

John Slater Planning Ltd

Olney Neighbourhood Plan 2016-31

Submission Version

A Report to Milton Keynes Council on the Examination of the Olney Neighbourhood Plan

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Introduction

Neighbourhood planning is a process, introduced by the Localism Act 2011, which allows local communities to create the policies which will shape the places where they live and work. The Neighbourhood Plan provides the community with the opportunity to allocate land for particular purposes and to prepare the policies which will be used in the determination of planning applications in their area. Once a neighbourhood plan is made, it will form part of the statutory development plan alongside Milton Keynes' Core Strategy and the saved policies of the 2005 Local Plan. Decision makers are required to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

The neighbourhood plan making process has been led by Olney Town Council. A Steering Group was appointed to undertake the plan preparation made up of an equal mix of Parish Councillors and lay members. Olney Town Council is a "qualifying body" under the Neighbourhood Planning legislation.

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

The Examiner's Role

I was formally appointed by Milton Keynes Council in February 2017, with the agreement of Olney Town Council, to conduct this examination. My role is known as an Independent Examiner. My selection has been facilitated by the Neighbourhood Planning Independent Examiner Referral Service which is administered by the Royal Institute of Chartered Surveyors (RICS)

In order for me to be appointed to this role, I am required to be appropriately experienced and qualified. I have over 38 years' experience as a planning practitioner, primarily working in local government, which included 8 years as a Head of Planning at a large unitary authority on the south coast, but latterly as an independent planning consultant. I am a Chartered Town Planner and a member of the Royal Town Planning Institute. I am independent of both Milton Keynes Council, and Olney Town Council and I can confirm that I have no interest in any land that is affected by the Neighbourhood Plan.

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

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

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

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

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

I am able to confirm that the Plan, if amended in line with my recommendations, does relate to the development and use of land, covering the area designated by Milton Keynes Council, for the Olney Neighbourhood Plan on 22nd April 2014.

I can also confirm that it does specify the period over which the plan has effect namely the period up to 2031.

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

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

Olney Town Council as a parish council is a qualifying body under the terms of the legislation.

The Examination Process

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

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

I am satisfied that I am in a position to properly examine the plan without the need for a hearing. No parties have requested a hearing.

I carried out an unaccompanied visit to Olney and the surrounding area on both 10th and 11th April 2017 to familiarise myself with the town and the allocation sites in particular.

The Consultation Process

Once Olney Town Council decided to produce a plan in 2013, it set up a steering group which has led the plan making exercise. Through the plan period, a series of meetings were held with the representatives of various site owners. In October 2014, a neighbourhood plan questionnaire was distributed to all Olney residents and pop-in sessions were held at the Olney Centre. There were 640 responses to the questionnaire. In 2015, meetings took place with the Milton Keynes Council planners, adjacent parish councils, local schools and Statutory Undertakers. A separate business survey was held in the early August 2015, followed up by the distribution of a Site Allocation Consultation Document, which was sent to all households in the town.

All this activity led to the publication of the Pre-Submission Consultation version of the plan, which is known as the Regulation 14 Consultation. This ran from 4 April 2016 to 16 May 2016. A total of 28 responses were received from local residents, business owners, landowners and other stakeholders. I am satisfied that there has been more than adequate public engagement involved in the preparation of this plan and that the comments from the residents and other key stakeholders have fundamentally shaped the choice of sites that have underpinned the final version of this plan.

Regulation 16 Consultation

I have had regard, in carrying out this examination, to all the comments made during the period of final consultation, which took place over a 6-week period between 25th January 2017 and 8th March 2017. This consultation was organised by the Milton Keynes Council, prior to it being passed to me for its examination. That stage is known as the Regulation 16 Consultation.

In total 33 individual responses were received. Responses have come from Anglian Water, Bucks Fire and Rescue, Historic England, Natural England and Newport Pagnell Town Council and Emberton Parish Council. In addition, I have received submissions on behalf of 8 landowners around the town and also 4 letters from local residents. I have also received 15 letters which are either a pro forma or based on a pro forma issued by an organisation entitled English Regional Transport Association which is a campaigning organisation looking to restore various closed missing transport links and who are campaigning for the re-opening of the Northampton to Bedford Rail Link.

I will refer to the representations where it is relevant to my considerations and conclusions in respect of specific policies or the plan as a whole.

