums up the ambition of the Plan:

“Over the plan period up to 2026, the community and stakeholders of the Lakes Estate will seek to develop and enhance its built and natural environment respecting and enhancing, where appropriate, its existing character and identity. It will encourage appropriate housing growth, primarily for local needs and create improved facilities and services for all residents. Achievement of these objectives will enable the Lakes Estate to thrive as a sustainable and unified community”

My overall assessment is that this is a very well-considered and realistic plan which is based on a sound assessment of the challenges of improving this estate which clearly is facing some real issues in improving the physical and social fabric of the area. The underlying theme which residents have “bought into” is summed up by

the motif “No Development = No Improvements”. The plan has been prepared in a positive way, identifying what improvements residents of the estate wish to see delivered over the plan period. It has allocated sites for new development, mostly but not exclusively, on areas of green space and has set down clear guidelines as to how the Community expects new homes and facilities to be integrated into the area. This is a good basis for securing improvements to the public realm and facilities to serve the residents. The challenge is to secure a mechanism that will ensure that the development does deliver the improvements having regard to the restrictions imposed by planning legislation. I will return to this point under the specific policy GP7.

I applaud the focus that the Plan has on trying ensure that new development meets the area’s specific needs and is not overambitious in terms of attempting to try to introduce a policy for everything. The submission plan only has 8 general policies and 8 site allocations. Some Neighbourhood Plans seem to aspire to become duplicate local plans but this is an excellent example of a focused neighbourhood plan that has been drawn up by a community, for an individual housing estate covering the next decade.

The Neighbourhood Plan Policies

Policy GP1 The Presumption in Favour of Sustainable Development

This policy is drawn closely from the policy set out in the NPPF and Policy CSA of the adopted Core Strategy. However I do have a concern that in paragraph 5.7 of the explanatory text, it seeks to define what the Plan means as “sustainable”. This is at odds with the text of the policy which refers to sustainable development as being defined in the NPPF. The potential issue is that development may come forward that does not meet the definitions as set down in Paragraph 5.7 but does meet the definition of sustainable development as set down in the NPPF. In order to avoid confusion I suggest that the text of the criteria set out in Paragraph 5.7 on what should be classed as sustainable development should be amended by the wording “In the context of the Lakes Estate Neighbourhood Plan sustainable development includes development

- Providing a range....”.

However the policy wording meets the basic condition test.

Policy GP2 Development Opportunity Sites

This policy goes to the heart of what the Plan is seeking to achieve. Essentially the community through the neighbourhood plan consultation process has indicated its willingness to accept new development on public open space, subject to arrangements being put in place which will allow for the improvement of existing community and recreational facilities as well as enhancing the value of the open space being retained through better playgrounds and equipment.

Whilst this may on the face of this be inconsistent with saved Local Plan Policy L2 , which seeks to protect public open space, nevertheless there are criteria in the Local Plan which allows the loss, in particular circumstances. I consider that the value of the neighbourhood plan process is that communities are able to exercise this choice and these clear expressions of community views are something that the examination should not seek to frustrate. In particular I do not consider any potential conflict with policies that seek to prevent the loss of open space would contravene “strategic” policies in the development plan. Similarly I do not believe that the policy contravenes the NPPF policy relating to open space, specifically because paragraph 73 requires the robust assessment of the need for open space, sports and recreational facilities. I believe that the neighbourhood planning process has carried out that robust assessment and includes conclusions on the issues of qualitative as well as quantitative provision. The plan accepts reduction in the quantity of open space and facilities if it delivers qualitative improvements.

The policy sets out 4 criteria for proposals that come forward on identified Development Opportunity sites and I consider that all are based on sound planning principles and are consistent with both local and national planning principles.

Policy GP2 meets the basic condition tests without the need for any modification. However for the sake of clarity and to assist the consideration of future planning applications I do feel it would be helpful for the policy or the supporting text to refer additionally to the fact that “development proposals will be expected to comply with other relevant policies in the Core Strategy eg covering affordable housing.” This should be something that the Town Council and MKC may wish to consider.

