

Great Linford Parish Council

Great Linford (South Area) Neighbourhood Development Plan

A Report to Milton Keynes Council of the Independent
Examination of the Great Linford (South Area) Neighbourhood
Development Plan

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Neighbourhood Planning

1. The Localism Act 2011 empowers local communities to take responsibility for the preparation of elements of planning policy for their area through a neighbourhood development plan. The National Planning Policy Framework (the Framework) states that “*neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.*”¹
2. Following satisfactory completion of the necessary preparation process neighbourhood development plans have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the neighbourhood development plan, unless material considerations indicate otherwise.
3. The Great Linford (South Area) Neighbourhood Development Plan (the Neighbourhood Plan) has been prepared by Great Linford Parish Council (the Parish Council), a qualifying body able to prepare a neighbourhood plan, in respect of the Great Linford Neighbourhood Plan 2 (South Area) which was formally designated by Milton Keynes Council on 24 June 2014².
4. Work on the production of the plan has been undertaken through a Neighbourhood Plan Steering Group (the Steering Group) that has been fully supported by the Parish Council.
5. The submission draft of the Neighbourhood Plan, along with the Consultation Statement and the Basic Conditions Statement, has been approved by the Parish Council for submission of the plan and accompanying documents to Milton Keynes Council, which occurred in June 2015. Following publication for consultation³ Milton Keynes Council has submitted the Neighbourhood Plan to me for independent examination.

¹ Paragraph 183 National Planning Policy Framework (2012)

² A Neighbourhood Area had previously been approved on 19 February 2013. It was subsequently felt neighbourhood planning process could be carried out more effectively if the Parish was divided into two distinct areas with a separate plan produced for each

³ In accordance with Regulation 16 the Neighbourhood Planning (General) Regulations 2012 (as amended)

Independent Examination

6. This report sets out the findings of the independent examination into the Neighbourhood Plan.⁴ The report makes recommendations to Milton Keynes Council including a recommendation as to whether or not the Neighbourhood Plan should proceed to a local referendum. Milton Keynes Council will decide what action to take in response to the recommendations in this report.
7. Milton Keynes Council will decide whether the Neighbourhood Plan should proceed to referendum, and if so whether the referendum area should be extended, and what modifications, if any, should be made to the submission version plan. Should the Neighbourhood Plan proceed to local referendum and achieve more than half of votes cast in favour, then the Neighbourhood Plan will be 'made' by Milton Keynes Council. If 'made' the Neighbourhood Plan will come into force as part of the statutory development plan covering the whole of the Great Linford South parish area and subsequently be used in the determination of planning applications and decisions on planning appeals in the plan area.
8. I have been appointed by Milton Keynes Council with the consent of the Parish Council, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the Parish Council and Milton Keynes Council. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I hold appropriate qualifications and have appropriate experience. I am a Member of the Royal Town Planning Institute; a Member of the Institute of Economic Development; a Member of the Chartered Management Institute; and a Member of the Institute of Historic Building Conservation. I have forty years professional planning experience and have held national positions and local authority Chief Planning Officer posts.
9. As independent examiner I am required to produce this report and must recommend either:
 - that the Neighbourhood Plan is submitted to a referendum, or
 - that modifications are made and that the modified Neighbourhood Plan is submitted to a referendum, or

⁴ Paragraph 10 Schedule 4B Town and Country Planning Act 1990

- that the Neighbourhood Plan does not proceed to a referendum on the basis it does not meet the necessary legal requirements

10. I make my recommendation in this respect and in respect to any extension to the referendum area,⁵ in the concluding section of this report. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.⁶

11. The general rule is that examination of the issues is undertaken by the examiner through consideration of written representations.⁷

12. The examiner has the ability to call a hearing for the purposes of receiving oral representations about a particular issue in any case where the examiner considers that the consideration of oral representations is necessary to ensure adequate examination of the issue, or a person has a fair chance to put a case. All parties have had opportunity to state their case. As I did not consider a hearing necessary I proceeded on the basis of written representations.

Basic conditions and other statutory requirements

13. An independent examiner must consider whether a neighbourhood plan meets the “Basic Conditions”.⁸ A neighbourhood plan meets the basic conditions if:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan,
- the making of the neighbourhood plan contributes to the achievement of sustainable development,
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations, and

⁵ Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

⁶ Paragraph 10(6) Schedule 4B Town and Country Planning Act 1990

⁷ Paragraph 9(1) Schedule 4B Town and Country Planning Act 1990

⁸ Paragraph 8(2) Schedule 4B Town and Country Planning Act 1990

- the making of the neighbourhood plan 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.⁹
14. An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.¹⁰ All of these matters are considered in the later sections of this report titled 'The Neighbourhood Plan taken as a whole' and 'The Neighbourhood Plan policies'.
15. In addition to the basic conditions and Convention rights, I am also required to consider whether the Neighbourhood Plan complies with the provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004.¹¹ I am satisfied the Neighbourhood Plan has been prepared in accordance with the requirements of those sections, in particular in respect to the Neighbourhood Planning (General) Regulations 2012 (as amended) which are made pursuant to the powers given in those sections.
16. The Neighbourhood Plan relates to the area that was designated by Milton Keynes Council as a neighbourhood area on 24 June 2014. The plan area is described in paragraph 2.3 of the Submission Version of the Neighbourhood Plan as including Bolbeck Park, Conniburrow, Downhead Park, Downs Barn, Neath Hill, Pennyland, Tongwell, and Willen Park. A map of the plan area is included on page 6 of the Submission Version plan. The Neighbourhood Plan does not relate to more than one neighbourhood area,¹² and no other neighbourhood development plan has been made for the neighbourhood area.¹³ All requirements relating to the plan area have been met.
17. I am also required to check whether the Neighbourhood Plan sets out policies for the development and use of land in the whole or part of a designated neighbourhood area;¹⁴ and the Neighbourhood Plan does not provide for the granting of planning permission for any

⁹ Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

¹⁰ The Convention rights has the same meaning as in the Human Rights Act 1998

¹¹ In sections 38A and 38B themselves; in Schedule 4B to the 1990 Act (introduced by section 38A (3)); and in the 2012 Regulations (made under sections 38A (7) and 38B (4)).

¹² Section 38B(1)(c) Planning and Compulsory Purchase Act 2004

¹³ Section 38B(2) Planning and Compulsory Purchase Act 2004

¹⁴ Section 38A(2) Planning and Compulsory Purchase Act 2004

development that is excluded development.¹⁵ I am able to confirm that I am satisfied that each of these requirements has been met.