The Basic Conditions

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

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

- Has had regard to the national policies and advice contained in the guidance issued by the Secretary of State and it is appropriate to make the Plan?
- Will the making of the Plan contribute to the achievement of sustainable development?
- Will the making of the Plan be in general conformity with the strategic policies set out in the Development Plan for the area?
- The making of the Plan does not breach or is otherwise incompatible with EU obligations or human rights legislation?

- Whether prescribed conditions are met and prescribed matters have been complied with?
- Whether the making of the Plan will have a significant effect upon a European site or a European offshore marine site, either alone or in combination with other plans and projects?

Compliance with the Development Plan

To meet the basic conditions test, the Neighbourhood Plan is required to be in general conformity with the strategic policies of the Development Plan, which in this case is the Milton Keynes Core Strategy adopted in 2013 and the saved policies of the Milton Keynes Local Plan adopted in December 2005. The parish of Olney is identified as part of the rural area and the town is one of three key settlements which are expected to provide some limited development. The rural areas are expected to contribute 1760 dwellings over the Core Strategy Plan period. Work is underway on the preparation of a new Local Plan – Plan MK. However, this is at a relatively early stage in its preparation and is what is known as *emerging policy*, compliance with which is not a matter for the basic conditions considerations.

I have carefully reviewed the policies in both adopted documents and have found no strategic policies in either the Core Strategy or the saved policies found in the older Local Plan which are in any way undermined or compromised by the policies in this Neighbourhood Plan and this element of basic condition is met.

Compliance with European and Human Rights Legislation

The Town Council requested the Milton Keynes Council to screen whether the Olney Neighbourhood Development Plan should be the subject of a Strategic Environmental Assessment (SEA) as required by EU Directive 2001/42/EC which is enshrined into UK law by the “Environmental Assessment of Plans and Programmes Regulations 2004”.

Milton Keynes Council confirmed that an SEA would be required following consultation with Historic England. This Environmental Report was produced at the conclusion of the plan making process and was published in December 2016. As part of the SEA Screening report, the Local Planning Authority also screened the neighbourhood plan under the Habitat Regulations and concluded that the Plan in itself would be unlikely to have any significant effects on European protected sites, namely the Ouse- Washes SPA/SAC, Portsholme SAC and the Upper Nene Valley Gravel Pits, beyond the levels of development established by the Milton Keynes

Core Strategy and accordingly a separate Appropriate Assessment would not be required. I am satisfied that the European legislative requirements have been met and this meets another of the basic conditions.

The Neighbourhood Plan: An Overview

This is a well-structured and well written, clear and concise neighbourhood plan. Olney Town Council are to be commended on its decision to grasp the opportunity that neighbourhood planning has presented and has taken the initiative to guide the planning of the new development which the town will be facing, directing it to its preferred locations. It has taken a strong and realistic position regarding overall housing numbers and this will ensure a supply of affordable homes that the town requires.

I am pleased to note that the Olney plan has not made the mistake of some other neighbourhood plans and ventured outside the sphere of policies which deal with the “use and development of land”. It definitely is a planning document which will be capable of guiding development management decisions over the next decade.

I recognise that there has been strong engagement with landowners as well as the town’s key stakeholders. I am more than satisfied that residents of the town have played a full part in selecting the preferred locations for new development. I consider that these allocations are capable of delivering the number of houses and will be the type and quality that the town aspires to.

The highest number of representations received at Regulation 16 stage have been prompted by the activities of the transport pressure group, known as the English Regional Transport Association and they object to the allocation of five sites, Sites A, B, C, S and R, as they argue that the development would prevent the reintroduction of a railway line. My view is that it would be inappropriate for a neighbourhood plan to blight development land on the edge of a market town on the grounds that at some stage in the future, a new railway line could possibly be built. In any case I am required to restrict any modifications I make to the plan to those required to meet the basic conditions as set out in the neighbourhood plan legislation. I am at a loss to find a credible reason to modify the plan based on protecting a route that has no official status, does not appear to be promoted by any rail company or transport planning body, which has no funding or any reasonable timescale for its implementation. The identification and protection of any route would be a strategic decision rather than one that can be dealt with by an individual neighbourhood plan.

