

Milton Keynes Council

Olney Neighbourhood Plan Decision Statement 11 May 2017

Summary

Following an independent examination, Milton Keynes Council now confirms that the Olney Neighbourhood Plan will proceed to a Neighbourhood Planning referendum.

Background

On 22 April 2014, Milton Keynes Council (the Council) designated the town of Olney for the purpose of preparing a Neighbourhood Plan in accordance with Part Two of the Town and Country Planning (England), Neighbourhood Planning (General) Regulations 2012 (as amended),

Following the submission of the Olney Neighbourhood Plan to the Council in January 2017, the plan was publicised and representations were invited. The publicity period ended on 8 March 2017.

The Council appointed an independent examiner, Mr John Slater, to review whether the Plan should proceed to referendum.

The examiner's report concludes that, subject to making the minor modifications recommended by the examiner, the Plan meets the basic conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum.

The Assistant Director of Planning, Economy and Culture for the Council agreed on 11 May 2017 that the Olney Neighbourhood Plan should proceed to a referendum.

Having considered each of the recommendations made by the examiner's report, and the reasons for them, the Council has decided to make the modifications to the draft plan set out in Table 1 below.

Decision and Reasons

The Council has made the modifications to ensure that the draft plan meets the basic conditions, for the reasons given. These are set out in Table 1 below.

Having made the modifications, the Council agrees with the Examiner that the Olney Neighbourhood Plan should proceed to a referendum and that the referendum area will be the same as the Neighbourhood Plan area.

Table 1

Policy	Examiner's recommendations	MKC comments	Modifications made to the submission draft Walton Neighbourhood Plan
<p>Policy ONP2 – Housing Location</p>	<ul style="list-style-type: none"> Delete “preferred” and insert “allocated” 	<p>Agreed.</p> <p>The modifications to the policy provide the certainty to decision takers required by the NPPF.</p>	<p>Policy ONP2 – Housing Location</p> <p>“The following sites are preferred <u>allocated</u> for new residential development and are identified on the Proposals Map...”</p>
<p>Policy ONP3 – Site A</p>	<ul style="list-style-type: none"> Replace “up to” with “approximately” In second criterion insert “approximately” before “35” In final criterion insert “any” before “infrastructure” and replace “under Policy ONP18” with “to make the development acceptable in planning terms, is directly related to the development and is fair and reasonably related in scale and kind to the development” At the end of the third paragraph delete “and OTC” Replace final bullet point with: “Proposals must be informed by the findings of a program of archaeological investigation undertaken according to a written scheme of investigation as agreed by the council’s archaeological adviser. Development proposals must demonstrate the archaeological remains of national importance will be remained preserved in situ. Loss of remains of less than national importance will only be considered acceptable where it is necessary to deliver public benefits that could not otherwise be delivered and that outweigh the value of the heritage assets lost. In such cases, it must be demonstrated that the layout and design of development has sought to minimise the loss of archaeological remains. Where it is felt that the merits of development justify the loss of archaeological remains that are identified as present, a suitable program of recording and publication of those remains will be required.” 	<p>Agreed.</p> <p>The modifications provide the flexibility required by the NPPF and the enable an appropriate scheme to emerge relevant to its context, and to prevent the policy from limiting the ability of the plan to provide the number of homes set out in Policy ONP1.</p> <p>The modifications ensure the policy follows the legal basis for seeking planning obligations.</p> <p>The modifications ensure the policy reflects the role of statutory consultees whilst maintaining the ability of MKC to consult OTC on what information should support a planning application for Site A.</p> <p>The modifications reflect the advice from Historic England on what is required to be in conformity with the NPPF</p>	<p>Policy ONP3 – Site A</p> <p>“... The development will contain up to <u>approximately</u> 50 dwellings...”</p> <p>“...housing density will be <u>approximately</u> 35 dwellings per hectare.”</p> <p>“The development will be required to make financial contributions towards <u>any</u> infrastructure and amenity improvements in the town as required under Policy ONP18 (Developer Contributions) <u>to make the development acceptable in planning terms, is directly related to the development and is fair and reasonably related in scale and kind to the development.</u>”</p> <p>“The following supporting information will be required as part of any planning application as a minimum, with the final scheme and level of supporting information agreed with MKC and OTC:”</p> <ul style="list-style-type: none"> “An Archaeological Assessment will be required to demonstrate that the proposed development will not have an impact on heritage assets and archaeological deposits. <u>Proposals must be informed by the findings of a program of archaeological investigation undertaken according to a written scheme of investigation as agreed by the council’s archaeological adviser. Development proposals must demonstrate the archaeological remains of national importance will be remained preserved in situ. Loss of remains of less than national importance will only be considered acceptable where it is necessary to deliver public benefits that could not otherwise be delivered and that outweigh the value of the heritage assets lost. In such cases, it must be demonstrated that the layout and design of development has sought to minimise the loss of archaeological remains. Where it is felt that the merits of development justify the loss of archaeological remains that are identified as present, a suitable program of recording and publication of those remains will be required.</u>”