18. A neighbourhood plan must also meet the requirement to specify the period to which it has effect.¹⁶ Paragraph 1.9 of the Submission Plan states “*The policies in the plan will apply for the next 12 years or more but may be reviewed depending on pressures that may potentially affect the parish of Great Linford*”. Paragraph 6.13.1 states “*The plan period coincides with the Milton Keynes Core Strategy that goes from 2013 to 2026*”. The requirement to state the plan period has been satisfied. Contrary to the further statement in paragraph 6.13.1 there is no requirement for a neighbourhood plan period to coincide with the periods of the current adopted development plans. I refer to this matter in the annex to my report.
19. The role of an independent examiner of a neighbourhood plan is defined. I am not examining the test of soundness provided for in respect of examination of Local Plans.¹⁷ It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan. I have been appointed to examine whether the submitted Neighbourhood Plan meets the basic conditions and Convention rights, and the other statutory requirements.
20. A neighbourhood plan can be narrow or broad in scope. There is no requirement for a neighbourhood plan to be holistic, or to include policies dealing with particular land uses or development types, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan. The nature of neighbourhood plans varies according to local requirements.
21. Neighbourhood plans are developed by local people in the localities they understand and as a result each plan will have its own character. It is not within my role to re-interpret, restructure, or re-write a plan to conform to a standard approach or terminology. Indeed it is important that neighbourhood plans are a reflection of thinking and aspiration within the local community. They should be a local product and have particular meaning and significance to people living and working in the area.
22. Apart from minor corrections and consequential adjustment of text (referred to in the Annex to this report) I have only recommended

¹⁵ Principally winning and working of minerals and associated buildings, waste disposal, and nationally significant infrastructure projects, as set out in Section 38B(1)(b) Planning and Compulsory Purchase Act 2004

¹⁶ Section 38B(1)(a) Planning and Compulsory Purchase Act 2004

¹⁷ Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 182 of the Framework

modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the basic conditions and the other requirements I have identified.¹⁸

Documents

23. I have given consideration to each of the following documents in so far as they have assisted me in considering whether the Neighbourhood Plan meets the basic conditions and other requirements:

- Great Linford Neighbourhood Plan South Submission Version June 2015
- Great Linford Neighbourhood Plan South Basic Conditions Statement June 2015
- Great Linford Neighbourhood Plan South Consultation Statement June 2015
- Great Linford Neighbourhood Development Plan SEA Screening and Appropriate Assessment Screening Final May 2015
- Representations received during the Regulation 16 publicity period
- Milton Keynes Council Core Strategy Adopted Version July 2013
- Milton Keynes Local Plan Adopted December 2005
- National Planning Policy Framework (27 March 2012) [*In this report referred to as the Framework*]
- Technical Guidance to the National Planning Policy Framework (27 March 2012) [*In this report referred to as the Technical Guidance*]
- Department for Communities and Local Government Permitted development for householders technical guidance (April 2014) [*In this report referred to as the Permitted Development Guidance*]
- Department for Communities and Local Government Planning Practice Guidance web-based resource (first fully launched 6 March 2014) [*In this report referred to as the Guidance*]
- The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014
- The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004 (as amended)
- Localism Act 2011
- Neighbourhood Planning (General) Regulations 2012 [*In this report referred to as the Regulations*]

¹⁸ See 10(1) and 10(3) of Schedule 4B to the Town and Country Planning Act 1990

Consultation

24. The Consultation Statement demonstrates that a comprehensive and inclusive approach has been adopted in engaging stakeholders and the local community in preparation of the Neighbourhood Plan. I highlight here a number of the key components of the consultation undertaken.
25. Articles explaining the purpose and procedure for creating a neighbourhood plan were published in the 2014 spring edition of the parish magazine which is delivered to all homes within the parish. In addition an information article was published in Pulse Magazine which is delivered throughout North Milton Keynes. Information was also made available through a website and on noticeboards at local community centres.
26. A substantial questionnaire including opportunity to enter free text was delivered in paper form to homes across the parish in April 2014, and available for completion on line between April and July 2014. 254 responses to the questionnaire were received in respect of the plan area which were analysed.
27. Four open events were held during July 2014 at which residents were able to view the questionnaire results, ask questions and put forward views. 59 feedback forms were completed relating to the plan area. A summary of comments received is presented in Section 8 of the Consultation Statement.
28. Pre-submission consultation was held between 19 January and 1 March 2015. During this period four open events were held between 17 and 21 February at which residents had the opportunity to view the draft plan, express opinions and ask questions. Neighbouring parishes, businesses and community groups were also consulted in plan preparation. Submissions were received from one neighbouring parish and one user of parish facilities and 14 feedback forms relating to the plan area were completed at the open events. A summary of the responses is set out in the Consultation Statement. The main issues raised have been identified and changes as appropriate made to the Neighbourhood Plan.
29. The Submission Version of the Neighbourhood Plan has been the subject of a Regulation 16 consultation, which took place from 10 August 2015 until 21 September 2015. Three responses were

submitted. I have taken these into consideration in preparing this report.

30. One representation warmly welcomed the initiative of the Parish Council in drawing up the Plan. Natural England had no specific comments on the Neighbourhood Plan. Milton Keynes Council has submitted a representation stating concern that the wording of a number of policies is “*in danger of being unclear and difficult to interpret*” which could affect the effectiveness of the Neighbourhood Plan. I consider this issue in the section of my report relating to the Neighbourhood Plan policies. The Milton Keynes Council representation also includes comments made previously at draft plan stage. In particular it is stated the Neighbourhood Plan misses an opportunity to add value and address policy gaps or provide further detail relating to specific requirements and circumstances of the plan area. There is however no requirement for a neighbourhood plan to include any type of policy.
31. Consultation has clearly exceeded the requirements of the Regulations achieving effective and comprehensive engagement with the local community and other stakeholders who have had opportunity to influence the content of the Neighbourhood Plan.

The Neighbourhood Plan taken as a whole

32. This section of my report considers whether the Neighbourhood Plan taken as a whole meets EU obligations, habitats and human rights requirements; has regard to national policies and advice contained in guidance issued by the Secretary of State; whether the plan contributes to the achievement of sustainable development; and whether the plan is in general conformity with the strategic policies contained in the development plan for the area. Each of the plan policies is considered in turn in the section of my report that follows this.

Consideration of Convention rights; and whether the making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations; and the making of the Neighbourhood Plan 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

33. The Basic Conditions Statement states “*The Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998.*” I have given consideration to the European Convention on Human Rights and in particular to Article 8 (privacy); Article 14 (discrimination); and Article 1 of the first Protocol (property).¹⁹ I have seen nothing in the submission version of the Neighbourhood Plan that indicates any breach of the Convention.
34. An equalities impact assessment has not been undertaken but I conclude the Neighbourhood Plan will result in positive impacts on groups with protected characteristics. Those groups include older people; young people; mothers to be and with young children; disabled people and those with limited mobility. I have not identified any negative equality impacts.
35. The objective of EU Directive 2001/42²⁰ is “*to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.*” The Neighbourhood Plan falls within the definition of ‘plans and programmes’²¹ as the Local Planning Authority is obliged to ‘make’ the plan following a positive referendum result.²²
36. A Strategic Environmental Assessment (SEA) screening has been prepared. It is concluded that the Neighbourhood Plan does not need to be subject to Strategic Environmental Assessment. The screening has been subject to satisfactory consultation with the statutory consultation bodies. I am satisfied that the requirements in respect of Strategic Environmental Assessment have been met.
37. A Habitats Regulations Screening concluded the Neighbourhood Plan would not cause any significant effects on sensitive sites and therefore a full Appropriate Assessment was not required. The necessary statutory consultation has been undertaken. Unsurprisingly I have not seen anything that suggests the Neighbourhood Plan will have a significant effect on a European offshore marine site.