The one aspect of the plan I do have real concerns about, relates to the aspirations for developer contributions to be sought from development to fund various projects. These are matters that I have had cause to raise in respect of other neighbourhood plan examinations I have conducted for Milton Keynes Council. The issue stems from the decision taken by Milton Keynes Council not to pursue developer contributions through the payment of the Community Infrastructure Levy, where 25% of any contribution from applicable development taking place in the town automatically would be paid to the town council (if a neighbourhood plan is made – 15% if there is no neighbourhood plan) and instead chooses to rely upon Section 106 payments. The rules regarding financial contributions from planning obligations have significantly tightened over the last seven years. My specific reservations are that the secondary legislation now requires that for a financial contribution via a planning obligation to be used as a reason to approve the application, it must pass **all** the test set out in paragraph 204 of the NPPF, which is also given statutory weight through Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended). This requires that the contribution must be: -

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

In addition, Regulation 123 of the Community Infrastructure Levy Regulations 2010 limits the number of pooled contribution to five contributions per scheme or type of infrastructure.

However, that choice is a matter for the Local Planning Authority to take a view on but in the meantime, the ability to draw upon pooled funding through Section 106 Agreements is limited.

I have had to make recommendations for the modification of a number of policies which will restrict the basis on which planning contributions can be sought.

The Neighbourhood Development Policy

Policy ONP1 - Housing Numbers

In my view, the neighbourhood plan has established a strong position regarding housing numbers and it is clear that it has worked closely with Milton Keynes Council but has also come to a housing number that it is comfortable with. It has recognised that if the town is to achieve the levels of affordable housing required to meet local housing need, as evidenced by the Housing Survey carried out by Community Impact Bucks, on behalf of the Town Council in March 2015, then it is necessary to allocate a commensurate amount of land for new market housing. The results of the

consultations reveal that there is a public support for this level of housing to be built over the plan period. The general distribution of the housing allocations is divided between three sites which have been chosen on the basis of a systematic analysis of development options, the subject of a town wide consultation on the Site Allocation Plan conducted in August 2015. I do not need to recommend any modifications to this policy. I have had regard to Gladman Developments Ltd.'s representation that the number should be a minimum figure but the strategic policy which this plan needs to be in general conformity with, does not relate to figures which are quoted as a minimum figure but is expressed as a target figure.

Policy ONP2 - Housing

Gladman Development Ltd oppose the use of settlement boundaries as they claim their imposition conflicts with the delivery of sustainable development, one of the basic conditions relating to general conformity to Secretary of State advice. I do not agree with that view especially as I have concluded that the Plan aims to properly address Olney's housing need.

The selection of these three sites was informed by a comparison of the respective constraints and opportunities of nine sites. I consider the three allocations to be logical areas for expansion of Olney, having regard to the current pattern of development. It is also the option that enjoyed the highest level of support.

My only minor issue relates to the drafting of the policy. One of the requirements of a development plan is that it offers certainty to decision makers. The reference to a preference for the development sites in the wording, could be given greater clarity by adopting the alternative wording that the sites are *allocated* rather than *preferred*.

I consider that identifying Site F as a reserve site to be a sensible approach to ensure the delivery of this total number of houses over the 15-year plan period allowing the town to meet its housing needs. I note the Reg 16 representations of the site owners that there is insufficient flexibility in the way the policy is worded relating to future changes in circumstances. I believe that there will be a role for the local planning authority, to work with Olney Town Council in determining if and when consideration needs to be given to bringing forward Site F within the plan period. My view is that this should be done as part of the review of the plan, which paragraph 16.4 proposes should take place every five years.

I note that the policy proposes a 400 metre zone measured from the Olney Water Recycling Centre within which the impact of odour need to be assessed. This could affect the eastern side of Site D and the western corner of Site A. I saw that there is already a significant amount of residential development within that zone and I am satisfied that there is unlikely to be a major constraint on development.

Recommendation

Delete “preferred” and insert” “allocated”

Policy ONP3- Site A

I note that the policy is worded making reference to the site accommodating *up to 50 dwellings*. I also see from the 2015 Site Selection Consultation that the approximate capacity was indicated to be 60 new homes. I believe in order to achieve the objective set by Policy ONP1 that housing policies should not set maximum figures as to how much development each should provide. This could lead to a situation whereby the total number of homes needed may not be reached. I am particularly conscious that the housing needs report indicates requirements for smaller units, which is reflected in Policy ONP9. For example, a development of 100% one and two bed development would be a very different development than one that had 50% of the houses being 4 and 5 bed dwellings. Paragraph 58 of the NPPF states that developers should seek to optimise the potential of the site to accommodate development.