<p>Policy ONP4 – Sites D and E and Associated Off-Site Green Infrastructure</p>	<ul style="list-style-type: none"> • In the second sentence of the policy after “development” add “will be brought forward in accordance with a comprehensive masterplan covering both sites to ensure the delivery of essential onsite and offsite infrastructure and” and substitute “up to” with “approximately” and delete the third criterion. • In second criterion delete “no greater than” and insert “approximately” before “35” • In final criterion insert “any” before “infrastructure” and replace “under Policy ONP18” with “to make the development acceptable in planning terms, is directly related to the development and is fair and reasonably related in scale and kind to the development” • At the end of the third paragraph delete “and OTC” • Replace final bullet point with: “Proposals must be informed by the findings of a program of archaeological investigation undertaken according to a written scheme of investigation as agreed by the council’s archaeological adviser. Development proposals must demonstrate the archaeological remains of national importance will be remained preserved in situ. Loss of remains of less than national importance will only be considered acceptable where it is necessary to deliver public benefits that could not otherwise be delivered and that outweigh the value of the heritage assets lost. In such cases, it must be demonstrated that the layout and design of development has sought to minimise the loss of archaeological remains. Where it is felt that the merits of development justify the loss of archaeological remains that are identified as present, a suitable program of recording and publication of those remains will be required.” 	<p>Agreed.</p> <p>The modifications give greater prominence to the requirement that both sites are brought forward together in a comprehensive way.</p> <p>The modifications provide the flexibility required by the NPPF and enable an appropriate scheme to emerge relevant to its context, and to prevent the policy from limiting the ability of the plan to provide the number of homes set out in Policy ONP1.</p> <p>The modifications ensure the policy follows the legal basis for seeking planning obligations.</p> <p>The modifications ensure the policy reflects the role of statutory consultees whilst maintaining the ability of MKC to consult OTC on what information should support a planning application for the sites.</p> <p>The modifications reflect the advice from Historic England on what is required to be in conformity with the NPPF.</p>	<p>“The development <u>will be brought forward in accordance with a comprehensive masterplan covering both sites to ensure the delivery of essential onsite and offsite infrastructure and</u> will contain up to <u>approximately</u> 250 dwellings and the following conditions shall apply...”</p> <p>“The net housing density will be no greater than <u>approximately</u> 35 dwellings per hectare...”</p> <p>“The combined area of sites D and E will be brought forward in a comprehensively masterplanned approach to ensure the delivery of essential on-site and off-site infrastructure.”</p> <p>“The development will be required to make financial contributions towards <u>any</u> infrastructure and amenity improvements in the town as required under Policy ONP18 (Developer Contributions) <u>to make the development acceptable in planning terms, is directly related to the development and is fair and reasonably related in scale and kind to the development</u>”</p> <p>“The following supporting information will be required as part of any planning application as a minimum, with the final scheme and level of supporting information agreed with MKC and OTC:”</p> <ul style="list-style-type: none"> • “An Archaeological Assessment will be required to demonstrate that the proposed development will not have an impact on heritage assets and archaeological deposits. <u>Proposals must be informed by the findings of a program of archaeological investigation undertaken according to a written scheme of investigation as agreed by the council’s archaeological adviser. Development proposals must demonstrate the archaeological remains of national importance will be remained preserved in situ. Loss of remains of less than national importance will only be considered acceptable where it is necessary to deliver public benefits that could not otherwise be delivered and that outweigh the value of the heritage assets lost. In such cases, it must be demonstrated that the layout and design of development has sought to minimise the loss of archaeological remains. Where it is felt that the merits of development justify the loss of archaeological remains that are identified as present, a suitable program of recording and publication of those remains will be required.</u>”
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Policy ONP5 – Safeguarded Site F	<ul style="list-style-type: none"> Delete the policy 	<p>Agreed.</p> <p>Policy ONP2 designates Site F as a safeguarded site, which Policy ONP5 only repeats. It is therefore not required.</p>	Delete Policy ONP5 – Safeguarded Site F
Policy ONP7 – Affordable Homes	<ul style="list-style-type: none"> Delete the final paragraph 	<p>Agreed</p> <p>The 'in perpetuity' clause conflicts with the ability of tenants of certain types of Affordable Housing to exercise their right to purchase the property. The modification remedies this.</p>	<p>“In any development of 15 dwellings or more, 30% of those dwellings are required to be Affordable.</p> <p>25% of all new Affordable Housing provided by the Plan will initially be subject to the Local Connection Policy, such that people with a strong local connection and whose needs are not met by the open market will be first to be offered the tenancy or shared ownership of the home</p> <p>Proposals for development will need to consider local housing need and should provide a tenure mix of 10% of the dwellings being for shared-ownership (intermediate housing), and 20% for Affordable rent.</p> <p>That Affordable dwellings are situated in groups of six dwellings or fewer, spread across the development.</p> <p>That all Affordable dwellings remain as Affordable in perpetuity.”</p>
Policy ONP8 – Housing Type and Design	<ul style="list-style-type: none"> Insert “beyond a single unit” after “developments” 	<p>Agreed.</p> <p>The modification ensures the policy requirement to provide a mix of housing only applies to proposals for more than one dwelling.</p>	<p>“1. All housing developments <u>beyond a single unit</u> will have a mix of housing. A minimum of 50% of the dwellings must be 1, 2 or 3 bedroom properties.</p> <p>2. Developers should be encouraged to build all dwellings to the Lifetimes Homes Standard, the latest DCLG Technical Housing Standards, and to at least level B energy efficiency rating.”</p>
Policy ONP9 – Communications Infrastructure	<ul style="list-style-type: none"> Delete the second paragraph 	<p>Agreed.</p> <p>The policy as drafted may not deliver upon the objective, and may represent an unfeasible requirement of the construction phase of development. The final requirement of the policy</p>	<p>“Applications for residential development on sites of 10 or more dwellings will provide Fibre to the Premises to ensure the latest superfast broadband connectivity.”</p>