¹⁹ The Human Rights Act 1998 which came into force in the UK in 2000 had the effect of codifying the protections in the European Convention on Human Rights into UK law.

²⁰ Transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004

²¹ Defined in Article 2(a) of Directive 2001/42

²² Judgement of the Court of Justice of the European Union (Fourth Chamber) 22 March 2012

38. There are a number of other EU obligations that can be relevant to land use planning including the Water Framework Directive, the Waste Framework Directive, and the Air Quality Directive but none appear to be relevant in respect of this independent examination.

39. I conclude that the Neighbourhood Plan:

- is compatible with the Convention rights
- does not breach, and is otherwise compatible with, EU obligations
- 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.

40. The Guidance²³ states it is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a draft neighbourhood plan submitted to it have been met in order for the draft neighbourhood plan to progress. The local planning authority must decide whether the draft neighbourhood plan is compatible with EU obligations (including obligations under the Strategic Environmental Assessment Directive):

- when it takes the decision on whether the neighbourhood plan should proceed to referendum; and
- when it takes the decision on whether or not to make the neighbourhood plan (which brings it into legal force).

Consideration whether having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Plan; and whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development

41. I refer initially to the basic condition “*having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan*”. The requirement to determine whether it is appropriate that the plan is made includes the words “*having regard to*”. This is not the same as compliance, nor is it the same as part of the test of soundness provided for in respect of examinations of Local Plans²⁴ which requires plans to be “*consistent with national policy*”.

²³ National Planning Policy Guidance paragraph 031 reference ID:11-031-20150209

²⁴ Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 182 of the Framework

42. Lord Goldsmith has provided guidance²⁵ that *'have regard to' means "such matters should be considered."* The Guidance assists in understanding *"appropriate"*. In answer to the question *"What does having regard to national policy mean?"* the Guidance states a neighbourhood plan *"must not constrain the delivery of important national policy objectives."*
43. The Basic Conditions Statement seeks to demonstrate the Neighbourhood Plan has been prepared with regard to national policies as set out in the Framework. A table has been prepared setting out the components of the Framework and listing those policies of the Neighbourhood Plan that "conform" to that component. Whilst conformity is not required I am of the opinion that the table in question illustrates how the Neighbourhood Plan has regard to the Framework.
44. The Neighbourhood Plan states a vision for Great Linford Parish Council as:
- For a proud community
 - To be fully engaged in local matters
 - Living in a great area that is well maintained
 - Having high quality facilities and service that meet our needs.
45. The vision is underpinned by seven aims. The vision and aims extend to matters beyond the development and use of land but are appropriate for a neighbourhood plan and have regard for national planning policy in so far as they relate to that policy context. The geographic application of the vision should be limited to the plan area.
46. The Submission Plan document includes 12 pledges. These pledges do not form part of the Neighbourhood Development Plan. They have not been considered as part of this independent examination and they will not be subject to referendum. The Guidance states *"Neighbourhood planning can inspire local people and businesses to consider other ways to improve their neighbourhood than through the development and use of land. They may identify specific action or policies to deliver these improvements. Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non land use matters should be clearly identifiable. For example, set out in a companion document or annex."* I

²⁵ the Attorney General, (Her Majesty's Principal Secretary of State for Justice) Lord Goldsmith, at a meeting of the Lord's Grand Committee on 6 February 2006 to consider the Company Law Reform Bill (Column GC272 of Lords Hansard, 6 February 2006) and included in guidance in England's Statutory Landscape Designations: a practical guide to your duty of regard, Natural England 2010 (an Agency of another Secretary of State)

recommend this approach should be followed. I recommend the pledges are presented together in a separate annex to the Plan document.

Recommended modification 1:

- **In the Vision delete “Great Linford Parish Council ” and insert “the Neighbourhood Plan area”**
- **The Pledges should be grouped together in a separate annex to the Plan document**

47. Apart from those elements of policy of the Neighbourhood Plan in respect of which I have recommended a modification to the plan I am satisfied that need to ‘have regard to’ national policies and advice contained in guidance issued by the Secretary of State has, in plan preparation, been exercised in substance in such a way that it has influenced the final decision on the form and nature of the plan. This consideration supports the conclusion that with the exception of those matters in respect of which I have recommended a modification of the plan, the Neighbourhood Plan meets the basic condition *“having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan.”*

48. At the heart of the Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan making and decision-taking.²⁶ The Guidance states, *“This basic condition is consistent with the planning principle that all plan-making and decision-taking should help to achieve sustainable development. A qualifying body must demonstrate how its plan or order will contribute to improvements in environmental, economic and social conditions or that consideration has been given to how any potential adverse effects arising from the proposals may be prevented, reduced or offset (referred to as mitigation measures). In order to demonstrate that a draft neighbourhood plan or order contributes to sustainable development, sufficient and proportionate evidence should be presented on how the draft neighbourhood plan or order guides development to sustainable solutions”.*

49. The Basic Conditions require my consideration whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development. There is no requirement as to the nature or extent of that contribution, nor a need to assess whether or not the plan makes a particular contribution. The requirement is that there should be a

²⁶ Paragraph 14 National Planning Policy Framework 2012

contribution. There is also no requirement to consider whether some alternative plan would make a greater contribution to sustainable development.

50. The Framework states there are three dimensions to sustainable development: economic, social and environmental. The Basic Conditions Statement includes a series of bullet points that seeks to demonstrate the economic, social and environmental attributes of the Neighbourhood Plan. I conclude that the Neighbourhood Plan, by guiding development to sustainable solutions, contributes to the achievement of sustainable development. In particular I consider the Neighbourhood Plan seeks to:

- Ensure new homes are appropriate for their site;
- Ensure larger developments include appropriate facilities;
- Maintain biodiversity in the vicinity of the Grand Union Canal and on areas managed by the Parks Trust;
- Ensure new development is of high quality design and that major developments should include art elements;
- Ensure Houses in Multiple Occupation are only created where appropriate;
- Limit loss of sport, recreation and community facilities and ensure new facilities are appropriate;
- Restrict development in gardens or involving loss of green space;
- Retain important trees and hedgerows and supplement these where appropriate;
- Ensure sustainable transport options;
- Support appropriate local employment proposals;
- Preserve and enhance heritage assets; and
- Ensure retail and local service proposals are appropriate and loss of existing facilities is limited to specific circumstances.

51. Subject to my recommended modifications of the Submission Plan including those relating to specific policies, as set out later in this report, I find that the Neighbourhood Plan, taken as a whole, has regard to national policies and advice contained in guidance issued by

the Secretary of State and contributes to the achievement of sustainable development.