Policy GP3 The Physical Integration of New Development

I find that the title of this policy “The Physical Integration of New Development” somewhat at odds with the subject matter that the policy is covering. Whilst Policy GP2 deals with the identified Development Opportunity Sites, Policy GP3 acknowledges that development proposals may emerge on non-allocated sites and it sets out criteria for their consideration such as needing to conform to the established

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character of the estate whilst being a contemporary design solution and should improve pedestrian and landscape connectivity. I suggest that the title of this policy be changed to “Development on Non- Allocated Sites” but this is not a formal recommendation but a matter for the authors of the plan to consider.

From my visit to the estate I did not identify many opportunities for development on non-identified sites but having regard to the lifespan of the plan it is sensible for the plan to allow for such developments to come forward. However these sites may come forward in areas that do not lie adjacent to the areas which Figure 5.1 has identified for improvements to pedestrian or landscape connectivity. Nevertheless such proposals will rightly need to respond to the requirement for improvement to their immediate landscape and routes. I believe that this can be covered by the insertion of the words “where appropriate including” before “as identified in Figure 5.1”

With that minor modification the policy meets the Basic Conditions Test.

Recommendation

Insert into the wording of Policy GP3 “ where appropriate including” before “ as identified in Figure 5.1

Policy GP4 Access and Car Parking

This policy is an example of the plan responding to the issues raised by the experience of the residents of the area. It not only requires development to meet minimum parking standards but also to improve and enhance footpath connections and existing car parking areas in terms of, but not exclusively street lighting, resurfacing and surveillance. It also introduces the need to include cycle parking provision with the detailed design of the public areas and requires developers to provide cycle parking within developments including flats.

Policy GP4 meets the basic conditions test

Policy GP5 Local Commercial Opportunities

This policy seeks to allow employment opportunities on the estate. The wording does refer to planning permission will be “conditionally permitted”. Whilst most consents will have conditions attached to them, the imposition of conditions has to meet the tests set out in Paragraph 206 of the NPPF. I therefore propose that the word “conditionally” should be omitted. The four bullet points are all considered relevant criteria.

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Subject to the deletion of the word “conditionally” the policy meets the basic conditions test.

Recommendation

Delete “conditionally”

Policy GP6 Local Green Spaces

This policy protects the areas shown on Figure 5.3. However the plan shows existing trees as shaded light green. This could give the impression that those parts of the open space shaded as mid green are not covered by the protection provided as Designated Local Green Space for the areas shaded dark green. This may seem a minor technical point but may be particularly relevant for some areas where there is a high density of tree cover such as the area to the north of Skene Close. It would aid the clarity of the policy if the mid green shading of the trees could be removed from the plan to enable the full extent of the areas designated as Local Green Space to be shown on the plan.

I consider that the designations do meet the criteria set out in paragraph 77 of the NPPF. I am sure that it is not the intention of the Plan that the smaller areas of amenity open space within the housing areas but which are not shaded dark green, are not being considered suitable for development just because they are not explicitly protected by this policy. I note that in Paragraph 5.14 it suggests the designated areas for development will no longer be protected by Policy L2 of the adopted Local Plan 2005. By implication I conclude that the other areas of open space ie those not allocated for development or are shown as dark green on Figure 5.3 will continue to be protected by Policy L2 of the saved Local Plan but it would be clearer for decision makers if that could be clarified in the explanatory text.

Recommendation

Remove the trees from the Figure 5.3

Include within the explanatory text clarification that open space not designated as Local Green Space remains protected by saved policy L2 of the Local Plan

Policy GP7 Environmental Enhancements including Improving Community and Recreation Facilities

This policy is central to the underlying objective of the neighbourhood plan in that it seeks to provide the mechanism whereby new development will fund environmental

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enhancements and improvements for community and recreational facilities. I consider that this is an objective that the neighbourhood plan should be capable of delivering. However it is not a straightforward matter and I understand that the authors of the Plan recognise the complexities and this is reflected in the wording of the policy. I am required to have particular regard to advice given by the Secretary of State and also to legal constraints imposed by secondary legislation and this could undermine whether this central policy meets the Basic Conditions test.