		would ensure the objective of the policy is at least possible to be delivered after the planning and construction phase, if not met outright during it. The modification also removes potential uncertainty and inconsistency as to what scale of development the various requirements of the policy apply to.	
Policy ONP11 – Assets of Community Value	<ul style="list-style-type: none"> Delete all of the first sentence Delete “an” and insert “a Registered” before “Asset” 	<p>Agreed.</p> <p>The modifications ensure the policy reflects the legal basis for the registration of Assets of Community Value, and ensures the terminology used is correct.</p>	<p>“Olney Town Council will prepare and maintain a list of Assets of Community Value. Proposals that will result in either the net loss of an <u>a Registered</u> Asset of Community Value or in significant harm to an <u>a Registered</u> Asset of Community Value will be resisted.</p>
Policy ONP12 – Safeguarded Employment Land	<ul style="list-style-type: none"> Insert “planning” before “application” Redraw the boundaries to remove that part of the allocation which is covered by the outline planning consent 16/03568/OUT for residential development. 	<p>Agreed.</p> <p>The modification clarifies that the policy refers to planning applications and not applications under prior approval or permitted development regimes.</p> <p>The modification recognises that part of Site S has outline consent for residential development, and ensures the policy is consistent with paragraph 22 of the NPPF regarding the long term protection of sites where there is no reasonable prospect of the land being used for the allocated uses.</p>	<p>“The Neighbourhood Plan confirms that the existing industrial estate and office park located on land between Yardley Road and Warrington Road, known as Site S, will be safeguarded for employment-related Use Classes B1 (business), B2 (industrial) and B8 (storage and distribution). Any <u>planning</u> application for non-employment related uses will be refused.”</p> <p>Boundaries of Site S to be redrawn to remove land to the north west of the site covered by the outline planning consent 16/03568/OUT</p>
Policy ONP13 – New Employment Land	<ul style="list-style-type: none"> Delete the first sentence of the third paragraph At the end of the third paragraph delete “and OTC” Replace final bullet point with: “Proposals must be informed by the findings of a program of archaeological investigation undertaken according to a written scheme of investigation as agreed by the council’s archaeological adviser. Development proposals must demonstrate the archaeological remains of national importance will be remained preserved in situ. Loss of remains of less than national importance will only be considered acceptable where it is necessary to deliver public benefits that could not otherwise be delivered and that outweigh the value of the heritage assets lost. In such cases, it must be demonstrated that the layout and design of development has sought to minimise the loss of archaeological remains. Where it is felt that the merits of development justify the loss of archaeological remains that are identified as present, a suitable program of recording and publication of those remains will be required.” 	<p>Agreed, subject to the final change being made to bullet point ‘h)’ rather than ‘i)’</p> <p>The modifications provide flexibility for either site to be developed independently, therefore reducing the risks to deliverability.</p> <p>The modifications ensure the policy reflects the role of statutory consultees whilst maintaining the ability of MKC to consult OTC on what information should support a planning application for either site.</p> <p>The modifications reflect the advice from Historic England on what is required to be in conformity with the NPPF.</p>	<p>“The two sites will each be brought forward in a phased and comprehensively masterplanned approach which is required to ensure the delivery of essential on-site and off-site infrastructure. The following supporting information will be required as part of any planning application as a minimum, with the final scheme and level of supporting information agreed with MKC and OTC...”</p> <ul style="list-style-type: none"> “<u>An Archaeological Assessment will be required to demonstrate that the proposed development will not have an impact on heritage assets and archaeological deposits. Proposals must be informed by the findings of a program of archaeological investigation undertaken according to a written scheme of investigation as agreed by the council’s archaeological adviser. Development proposals must demonstrate the archaeological remains of national importance will be remained preserved in situ. Loss of remains of less than national importance will only be considered acceptable where it is necessary to deliver public benefits that could not otherwise be delivered and that outweigh the value of the heritage assets lost. In such cases, it must be demonstrated that the layout and design of development has sought to minimise the loss of archaeological remains. Where it is felt that the merits of development justify the loss of archaeological</u>