Consideration whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)

52. The Framework states that the ambition of the neighbourhood should “support the strategic development needs set out in Local Plans”.²⁷ “Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans should not promote less development than set out in the Local Plan or undermine its strategic policies”.²⁸
53. The Guidance states, “A local planning authority should set out clearly its strategic policies in accordance with paragraph 184 of the National Planning Policy Framework and provide details of these to a qualifying body and to the independent examiner.” Whilst it is good practice, as has been done, to consider the wider policy framework in plan development, I am required to consider whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area). The Basic Conditions Statement confirms information provided to me by Milton Keynes Council that the strategic policies relevant to the Neighbourhood Plan are the Milton Keynes Local Plan Adopted December 2005 Saved Policies and the Milton Keynes Core Strategy Adopted Version July 2013.
54. The Core Strategy is a Local Plan which conforms with the Framework providing strategic planning policy up to 2026. As the Milton Keynes Local Plan Saved Policies predate the Framework, the Framework takes precedence where there is a conflict. Milton Keynes Council has produced an assessment of all relevant Local Plan (2005) policies against the Framework, outlining where they conform and conflict with the Framework.²⁹ The assessment then provides a conclusion for each policy summarising the weight that they should be given in-line with

²⁷ Paragraph 16 National Planning Policy Framework 2012

²⁸ Paragraph 184 National Planning Policy Framework 2012

²⁹ Milton Keynes Council assessment of compliance of 2005 Local Plan policies with NPPF – www.milton-keynes.gov.uk/planning-and-building/planning-policy/local-plan-2005

their degree of consistency with the Framework. Eventually the saved policies will be replaced by those contained in Plan:MK once adopted.

55. In *BDW Trading Limited, Wainholmes Developments Ltd v Cheshire West & Chester BC* [2014] EWHC1470 (Admin) it was held that the only statutory requirement imposed by basic condition (e) is that the Neighbourhood Plan as a whole should be in general conformity with the adopted development plan as a whole. In considering a now repealed provision that “*a local plan shall be in general conformity with the structure plan*” the Court of Appeal stated “*the adjective ‘general’ is there, “to introduce a degree of flexibility.”*³⁰ The use of ‘general’ allows for the possibility of conflict. Obviously there must at least be broad consistency, but this gives considerable room for manoeuvre. Flexibility is however not unlimited. The test for neighbourhood plans refers to the strategic policies of the development plan rather than the development plan as a whole.

56. The Guidance states, “*When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:*

- *whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with*
- *the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy*
- *whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy*
- *the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach.”*

57. My approach to the examination of the Neighbourhood Plan policies has been in accordance with this guidance. If there were to be a conflict between a policy in a neighbourhood plan and a policy in a local plan the conflict must be resolved in favour of the policy contained in the last of those plans to become part of the Development Plan.³¹ The Neighbourhood Plan cannot therefore prejudice the emerging Local Plan in this respect.³²

³⁰ *Persimmon Homes v. Stevenage BC* the Court of Appeal [2006] 1 P &CR 31

³¹ Section 38(5) Planning and Compulsory Purchase Act 2004

³² See paragraph 103 of the Judgement in *BDW Trading Limited, Wainholmes Developments Ltd v Cheshire West & Chester BC* [2014] EWHC 1470 (Admin)

58. Consideration whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area) has been addressed through examination of the plan as a whole and each of the plan policies below. Subject to the modifications I have recommended I have concluded the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan.

The Neighbourhood Plan policies

59. The Neighbourhood Plan includes 21 policies:

GLPC S1 New homes on small and infill sites

GLPC S2A Housing or mixed use developments on larger sites

GLPC S2B Housing and mixed use development relating to the Grand Union Canal, its immediate environs and the areas managed by the Parks Trust

GLPC S2C Quality of new developments

GLPC S3 Change of use to Houses in Multiple Occupation (HIMO)

GLPC S4 Development proposals involving the loss of existing sport, recreation and community facilities

GLPC S5 New developments for sport, leisure and community facilities

GLPC S6 Gardens development

GLPC S7 Development that would result in the loss of green spaces

GLPC S8 Development that results in the loss of large areas of green spaces or that results in any harm to their character, setting, accessibility, appearance, general quality or amenity value

GLPC S9 Trees, hedgerows and planting

GLPC S10 Provision of local facilities such as a cafe or information points within key areas of open space including the Grand Union Canal and the former railway line

GLPC S11 New development – accessibility, getting around and biodiversity

GLPC S12 Proposals that support the development of small scale businesses that meet the needs of the community

GLPC S13 Proposals for larger scale employment and enterprise

GLPC S14A Development in proximity to and potentially affecting heritage assets

GLPC S14B Development in the setting of a heritage asset

GLPC S14C Major developments in strategic locations

GLPC S15A New development including small local retail facilities and local services such as health and community facilities

GLPC S15B Protecting local retail, public houses (pubs), other local facilities and services including health and community facilities

GLPC S16 Proposals relating to retail and commercial frontages, and signs

60. The Guidance states *“Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan.” “Outside these strategic elements, neighbourhood plans will be able to shape and direct sustainable development in their area.”*

61. *“While there are prescribed documents that must be submitted with a neighbourhood plan ... there is no ‘tick box’ list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan”.*

62. *“A neighbourhood plan must address the development and use of land. This is because if successful at examination and referendum the neighbourhood plan will become part of the statutory development plan once it has been made (brought into legal force) by the planning authority. Applications for planning permission must be determined in*

accordance with the development plan, unless material considerations indicate otherwise.”³³

63. If to any extent a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Given that policies have this status, and if the Neighbourhood Plan is made they will be utilised in the determination of planning applications and appeals, I have examined each policy individually in turn.
64. I have referred earlier to the representation of Milton Keynes Council relating to lack of clarity and difficulty of interpretation of a number of policies. The Guidance states *“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”*
65. Several policies include the words appropriate or adequate or suitable. The provisions that include these words will require decision makers to form a judgement on a proposal. That judgement is made simpler and more predictable where requirements are spelt out in terms of detail that can be easily assessed. An example would be a requirement for one off street car parking space per bedroom in a residential property. It is not my role to formulate such standards. The Neighbourhood Plan should reflect views within the community.
66. I have taken the view that whilst several policies do not reach their full potential to guide and shape development they do fulfil a useful function in identifying the issues and criteria that will be considered important in the determination of development proposals and on this basis I have not recommended that they should be deleted. Where I have been able to identify a means to improve a policy in this respect I have recommended a modification accordingly.

Policy GLPC S1 New homes on small and infill sites

67. This policy seeks to establish criteria against which proposals for new homes on small and infill sites will be assessed.

³³ See section 38(6) of the Planning and Compulsory Purchase Act 2004.