One option opened to me would be to recommend the modification to provide *at least 50 dwellings* but that could lead to a substantially higher level of development than that which the public thought they were supporting. I propose to offer some flexibility to allow the appropriate scheme to emerge, once it is known the mix of housing types and sizes of units by referring to *approximately 50 dwellings*. I also consider that the setting an exact housing density in the policy to be too prescriptive and again allowing variations in the size of dwellings to emerge could be undermined by too rigid an approach. Again, this point can be covered by the use of *approximately*.

I have noted that the developers who have an option on this land have also raised concerns regarding the density being quoted as being too high. I believe that the added flexibility can mean that there should not be an inherent conflict in terms of housing numbers and density for this edge of town location. The plan proposes that on site open space and play facilities should be provided contrary to the arrangements set down in an outline consent on the site that currently exists. I do not consider that it is necessary for me to modify that proposed policy to meet the basic conditions test and this is a matter that can be established by local determination. The existence of a planning consent is a matter of fact but there is no guarantee that the particular consent will be implemented and the existence of a neighbourhood plan policy would be a material consideration for any future planning application. If the existing consent is implemented then the policy will not be relevant unless it affects matters that are covered by reserved matters. I do not support the objection to the SUDS requirements as it allows the use of “other sustainable drainage measures”.

I do have concerns regarding the final criterion within the policy relating to infrastructure and amenity improvements in the town. I propose to require that such financial contributions are only sought where it can be shown that the contribution is necessary to make the development acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind to the development. That is the legal basis for seeking such obligations when deciding to grant planning permission.

The requirement for an applicant to have to agree what information should accompany a planning application with both Olney Town Council and the local planning authority, goes beyond the expectations what a statutory consultee should expect. The LPA could choose to consult the town council on what information it would expect but it cannot be a development plan requirement.

Anglian Water has referred to sewers crossing this and a number of other allocation sites. Whilst these will have to be taken into consideration in terms of site layout it is not, in my view, a matter that needs to be referred to in terms of development plan policy.

Historic England has pointed out that the requirements in this policy and Policy ONP 4 does not follow the approach set out in the NPPF and I propose to follow their advice and utilise the wording as they have suggested.

Recommendations

Replace “up to” with “approximately”

In second criterion insert “approximately” before “35”

In final criterion insert “any” before “infrastructure” and replace “under Policy ONP 18” 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”

Policy ONP4 – Site D and E and associated offsite green infrastructure

Similar comments relate to these two sites as previously referred to in respect to Site A in terms of the way the policies are drafted. Whilst the plan treats the two sites as separate allocations, it is a requirement of the policy for them to be treated as a single development in terms of master planning. I support that approach and therefore propose to make that requirement more explicit by moving the third criteria to form part of the text of the main policy wording.

The developers of the site have suggested the remainder of what had been the larger Site E, as per the Site Allocation Consultation, should be allocated as a reserve site rather than Site F and suggests that the settlement boundary should be extended out accordingly. I do not consider that is either desirable or necessary as it would extend the development further into the countryside and closer to the possible alignment of the bypass.

Recommendations

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 ONP 18” 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 fourth 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”

Policy ONP5 – Safeguarded Site F

The policy merely repeats the relevant text Policy ONP2 and in order to give certainty as to what is the relevant policy for this site, I propose that Policy ONP5 be deleted.

Recommendation

That the policy be deleted

Policy ONP6 – Infill Sites and Windfall Sites

The policy accords with Secretary of State advice and strategic policy and I do not need make any changes as the policy meets basic conditions.

Policy ONP7 – Affordable Houses

I believe that that there is sufficient evidence to support this policy to provide an element of locally allocated affordable housing despite the in-principle reservations raised by Gladman Developments Ltd that development should meet district wide need. My only reservation relates to the requirement that all affordable dwellings remain as affordable in perpetuity. The inability to achieve this was pointed out in the Town Council’s own commissioned report on housing need, which explained that tenants and part owners of affordable homes have statutory rights to acquire their home. It will only have been possible to retain affordability in perpetuity would have been by designating rural exception sites.