			<p><u>remains that are identified as present, a suitable program of recording and publication of those remains will be required.</u></p>
<p>Policy ONP14 - Retail</p>	<ul style="list-style-type: none"> • Insert in second paragraph “retail” before “development” and after Site R add “including” and add “possibly” before “petrol filling station” • Replace second paragraph, first bullet with: <p>“Proposals must be informed by the findings of a program of archaeological investigation undertaken according to a written scheme of investigation as agreed by the council’s archaeological adviser. Development proposals must demonstrate the archaeological remains of national importance will be remained preserved in situ. Loss of remains of less than national importance will only be considered acceptable where it is necessary to deliver public benefits that could not otherwise be delivered and that outweigh the value of the heritage assets lost. In such cases, it must be demonstrated that the layout and design of development has sought to minimise the loss of archaeological remains. Where it is felt that the merits of development justify the loss of archaeological remains that are identified as present, a suitable program of recording and publication of those remains will be required.”</p> • In fourth paragraph insert “any” before “improvements” and add at the end “which is required to make the development acceptable in planning terms, is directly related to the development and is fair and reasonably related in scale and kind to the development” • At the end of the fifth paragraph delete “and OTC” 	<p>Agreed.</p> <p>The modifications provide clarity on the broader retail use the site is being allocated for whilst allowing flexibility in the exact form and quantum of the retail use.</p> <p>The modifications (to paragraph five first bullet rather than second paragraph first bullet) reflect the advice from Historic England on what is required to be in conformity with the NPPF.</p> <p>The modifications ensure the policy follows the legal basis for seeking planning obligations.</p> <p>The modifications ensure the policy reflects the role of statutory consultees whilst maintaining the ability of MKC to consult OTC on what information should support a planning application for either site.</p>	<p>“The boundary of Site R will be as shown in the Proposals Map</p> <p>Planning permission will be granted only for <u>retail</u> development on Site R <u>including</u> for a food store (Use Class A1) and <u>possibly</u> a petrol filling station.”.</p> <p>Planning permission will be granted only for development on Site R where it can be demonstrated that it will not have a significant adverse impact on the vitality and viability of the town centre.</p> <p>Developer contributions will be required to fund <u>any</u> improvements to the Town Centre in order to mitigate any impact on the town centre retail offering <u>which is required to make the development acceptable in planning terms, is directly related to the development and is fair and reasonably related in scale and kind to the development.</u></p> <p>The following supporting information will be required as part of any planning application as a minimum, with the final scheme and level of supporting information agreed with MKC and OTC:</p> <ul style="list-style-type: none"> • An Archaeological Assessment will be required to demonstrate that the proposed development will not have an impact on heritage assets and archaeological deposits. <u>Proposals must be informed by the findings of a program of archaeological investigation undertaken according to a written scheme of investigation as agreed by the council’s archaeological adviser. Development proposals must demonstrate the archaeological remains of national importance will be remained preserved in situ. Loss of remains of less than national importance will only be considered acceptable where it is necessary to deliver public benefits that could not otherwise be delivered and that outweigh the value of the heritage assets lost. In such cases, it must be demonstrated that the layout and design of development has sought to minimise the loss of archaeological remains. Where it is felt that the merits of development justify the loss of archaeological remains that are identified as present, a suitable program of recording and publication of those remains will be required...</u>