It is recognised that development within the area can deliver wider planning benefits for the host community which is accepting the new development on what was designated as public open space. This can be through improvements to infrastructure actually provided by the development itself or through the payment of financial contributions the subject of section 106 agreements or unilateral undertakings. However these are restricted by regulations set out in the Community Infrastructure Levy Regulations which I will outline shortly. Similarly if Milton Keynes Council were to decide to adopt Community Infrastructure Levy, during the lifetime of the Neighbourhood Plan there would be a source of funding to the Town Council, which as a qualifying body would be entitled to 25 % of CIL receipts which it could then decide to allocate to enhancements on the estate. However the decision to adopt CIL is not within the gift of the neighbourhood plan.

Where Milton Keynes Council is landowner and the plan allows the residential development of public open space there will be an uplift in the value of the land but a development plan policy cannot bind the landowner to particular uses of the capital receipts from the disposal of that land although clearly some may suggest there may be a moral argument that the community should benefit from creating the framework that allows the disposal of public open space. That is a matter for the democratic accountability of the local authority. The neighbourhood plan policy can properly create the framework to secure enhancements of community facilities through Section 106 subject to the obligations meeting specific tests for planning obligations. These are set out in the Community Infrastructure Levy Regulations 2010 (Regulation 122) which requires all planning obligations, if they are to be used as a reason to grant planning permission, to show that they are:-

- Necessary to make the development acceptable in planning terms
- Directly related to the development
- Fairly and reasonably related in scale and kind to the development

The matter is further complicated if Section 106 agreements are used to receive financial contributions based on a tariff approach to fund in part the list of facilities set out in paragraph 5.15. From April 2015 only 5 contributions per scheme will be able to be collected under the terms set out in the CIL Regs. The Council in consultation with the Town Council and the community groups will have to consider which developments are going to be expected to contribute to particular projects if this 5 scheme limit is not to be breached. It is not possible for the examination to go

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beyond signposting the issues relating to compliance with the CIL Regulations related to the limitations on the use of planning obligations.

A further complicating factor that has emerged since the submission of the Neighbourhood Plan has been the changes to the Secretary of State advice in Planning Policy Guidance that limits the payment of tariff based contributions to residential schemes of over 10 units. The original wording of the policy would have sought contributions on all housing units.

Accordingly, in the light of the changes in the Secretary of State advice, as part of my examination, I invited further written representations from MKC and the Town Council on the wording of Policy GP7. I am grateful that the two parties have recognised the issue and together came up with a revised wording for my consideration for both the policy and the explanatory texts. These in part deal with the issue on the fact that schemes of 10 or less will not need to contribute through a tariff based contribution. Their wording is as follows:-

All planning applications which result in the creation of new commercial premises or residential schemes that exceed 10 new housing units must demonstrate how they can contribute towards the delivery of enhancements, including improving community and recreation facilities within the Plan area, in consultation with the community. Such enhancements/ improvements will be delivered through a combination of Section 106 Agreement or Unilateral Undertaking; and payment of any future CIL that is available to MKC for direct investment in the community and recreational facilities of the Lakes Estate.

The original version in the Submission version of the plan referred to the use of New Homes Bonus but I had raised concerns that, as this was a non-ring fenced source of income, a development plan policy cannot constrain budgetary decisions. I have similar concerns regarding the spending of CIL money. A local authority must make decisions on infrastructure priorities from the overall amount of levy it collects across its whole area and I do not believe that a development plan policy can dictate how the CIL money will be spent. Equally it could not require the Town Council to spend money it receives through CIL payments on the Estate however that will be a choice it must make and clearly it will be influenced by the content of the Plan which it has promoted. My conclusion is that it is quite appropriate for the Plan to encourage spending generated from development within the estate and the consideration of the financial consideration resulting from the development can be a material consideration on a planning application the policy cannot require MKC or indeed the Town Council to spend its CIL receipts in any particular area.

Nevertheless, notwithstanding the constraints on the mechanisms of what the policy is seeking to achieve, I believe that it remains the primary route for the community to realise the benefits that new development will facilitate. I therefore propose to retain the policy but to amend the wording in the following manner:

Recommendation

Revised wording for Policy GP7

All planning applications which result in the creation of new commercial premises or residential schemes that exceed 10 new housing units will be expected to demonstrate how that development will contribute towards the delivery of enhancements within the Plan area, including improving community and recreational facilities. These enhancements will be sought through direct provision of on or off site improvements or subject to meeting the tests set out in paragraph 204 of the NPPF through financial contributions secured via a planning obligation and/or payment of any Community Infrastructure Levy (if adopted) which would be made available to MKC and BFSTC and which will be capable of being spent on specific schemes to secure improvements to the physical environment and community and recreational facilities on the Lakes Estate as set out in this Plan.