This element of the policy does not meet the tests of basic conditions and it is accordingly recommended for deletion.

Recommendation

Delete the last paragraph of the policy

Policy ONP8–Housing Type and Design

This policy applies to **all** housing developments. I do not think it will be practical to require this policy to apply to single units.

The second element of the policy would not have passed the basic conditions test had it placed an actual *requirement* to meet the conditions. The Secretary of State issued a Statement to the House of Commons dated 25 March 2012 which prevents neighbourhood plans on setting standards for the construction, internal layout or performance of new dwellings. However, this policy merely *encourages* adherence and as drafted a planning application could not be refused under this policy. I have therefore decided not to recommend its removal.

Recommendation

Insert “beyond a single unit” after “developments”

Policy ONP9 - Communications Infrastructure

My only comment regarding the policy is that it places an expectation that it is the housebuilder that will provide the fibre link to the houses they have built. I do not think that is the responsibility of a housebuilder to provide the broadband service but rather they should provide the necessary infrastructure including ducting so that broadband providers can provide connections. I therefore consider that the second paragraph of the policy is over onerous and prescriptive so I will be recommending the deletion of that particular requirement and instead rely upon the final requirement which will enable the necessary connectivity to be available.

Recommendation

Delete the second paragraph of the policy.

Policy ONP10 - Health

I am content that this policy meets basic conditions.

Policy ONP11- Assets of Community Value

This policy misrepresents the legal position regarding Assets of Community Value. The registration of such assets lies with the unitary council i.e. Milton Keynes Council. It is open to Olney Town Council to promote the inclusion of such assets to Milton Keynes Council. The first part of the policy is not a statement of policy but rather a statement of intent.

The only matter within the second element is to provide clarification that the properties must be registered to be protected by the wording of the policy.

Recommendations

Delete all of the first sentence

Delete “an” and insert “a Registered” before “Asset”

Policy ONP12 - Safeguarded Employment Land.

I consider that this is an entirely appropriate policy. However, there have been in recent years, changes to permitted development rights, which allow the conversion of commercial buildings to residential or other uses. Some changes of use require what is known as “prior approval” covering a range of matters. To avoid confusion with such applications I propose the policy be clarified so as to relate to planning applications to avoid confusion with other types of applications which may be submitted to the local planning authority.

It has been drawn to my attention that the former Howden’s site at the west end of the allocation has been the subject of a planning application for up to 8 dwellings. I note from the Council’s website that planning permission has now been granted on 24th March 2017. I therefore do not consider that it is appropriate for this land to be safeguarded for employment purposes as it is now unlikely to remain in employment use.

Recommendation

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.

Policy ONP13 - New Employment Land

I consider it entirely appropriate to allocate Sites B and C for employment related development. Proposals for Site B for an employment led mixed use development whilst Site C is for a more conventional B1, B2, B8 development.

I am not convinced that evidence has been submitted which substantiates the need for the two sites to be brought forward together in “a phased and comprehensively masterplanned approach”. I believe that it would be entirely possible for the two allocations to be developed independently. Each site could meet the requirements of the policy in their own right. To insist on a comprehensive master plan, when it is not required, could possibly delay delivery of this sustainable economic development. I therefore propose to remove the requirement for as advocated in the third paragraph of the policy.

My earlier points relating to gaining the agreement of the town council as to what information is required to accompany a planning application, equally applies to this policy.

As with the residential allocations, Historic England has recommended the redrafting of the policies re archaeological investigations to bring it in line with the NPPF. I

propose to follow their advice to ensure that it meets basic conditions. This equally applies to the following policy too.

Recommendation

Delete the first sentence of the third paragraph

At the end of the third paragraph delete “and OTC”

Replace bullet point h) with “Development proposals should be informed by results of a programme of archaeological investigation undertaken to according to a written scheme of the investigation agreed in writing with the council’s archaeological advisor. Where there are shown to be present, remains of national importance must be preserved in situ through the careful design and development, including careful use of layout and construction methods. Development resulting in loss of remains of regional or local interest will not be permitted unless it is shown that development proposals have sought to minimise the loss of remains and that areas of better preserved remains have been favoured for retention. Development proposals will be expected to provide mitigation of loss of archaeological remains through the provision of interpretation of the site’s archaeological interest to increase public awareness and enjoyment of the area’s past”