<p>Policy ONP15 – Open Spaces</p>	<ul style="list-style-type: none"> Replace the first two paragraphs with “Proposals that result in the loss of the open spaces shown on the Proposals Map or result in the loss of existing community, allotment, sports or recreation facilities, will not be approved. 	<p>Agreed</p> <p>The modifications ensure the policy better aids the decision taker in making a decision</p>	<p>“To protect, enhance and provide additional open spaces, community facilities and sports and recreation facilities, both within the town and between the town and the River Ouse.</p> <p>To designate the areas currently used for sports, allotments and amenity for continuing use for those purposes.</p> <p><u>“Proposals that result in the loss of the open spaces shown on the Proposals Map or result in the loss of existing community, allotment, sports or recreation facilities, will not be approved.</u></p> <p>Proposals which provide for additional public open space, sports facilities at each of the residential site allocations and at the Olney Infant Academy, Olney Middle School and Ousedale Academy, and which meet the requirements of the school and enable use by the wider community, will be encouraged.”</p>
<p>Policy ONP16 - Parking and Accessibility</p>	<ul style="list-style-type: none"> Delete the first paragraph Insert “on allocated sites” after “developments” In the third paragraph replace “required” with “sought” and replace all the text after “town” with “which are required to make the development acceptable in planning terms, are directly related to the development and is fair and reasonably related in scale and kind to the development” 	<p>Agreed</p> <p>The modifications ensure the policy better aids decision taking and recognises development in Olney likely to be capable of accommodating integrated cycle and pedestrian routes will development on the allocated sites.</p> <p>The modifications ensure the policy follows the legal basis for seeking planning obligations, although a minor change to the wording (replace ‘the development’ with ‘any development’) is proposed to ensure the planning obligations provisions in the policy apply to all development and not just development within the allocated sites.</p>	<p>“To improve parking arrangements to maximise capacity in accordance with the new MKC guidelines.</p> <p>All new developments <u>on allocated sites</u> will be planned with integrated cycle and pedestrian routes which will integrate with and expand existing networks.</p> <p>Developer contributions will be required <u>sought</u> towards a wider package of sustainable transport initiatives for the town <u>which are required to make any development acceptable in planning terms, are directly related to the development and is fair and reasonably related in scale and kind to the development”</u></p>
<p>Policy ONP18 – Developer Contributions</p>	<ul style="list-style-type: none"> Delete the policy 	<p>Agreed</p> <p>This modification, together with modifications to other policies within the neighbourhood plan that address planning obligations provisions, ensure the plan as whole follows the legal basis for seeking planning obligations and provides clarity to the decision taker on these matters.</p>	<p>Delete Policy ONP18 – Developer Contributions</p>
	<p>Conclusion</p> <p>Subject to the incorporation of the modifications set out in this (the Examiner’s) report, the Olney Neighbourhood Plan should proceed to referendum.</p>	<p>Agreed, subject to a limited number further minor changes to ensure consistency and clarity of wording.</p>	<p>Agreed – a referendum date in June/July is being sought.</p>
	<p>Referendum Area</p> <p>The Examiner is required to consider whether the referendum area should be extended beyond the Plan area. In his view the neighbourhood area is entirely appropriate for this</p>	<p>Agreed</p>	<p>Agreed – the referendum area should be the same as the neighbourhood area.</p>

	<p>purpose and no evidence has been submitted to suggest that this is not the case. He therefore recommends that the Plan should proceed to referendum based on the neighbourhood area as approved by the Milton Keynes Council on 22 April 2014.</p>		
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