The explanatory text will need to be changed to reflect this rewording of the policy

Policy GP8 Communication and Continued Community Engagement

I have concerns that this policy as written is not actually a policy for the use and development of land but is a policy related to the provision of documents that need to accompany planning applications. Milton Keynes Council, in March 2014 updated its Statement of Community Involvement and the document states that the Council intends to prepare guidance for applicants and developers undertaking pre application consultation. Similarly it is for the Local Planning Authority to set down what documents it requires to be submitted with a planning application to allow its validation through what is known as the Local List.

Whilst it is perfectly proper for a community to express an expectation that it should be consulted, along with the Town Council and indeed through representative community groups, this should not be contained within a development plan policy but as an aspiration set out in the plan which is in line with Secretary of State advice. I also suggest that the replacement of the word “must” by “should” as it implies that if a perfectly acceptable proposal that meets all community objectives could fail if the statements in themselves did not demonstrate how they comply with the core objectives.

I am conscious that the pre submission health check only recommended the rewording of the policy rather than its exclusion. However having given this matter much consideration my conclusion is that it is matter that goes beyond what should be a development plan policy as it is not a policy for the use or development of land.

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For the above reason I do not consider that Policy GP8 meets the basic condition and I am recommending its deletion as a policy but it should remain within the document in a prominent position as a community aspiration and good practice as confirmed by the advice set out in paragraph 189 of the NPPF.

Recommendation

That Policy GP8 be deleted as a policy but the wording can appear prominently in the text dealing with Delivery but that the word “must “ be replaced by “should”

SITE SPECIFIC POLICIES

Policy SSP1 Land South of Water Hall School

This is the largest development site proposed for inclusion in the neighbourhood plan which has the benefit of planning permission. The principles of development are all sound urban design principles and the policy meets the basic conditions test.

Policy SSP 2 Triangle Land south of Phelps Road adjacent to the canal

This is an alternative proposal to that set out in SSP 8 but one that does not need the realignment of Stoke Road. It would be preferable if the illustrative plan should show what is envisaged for the southern section of the site which is shown without notation. This merely a suggestion and does not mean that the policy does not meet the basic conditions test.

Policy SSP3 North Western verge, Drayton Road

This policy seeks to create frontage development onto Drayton Road. However the indicative plans show the active frontage facing into the site facing the internal access road and the rear of the existing properties which back on to this wide highway verge. The deviation is between the words in the policy and the indicative layout. It is the policy wording that will form part of the development plan and which is subject of this examination. The allocation is promulgated on the creation of new access points onto Drayton Road but this is not referred to in the design principles. The illustrative plan could usefully be amended so that the houses are shown with their active frontage facing on to Drayton Road.

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Recommendation

A revised illustrative layout be produced showing active frontages facing Drayton Road

Add to Design Principle reference to the need for a new access to come off Drayton Road.

Policy SSP4 Land at Northern Windermere Drive

This allocation provides for a residential development on the wide grassed verge to the rear of the properties on the east and south side of Gairloch Avenue. Detailed proposals will need to deal with issues relating to the existing houses and the new development as well as dealing with the difference in levels on the site.

Policy SSP5 Land at Southern Windermere Drive

This is wide highway verge which is proposed for a small scale residential infill to the east of Kinloch Place which will front on to Stoke Road. This allocation has attracted objections from residents in Kinloch Place on the grounds of the loss of their view. It is an accepted principle that loss of a view is not a valid planning objection but in any event the disposition of buildings on the site will be finalised at the planning application stage and the scheme in the Plan is only illustrative.

Policy SSP 6 Land at Skene Open Space

This scheme comprises open space located between Burnmoor Close and Skene Close. It provides for 2 parcels of development either side of Skene Close. This policy meets the basic conditions test.

Policy SSP7 Serpentine Court

This is the most ambitious element of the Neighbourhood Plan. The public consultation exercise identified Serpentine Court as one of the greatest problem areas on the Estate as well as the greatest opportunity to deliver a major improvement to the area. The plan's masterplan is a bold statement, proposing a

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new heart for the neighbourhood and is clear as to what minimum levels of development are required to achieve it and what design principles should guide it.