68. The policy is in general conformity with the strategic policies contained in the Development Plan and in particular Policy S1 of the Milton Keynes Local Plan Adopted December 2005 Saved Policies, and Policies CSA, CS10, CS12 and CS13 of the Milton Keynes Core Strategy Adopted Version July 2013.
69. The policy seeks to shape sustainable development to ensure that local people get the right type of development for their community. The policy does not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.
70. The policy has regard to the components of the Framework concerned with promoting sustainable transport; delivering a wide choice of high quality homes; requiring good design; meeting the challenge of climate change and flooding; and conserving and enhancing the natural environment.
71. Criterion c) should refer to Milton Keynes Council standards in order to provide a practical framework for decision takers. Criterion g) refers to areas of local biodiversity importance. In accordance with paragraph 17 of the Framework these should be listed or mapped within the Plan document at a sufficient level of detail so as to provide a practical framework for decision takers faced with development proposals.
72. The distinction between small sites referred to in this policy and larger sites referred to in policy GLPC S2A is not stated. A threshold of 10 dwellings is utilised for purposes of preparation of planning application statistics. I recommend the threshold between small sites referred to in policy GLPC S1 and larger sites referred to in policy GLPC S2A should be defined in order to provide clarity for decision makers in accordance with paragraph 17 of the Framework. Subject to modification this policy meets the basic conditions.

Recommended modification 2:

In policy GLPC S1

- **The threshold between small sites referred to in policy GLPC S1 and larger sites referred to in policy GLPC S2A should be defined**
- **The areas of local biodiversity importance referred to in criterion g) should be identifiable in the Plan document**
- **Criterion c) should refer to Milton Keynes Council standards in order to provide a practical framework for decision takers**

Policy GLPC S2A Housing or mixed use developments on larger sites

73. This policy seeks to establish criteria against which proposals for housing or mixed use developments on larger sites will be assessed. I have recommended the threshold between small sites referred to in policy GLPC S1 and larger sites referred to in policy GLPC S2A should be defined in order to provide clarity for decision makers in accordance with paragraph 17 of the Framework.
74. The policy is in general conformity with the strategic policies contained in the Development Plan and in particular Policy S1 of the Milton Keynes Local Plan Adopted December 2005 Saved Policies, and Policies CSA, CS10, CS12 and CS13 of the Milton Keynes Core Strategy Adopted Version July 2013.
75. The policy seeks to shape sustainable development to ensure that local people get the right type of development for their community. The policy does not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.
76. The wording of criterion a) does not have sufficient regard for the presumption in favour of sustainable development nor does it have sufficient regard for paragraph 111 of the Framework which encourages but does not require use of brownfield land. I recommend a modification of the policy in this respect. Criteria b) and c) should refer to Milton Keynes Council standards in order to offer a practical framework to assist decision takers in accordance with paragraph 17 of the Framework.
77. The criteria established in the policy could potentially amount to a significant scale of obligations to apply to a development proposal. The Framework states *“pursuing sustainable development requires careful attention to viability and costs in plan making and decision taking. Plans should be deliverable. Therefore the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.”* I recommend a modification to reflect this approach set out in paragraph 173 of the Framework.
78. The policy has regard to the components of the Framework concerned with delivering a wide choice of high quality homes; requiring good design; promoting healthy communities; meeting the challenge of climate change and flooding; and conserving and enhancing the

natural environment. Subject to modification this policy meets the basic conditions.

Recommended modification 3:

In policy GLPC S2A

- **The threshold between small sites referred to in policy GLPC S1 and larger sites referred to in policy GLPC S2A should be defined**
- **Delete a) and before “New development must” insert “Proposals that utilise an existing brownfield site redundant or surplus employment site or an existing residential area that is to be regenerated will be supported”**
- **In b) continue “in accordance with Milton Keynes Council standards”**
- **In c) after “provision” insert “in accordance with Milton Keynes Council standards”**
- **After m) add “The scale of obligations and policy burdens should not be such as to threaten the ability of a scheme to be developed viably”**

Policy GLPC S2B Housing and mixed use development relating to the Grand Union Canal, its immediate environs and the areas managed by the Parks Trust

79. This policy seeks to establish that development relating to the Grand Union Canal, its immediate environs, and areas managed by the Parks Trust should deliver benefits that outweigh the loss of biodiversity.
80. The policy is in general conformity with the strategic policies contained in the Development Plan and in particular Policy S1 of the Milton Keynes Local Plan Adopted December 2005 Saved Policies, and Policies CSA, CS10, CS12, CS13, CS17, CS18 and CS19 of the Milton Keynes Core Strategy Adopted Version July 2013.
81. The policy seeks to shape sustainable development to ensure that local people get the right type of development for their community. The inclusion of the word “*generally*” in the policy introduces a degree of uncertainty and I recommend its deletion so that the policy will more clearly offer a practical framework for decision taking in accordance with paragraph 17 of the Framework.

82. The policy has regard to the components of the Framework concerned with conserving and enhancing the natural environment. Subject to modification this policy meets the basic conditions.

**Recommended modification 4:
In policy GLPC S2B delete “generally”**

Policy GLPC S2C Quality of new developments

83. This policy seeks to establish a requirement for developers to use Building for Life 12 or equivalent to demonstrate the quality of their schemes.

84. The policy is in general conformity with the strategic policies contained in the Development Plan and in particular Policy S1 of the Milton Keynes Local Plan Adopted December 2005 Saved Policies, and Policies CSA, CS11A, CS12, CS17, CS18 and CS19 of the Milton Keynes Core Strategy Adopted Version July 2013.

85. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy does not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.

86. The requirement established in the policy would not be proportionate in respect of an infill or small scale scheme and on this basis I recommend modification to state the requirement relates to larger sites to be defined in respect of policy GLPC S2A.

87. The policy has regard to the components of the Framework concerned with promoting sustainable transport; delivering a wide choice of high quality homes; requiring good design; promoting healthy communities; meeting the challenge of climate change and flooding; and conserving and enhancing the natural environment. Subject to modification this policy meets the basic conditions.

**Recommended modification 5:
In policy GLPC S2C define the threshold of size of development to which the policy applies**

Policy GLPC S3 Change of use to Houses in Multiple Occupation (HIMO)

88. This policy seeks to establish criteria for the assessment of proposals for a change of use to a house in multiple occupation (HIMO).
89. The policy is in general conformity with the strategic policies contained in the Development Plan and in particular Policy S1 of the Milton Keynes Local Plan Adopted December 2005 Saved Policies, and Policies CSA, CS12 and CS13 of the Milton Keynes Core Strategy Adopted Version July 2013.
90. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community.
91. The policy has regard to the components of the Framework concerned with delivering a wide choice of high quality homes. This policy meets the basic conditions.

Policy GLPC S4 Development proposals involving the loss of existing sport, recreation and community facilities

92. This policy seeks to establish that new developments involving loss of sport, recreation and community facilities will not be approved except in specified circumstances.
93. The policy includes the phrase *“new development will not be approved”*. With regard to the issue of decision making the Framework states *“the planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise”*. This basis for decision making should be made clear through use of the term *“new development will not be supported”* in recognition that the basis of decision making is the development plan unless material considerations indicate otherwise. The material considerations at the time of determination of a future planning application are unknown and therefore cannot be dismissed through a policy that states development will not be approved. I have recommended a modification so that the basis of decision making on planning applications should be clarified.
94. The policy is in general conformity with the strategic policies contained in the Development Plan and in particular Policy S1 of the Milton

Keynes Local Plan Adopted December 2005 Saved Policies, and Policies CSA, CS10, CS12, CS13 and CS18 of the Milton Keynes Core Strategy Adopted Version July 2013.