One representation has questioned the basis of the decision to demolish the building has been taken. Whilst the plan is accompanied by a Delivery Strategy and High Level Viability Assessment and some of the assumptions underlying that have been questioned nevertheless the Neighbourhood Plan is a clear expression of the community's desire to see the regeneration of the main shopping and service centre on the Estate and evidence has been given as to how it could be delivered and potential sources of funding.

The policy as set out in Policy SSP7 provides the context for how the redevelopment of Serpentine Court is to take place. However whilst the planning framework is established, the redevelopment will only take place when there is a viable business case with an agreed scheme and a programme and strategy to secure its delivery. The reference to minimum levels of development shows that there is a realistic view is being taken on the quantum of new development that may be necessary to achieve a viable scheme. However it must be appreciated that the Council will have to take separate decisions as to whether it can secure the resources and the site assembly pre requisites to deliver the redevelopment or whether it looks at the refurbishment option. This policy merely facilitates the redevelopment option in accordance with the community's wishes and sets out the framework for considering any planning application.

The policy and design principles do not set out a preferred access arrangement as there are conflicting tensions between the need to provide an economically viable scheme which will be attractive to the market and the need to maintain the exclusively pedestrianised spine of the estate. This topic can be investigated more fully at design brief stage, which should hopefully be the subject of public consultation. This is a pragmatic response.

I confirm that the policy meets the basic condition test.

Policy SSP8 Canal Gateway

This is an alternative development opportunity to that contained in Policy SSP2 where the realignment of Stoke Road will create a larger development site between the new road and the canal. If the revised road alignment is implemented it would not be possible for the 2 development sites off Windermere Drive as set out in Policies SSP4 and 5 to be developed as there would be insufficient land to create an acceptable scheme and maintain an appropriate level of open space/ landscaping which is an attractive feature of this side of the Estate. The policy provides for

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inclusion of a public house within the scheme but recognises that if such a use is not viable then alternative residential uses would be accepted.

The Referendum Area

If I am to recommend that the Plan progresses to its referendum stage I am required to confirm whether the referendum should cover a larger area than the area covered by the Neighbourhood Plan. In this instance I can confirm that the area of the Neighbourhood Plan as designated by Milton Keynes Council on 22nd January 2013 is the appropriate area for the Referendum to be held and the area for the referendum does not need to be extended.

Summary

The community of the Lakes Estate, led by Bletchley and Fenny Stratford Town Council and in particular the Task and Finish Group who have led the Plan's production and with the professional planning support of David Lock Associates should be congratulated on the quality of the Neighbourhood Plan.

The plan recognises that over the decades since the GLC built the estate the quality of the public realm in particular has declined. The Radburn layout was very contemporary at the time I was undertaking my planning education and my visit to the estate showed me many of the problems which the layout throws up some of which stem from lack of care and maintenance of the public realm but equally the consultation showed that key elements of the layout are particularly valued by the residents.

The community has recognised that "No Development = No Improvements". They have grasped the opportunity that neighbourhood planning offers to facilitate development by being prepared to give up for development what is, in the most part, areas of public open space. It is incumbent on Milton Keynes Council, both as landowner and as Local Planning Authority to respond positively to the community's clearly expressed wishes to see enhancements of their area funded by development on its public open space, and, notwithstanding the restrictions covering planning obligations and other sources of development related funding, it needs to respond and reinvest in the areas that the residents have identified as requiring improvement especially in terms of the public realm and community facilities.

I am confident that if the Council, the Town Council and the local community can work together to deliver the new development on the estate and can use the value

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created by the neighbourhood plan allocations to secure the improvements that the estate needs. That way the Neighbourhood Plan will deliver the area's ambitions to secure the regeneration of the Lakes Estate.

Finally my conclusions are that the Plan, if amended in line with my recommendations, meets all the statutory requirements including the basic conditions test.

I am therefore delighted to recommend to Milton Keynes Council that The Lakes Estate Neighbourhood Plan, as modified by my recommendations, should now proceed to referendum

John Slater BA(Hons) DMS MRTPI

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