95. The policy seeks to shape sustainable development to ensure that local people get the right type of development for their community.
96. The policy has regard to the components of the Framework concerned with promoting healthy communities. Subject to modification this policy meets the basic conditions.

**Recommended modification 6:
In policy GLPC S4 delete “approved” and insert “supported”**

Policy GLPC S5 New developments for sport, leisure and community facilities

97. This policy seeks to establish criteria for the assessment of proposals for new sport, leisure and community facilities.
98. The policy is in general conformity with the strategic policies contained in the Development Plan and in particular Policy S1 of the Milton Keynes Local Plan Adopted December 2005 Saved Policies, and Policies CSA, CS11A, CS12, CS13, CS14, CS18 and CS21 of the Milton Keynes Core Strategy Adopted Version July 2013.
99. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. I have earlier in my report referred to the need for the areas of local biodiversity importance (in this policy referred to in criterion i) should be identifiable in the Plan document.
100. The policy has regard to the components of the Framework concerned with promoting sustainable transport; requiring good design; promoting healthy communities; meeting the challenge of climate change and flooding; and conserving and enhancing the natural environment. This policy meets the basic conditions.

Policy GLPC S6 Gardens development

101. This policy seeks to establish that new development which results in the loss of or significant harm to the ecological or landscape value of private residential gardens will not be permitted. This

approach is acceptable in that other material considerations are covered by inclusion of the phrase *“unless the benefits of the new development has been demonstrated and clearly outweigh the disbenefits.”*

102. The policy is in general conformity with the strategic policies contained in the Development Plan and in particular Policy S1 of the Milton Keynes Local Plan Adopted December 2005 Saved Policies, and Policies CSA, CS12, CS13, and CS18 of the Milton Keynes Core Strategy Adopted Version July 2013.
103. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community.
104. The policy has regard to the components of the Framework concerned with requiring good design and conserving and enhancing the natural environment. This policy meets the basic conditions.

Policy GLPC S7 Development that would result in the loss of green spaces

105. This policy seeks to establish that loss of green spaces will not be permitted except in specified circumstances.
106. The policy is in general conformity with the strategic policies contained in the Development Plan and in particular Policy S1 of the Milton Keynes Local Plan Adopted December 2005 Saved Policies, and Policies CSA, CS12, CS13 and CS18 of the Milton Keynes Core Strategy Adopted Version July 2013.
107. The policy includes the phrase *“new developments will not be permitted”*. With regard to the issue of decision making the Framework states *“the planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise”*. This basis for decision making should be made clear through use of the term “new developments will not be supported” in recognition that the basis of decision making is the development plan unless material considerations indicate otherwise. Even though the policy includes some criteria against which proposals will be assessed all the material considerations at the time of determination of a future planning application are unknown and therefore cannot be dismissed through a policy that states

development will not be permitted. I have recommended a modification so that the basis of decision making on planning applications should be clarified.

108. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community.
109. The policy has regard to the components of the Framework concerned with requiring good design; promoting healthy communities; meeting the challenge of climate change and flooding; and conserving and enhancing the natural environment. Subject to modification this policy meets the basic conditions.

Recommended modification 7:

In policy GLPC S7 delete “permitted” and insert “supported”

Policy GLPC S8 Development that results in the loss of large areas of green spaces or that results in any harm to their character, setting, accessibility, appearance, general quality or amenity value

110. This policy seeks to establish that development that results in loss or harm to large areas of green space must meet specified criteria.
111. The policy is in general conformity with the strategic policies contained in the Development Plan and in particular Policy S1 of the Milton Keynes Local Plan Adopted December 2005 Saved Policies, and Policies CSA, CS10, CS12, CS13 and CS18 of the Milton Keynes Core Strategy Adopted Version July 2013.
112. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community.
113. The policy has regard to the components of the Framework concerned with promoting healthy communities; meeting the challenge of climate change and flooding; and conserving and enhancing the natural environment. This policy meets the basic conditions.

Policy GLPC S9 Trees, hedgerows and planting

114. This policy seeks to establish new development must retain important trees and hedgerows and provide for suitable additional tree planting where appropriate.
115. The policy is in general conformity with the strategic policies contained in the Development Plan and in particular Policy S1 of the Milton Keynes Local Plan Adopted December 2005 Saved Policies, and Policies CSA, CS12, CS13, CS18 and CS19 of the Milton Keynes Core Strategy Adopted Version July 2013.
116. The policy seeks to shape sustainable development to ensure that local people get the right type of development for their community.
117. The policy has regard to the components of the Framework concerned with meeting the challenge of climate change and flooding; and conserving and enhancing the natural environment. This policy meets the basic conditions.

Policy GLPC S10 Provision of local facilities such as a cafe or information points within key areas of open space including the Grand Union Canal and the former railway line

118. This policy seeks to establish conditional support for local facilities within key areas of open space.
119. The policy is in general conformity with the strategic policies contained in the Development Plan and in particular Policy S1 of the Milton Keynes Local Plan Adopted December 2005 Saved Policies, and Policies CSA, CS12, CS13 and CS19 of the Milton Keynes Core Strategy Adopted Version July 2013.
120. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community.
121. The policy has regard to the components of the Framework concerned with building a strong competitive economy; and conserving and enhancing the natural environment. This policy meets the basic conditions.

Policy GLPC S11 New development – accessibility, getting around and biodiversity

122. This policy seeks to establish that new developments must ensure several requirements relating to accessibility and biodiversity are met.
123. The policy is in general conformity with the strategic policies contained in the Development Plan and in particular Policy S1 of the Milton Keynes Local Plan Adopted December 2005 Saved Policies, and Policies CSA, CS11, CS12, CS13, CS17, CS18 and CS19 of the Milton Keynes Core Strategy Adopted Version July 2013.
124. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Whilst the inclusion of criterion d) relating to biodiversity would appear unrelated to the other criteria that are essentially concerned with ‘getting around’ this is not a reason to conclude the policy does not meet the basic conditions. I have earlier in my report referred to the need to be able to identify the areas of local biodiversity importance. Criterion c) should refer to Milton Keynes Council standards in order to offer a practical framework to assist decision takers in accordance with paragraph 17 of the Framework.
125. The policy has regard to the components of the Framework concerned with promoting sustainable transport; requiring good design; promoting healthy communities; meeting the challenge of climate change and flooding; and conserving and enhancing the natural environment. This policy meets the basic conditions.

Recommended modification 8:

In policy GLPC S11

Criterion c) should refer to Milton Keynes Council standards in order to provide a practical framework for decision takers

Policy GLPC S12 Proposals that support the development of small scale businesses that meet the needs of the community

126. This policy seeks to establish that proposals that support the development of small scale businesses that meet the needs of the community must ensure they meet a number of criteria.

127. The policy is in general conformity with the strategic policies contained in the Development Plan and in particular Policy S1 of the Milton Keynes Local Plan Adopted December 2005 Saved Policies, and Policies CSA, CS12, CS13, CS16 and CS17 of the Milton Keynes Core Strategy Adopted Version July 2013.

128. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. In order to provide a practical framework for decision making in accordance with paragraph 17 of the Framework the threshold between small scale businesses referred to in policy GLPC S12 and larger scale employment and enterprise referred to in policy GLPC S13 should be defined. The elements of the Framework concerned with building a strong competitive economy place significant weight on the need to support economic growth. Inclusion in the policy of the phrase *“that meet the needs of the community”* introduces a limitation on the types of employment growth but the meaning of this limitation is not clear. I recommend deletion of that phrase in accordance with paragraphs 17 and 19 of the Framework.

129. The policy has regard to the components of the Framework concerned with building a strong competitive economy; ensuring the vitality of town centres; promoting sustainable transport; delivering a wide choice of high quality homes; requiring good design; promoting healthy communities; meeting the challenge of climate change and flooding; and conserving and enhancing the natural environment. Subject to modification this policy meets the basic conditions.

Recommended modification 9:

In policy GLPC S12

- **Delete “that meet the needs of the community”**
- **The threshold between small scale businesses referred to in policy GLPC S12 and larger scale employment and enterprise referred to in policy GLPC S13 should be defined**

Policy GLPC S13 Proposals for larger scale employment and enterprise

130. This policy seeks to establish a series of criteria that proposals for larger scale employment and enterprise must meet.

131. The policy is in general conformity with the strategic policies contained in the Development Plan and in particular Policy S1 of the

Milton Keynes Local Plan Adopted December 2005 Saved Policies, and Policies CSA, CS3, CS5, CS11A, CS12, CS13, CS15 and CS16 of the Milton Keynes Core Strategy Adopted Version July 2013.

132. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. In order to provide a practical framework for decision making in accordance with paragraph 17 of the Framework the threshold between small scale businesses referred to in policy GLPC S12 and larger scale employment and enterprise referred to in policy GLPC S13 should be defined.
133. The policy has regard to the components of the Framework concerned with building a strong competitive economy; ensuring the vitality of town centres; promoting sustainable transport; delivering a wide choice of high quality homes; requiring good design; promoting healthy communities; meeting the challenge of climate change and flooding; conserving and enhancing the natural environment. Subject to modification this policy meets the basic conditions.

Recommended modification 10:

In policy GLPC S13 the threshold between small scale businesses referred to in policy GLPC S12 and larger scale employment and enterprise referred to in policy GLPC S13 should be defined

Policy GLPC S14A Development in proximity to and potentially affecting heritage assets

134. This policy seeks to ensure new development proposals demonstrate due regard to the need to conserve and enhance their setting and any special architectural, archaeology or other historic features.
135. The policy is in general conformity with the strategic policies contained in the Development Plan and in particular Policy S1 of the Milton Keynes Local Plan Adopted December 2005 Saved Policies, and Policy CS19 of the Milton Keynes Core Strategy Adopted Version July 2013.
136. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community.

137. The policy has regard to the components of the Framework concerned with requiring good design, and conserving and enhancing the historic environment. This policy meets the basic conditions.

Policy GLPC S14B Development in the setting of a heritage asset

138. This policy seeks to establish that new development which results in the loss of or significant harm to ecological or landscape value will only be approved where the benefits of enabling development would secure the future conservation of the heritage asset.
139. The policy is in general conformity with the strategic policies contained in the Development Plan and in particular Policy S1 of the Milton Keynes Local Plan Adopted December 2005 Saved Policies, and Policy CS19 of the Milton Keynes Core Strategy Adopted Version July 2013.
140. The policy does not have adequate regard to the components of the Framework concerned with conserving and enhancing the historic environment which set out the policy approach to be adopted in respect of designated and non-designated heritage assets, and proposals leading to substantial and less than substantial harm. The approach to the assessment of enabling development is set out in paragraph 140 of the Framework. This policy does not meet the basic conditions and should be deleted.

Recommended modification 11: Delete policy GLPC S14B

Policy GLPC S14C Major developments in strategic locations

141. This policy seeks to establish that major developments should include proposals to provide art in their design either on-site or in a strategic location.
142. The policy is in general conformity with the strategic policies contained in the Development Plan and in particular Policy S1 of the Milton Keynes Local Plan Adopted December 2005 Saved Policies, and Policies CSA, CS12 and CS13 of the Milton Keynes Core Strategy Adopted Version July 2013.
143. The policy seeks to shape sustainable development to ensure that local people get the right type of development for their community.

The policy does not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. However the policy does properly seek to promote or reinforce local distinctiveness through provision of art features in design of proposals. In order to achieve a practical framework for decision making in accordance with paragraph 17 of the Framework the scale of proposals to which the policy applies should be clarified.

144. The policy has regard to the components of the Framework concerned with requiring good design. It should be made clear that the scale of obligations should not threaten the viability of deliverability of a scheme in accordance with paragraph 173 of the Framework. Subject to modification this policy meets the basic conditions.

Recommended modification 12:

In policy GLPC S14C

- **Before “New developments” insert “Subject to viability and deliverability considerations as set out in paragraph 173 of the Framework”**
- **In accordance with paragraph 17 of the Framework the scale of proposals to which the policy applies should be clarified**

Policy GLPC S15A New development including small local retail facilities and local services such as health and community facilities

145. This policy seeks to establish criteria that new local retail and service developments must satisfy.

146. The policy is in general conformity with the strategic policies contained in the Development Plan and in particular Policy S1 of the Milton Keynes Local Plan Adopted December 2005 Saved Policies, and Policies CS4, CS12, CS16, CS17 and CS18 of the Milton Keynes Core Strategy Adopted Version July 2013.

147. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy includes an element of duplication in respect of waste storage facilities and I recommend a modification in the interests of achieving a clear basis for decision taking in accordance with paragraph 17 of the framework.

148. The policy has regard to the components of the Framework concerned with building a strong competitive economy; promoting

sustainable transport; requiring good design; and promoting healthy communities. Subject to modification this policy meets the basic conditions.

**Recommended modification 13:
In policy GLPC S15A delete c)**

Policy GLPC S15B Protecting local retail, public houses (pubs), other local facilities and services including health and community facilities

149. This policy seeks to establish limited circumstances where loss of local shops and services and facilities will be accepted.
150. The policy is in general conformity with the strategic policies contained in the Development Plan and in particular Policy S1 of the Milton Keynes Local Plan Adopted December 2005 Saved Policies, and Policies CS11, CS12, CS13, CS17 and CS18 of the Milton Keynes Core Strategy Adopted Version July 2013.
151. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy includes a broad range of material considerations. The policy has regard to the components of the Framework concerned with building a strong competitive economy; ensuring the vitality of town centres; and promoting healthy communities. This policy meets the basic conditions.

Policy GLPC S16 Proposals relating to retail and commercial frontages, and signs

152. This policy seeks to establish that new developments and signs must enhance the area with particular regard to improving the appearance of the area and public safety.
153. The policy is in general conformity with the strategic policies contained in the Development Plan and in particular Policy S1 of the Milton Keynes Local Plan Adopted December 2005 Saved Policies, and Policies CS12, CS13, CS17 and CS18 of the Milton Keynes Core Strategy Adopted Version July 2013.
154. The policy seeks to shape sustainable development to ensure that local people get the right type of development for their community. The policy does not stifle innovation, originality or initiative through

unsubstantiated requirements to conform to certain development forms or styles. However the policy does properly seek to promote or reinforce local distinctiveness through regard for visual amenity and public safety.

155. The Framework requires an approach that weighs benefits against adverse impacts of development. The requirement of the policy relating to enhancement does not have sufficient regard for the approach of the Framework. Similarly in respect of advertisements the Framework states only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to detailed assessment. The Framework requires that advertisements should be subject to control only in the interests of amenity and public safety, taking into account cumulative impacts. The requirement of the policy to enhance an area does not have sufficient regard to the Framework. Subject to modification the policy meets the basic conditions.

Recommended modification 14:

In policy GLPC S16 delete “enhance the area with particular regard to improving” and insert “not harm”

Summary and Referendum

156. I have recommended the following modifications to the Submission Version Plan:

Recommended modification 1:

- **In the Vision delete “Great Linford Parish” and insert “the Neighbourhood Plan area”**
- **The Pledges should be grouped together in a separate annex to the Plan document**

Recommended modification 2:

In policy GLPC S1

- **The threshold between small sites referred to in policy GLPC S1 and larger sites referred to in policy GLPC S2A should be defined**
- **The areas of local biodiversity importance referred to in criterion g) should be identifiable in the Plan document**

- **Criterion c) should refer to Milton Keynes Council standards in order to provide a practical framework for decision takers**

Recommended modification 3:

In policy GLPC S2A

- **The threshold between small sites referred to in policy GLPC S1 and larger sites referred to in policy GLPC S2A should be defined**
- **Delete a) and before “New development must” insert “Proposals that utilise an existing brownfield site redundant or surplus employment site or an existing residential area that is to be regenerated will be supported”**
- **In b) continue “in accordance with Milton Keynes Council standards”**
- **In c) after “provision” insert “in accordance with Milton Keynes Council standards”**
- **After m) add “The scale of obligations and policy burdens should not be such as to threaten the ability of a scheme to be developed viably”**

Recommended modification 4:

In policy GLPC S2B delete “generally”

Recommended modification 5:

In policy GLPC S2C define the threshold of size of development to which the policy applies

Recommended modification 6:

In policy GLPC S4 delete “approved” and insert “supported”

Recommended modification 7:

In policy GLPC S7 delete “permitted” and insert “supported”

Recommended modification 8:

In policy GLPC S11

Criterion c) should refer to Milton Keynes Council standards in order to provide a practical framework for decision takers

Recommended modification 9:

In policy GLPC S12

- **Delete “that meet the needs of the community”**

- **The threshold between small scale businesses referred to in policy GLPC S12 and larger scale employment and enterprise referred to in policy GLPC S13 should be defined**

Recommended modification 10:

In policy GLPC S13 the threshold between small scale businesses referred to in policy GLPC S12 and larger scale employment and enterprise referred to in policy GLPC S13 should be defined

Recommended modification 11:

Delete policy GLPC S14B

Recommended modification 12:

In policy GLPC S14C

- **Before “New developments” insert “Subject to viability and deliverability considerations as set out in paragraph 173 of the Framework”**
- **In accordance with paragraph 17 of the Framework the scale of proposals to which the policy applies should be clarified**

Recommended modification 13:

In policy GLPC S15A delete c)

Recommended modification 14:

In policy GLPC S16 delete “enhance the area with particular regard to improving” and insert “not harm”

157. I also make the following recommendation in the Annex below.

Recommended modification 15:

Identified errors that are typographical in nature or arising from updates should be corrected. Modification of general text will be necessary to achieve consistency with the modified policies

158. I am satisfied that the Neighbourhood Plan³⁴:

³⁴ The definition of plans and programmes in Article 2(a) of EU Directive 2001/42 includes any modifications to them

- is compatible with the Convention rights, and would remain compatible if modified in accordance with my recommendations; and
- subject to the modifications I have recommended, meets all the statutory requirements set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990 and meets the basic conditions:
 - having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;
 - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 - does not breach, and is otherwise compatible with, EU obligations; and would continue to not breach and be otherwise compatible with EU obligations if modified in accordance with my recommendations; and
 - the making of the neighbourhood plan 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.³⁵

I recommend to Milton Keynes Council that the Great Linford (South Area) Neighbourhood Development Plan for the plan period up to 2026 should, subject to the modifications I have put forward, be submitted to referendum.

159. I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if to be extended, the nature of that extension.³⁶ I have seen nothing to suggest the referendum area should be extended beyond the designated Neighbourhood Area.

I recommend that the Neighbourhood Plan should proceed to a referendum based on the area that was designated by Milton Keynes Council as a Neighbourhood Area on 24 June 2014.

³⁵ Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

³⁶ Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

Annex: Minor Corrections to the Neighbourhood Plan

I am able to recommend modification of the Neighbourhood Plan in order to correct errors.³⁷ The Neighbourhood Plan has been produced to a high standard of accuracy and presentation however it includes a small number of errors that are typographical in nature or arising from updates. I recommend these are corrected as follows:

In paragraph 1.9 delete the final sentence

In policy GLPC S1 e) 'achieve' not 'achieves'

In policy GLPC S3 d) after 'including' insert 'for'

In policy GLPC S11 b) 'include' not 'includes' c) 'They include' not 'they includes' d) delete 'to' f) 'ensure' not 'ensures'

In policy GLPC S12 after 'ensure that' insert 'they'

In policy GLPC S15A h) 'affects' not 'effects'

In policy GLPC S15B b) 'marketed' not 'marketing' and in c) insert 'at' before 'the same time'

Contrary to the further statement in paragraph 6.13.1 there is no requirement for a neighbourhood plan period to coincide with the periods of the current adopted development plans. This statement should be corrected.

A number of consequential modifications to the general text of the Neighbourhood Plan will be necessary as a result of recommended modifications relating to policies. An example of this would be a need to adjust paragraph 6.1.8 so that the requirement to utilise Building for Life 12 reflects the modification to policy GLPC S2C

**Recommended modification 15:
Identified errors that are typographical in nature or arising from updates should be corrected. Modification of general text will be necessary to achieve consistency with the modified policies**

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19 October 2015
REPORT ENDS

³⁷ Paragraph 10 (3)(e) of Schedule 4B to the Town and Country Planning Act 1990