Policy ONP14 - Retail

This allocates the Site R for only a food store and a petrol filling station. I appreciate that the town currently lacks a supermarket and I suspect that most residents have to travel to surrounding towns for their food shopping. The agents for the site has argued that the size of supermarkets being currently sought by the major food retailers are somewhat smaller than those were some years ago. They have argued that not all of Site R should be allocated for retail purposes and that the surplus land could be set aside for residential purposes. However, I am satisfied that the neighbourhood plan has already allocated sufficient housing land. If there is surplus land after the food store and petrol filling station have been built, I consider another small retail unit could be located within this site which stands at the entrance to the town, subject to its meeting the requirements to demonstrate that it will not have a significant adverse impact on the vitality and the viability of the town centre.

Recommendation

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 point with “Development proposals should be informed by results of a programme of archaeological investigation undertaken to

according to a written scheme of the investigation agreed in writing with the council's archaeological advisor. Where there are shown to be present, remains of national importance must be preserved in situ through the careful design and development, including careful use of layout and construction methods. Development resulting in loss of remains of regional or local interest will not be permitted unless it is shown that development proposals have sought to minimise the loss of remains and that areas of better preserved remains have been favoured for retention. Development proposals will be expected to provide mitigation of loss of archaeological remains through the provision of interpretation of the site's archaeological interest to increase public awareness and enjoyment of the area's past"

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"

Policy ONP15 - Open Space

There has been an objection to the drafting of the policy which is written as more of an aspiration than a policy. I concur with that view but I consider that I can recommend the modification of the policy so that it can be used as a tool of decision making.

Recommendation

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.

Policy ONP16 - Parking and Accessibility

There are three elements to this policy. The first element is not worded as a policy which could be used for the determination of planning application. Secondly it would not be appropriate for the requirements of the second element to be applied to all developments e.g. a small windfall infill site. I believe that the intention is for the policy to relate to the design and layout of new residential and business allocations. I proposed to clarify the wording so is it only relates to the allocations made in this plan.

My comments on a policy requiring developer contributions relate equally to this policy.

Recommendations

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”

Policy ONP17 - Olney Bypass

I am aware that proposals for the Olney bypass have been discussed for several decades. Nevertheless, it remains as strategic and important project for the town with two alternative alignments shown on the Milton Keynes Local Plan 2005 Proposals Map. I consider this an appropriate policy which supports strategic policy as set out in the development plan and it meets Basic Conditions

Policy ONP18 - Developer Contributions

I have major concerns regarding this policy which are referred to previously in this report. I am aware that the policy requires compliance with the existing Milton Keynes SPD however I suspect these pre-date the recent changes in the Community Infrastructure Levy Regulations relating to how financial contributions can be collected and pooled. This limits the scope for getting developers to put money into general funding pots rather than contributing to specific projects which are directly related to and arise from the development permitted. I have made reference to the policies where developer contributions would ordinarily be sought and I do not believe this policy as written meets basic conditions as it would not necessarily meet the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations. I therefore will be recommending the removal of this policy. I appreciate that this may be a disappointment to the Town Council but it is the consequence of the changes in the rules which cover Section 106 contributions.

Recommendation

That the policy be deleted

The Referendum Area

If I am to recommend that the Plan progresses to its referendum stage, I am required to confirm whether the referendum should cover a larger area than the area covered by the Neighbourhood Plan. In this instance, I can confirm that the area of the Olney Neighbourhood Plan as designated by Milton Keynes Council on 22nd April 2014, is the appropriate area for the referendum to be held and the area for the referendum does not need to be extended.

Summary

The Town Council and the Steering Group are to be congratulated upon the production of a high-quality plan. My site visit confirmed that Olney has a really attractive thriving town centre with an outstanding conservation area, at its heart but set in beautiful countryside. The plan has taken the initiative to the locations that residents want new homes to be built. They are positive and well considered proposals.

I have had to recommend a number of changes which should not be seen as weakening the plan, but are required to bring the Plan in line with the basic conditions requirements set down in legislation. Most are prompted by the need for the plan to pay proper regard to Secretary of State guidance and advice, and particularly as it relates to developer contributions. The plan remains a coherent statement which on how the residents of Olney wish to positively shape their community when facing pressure for new homes and places to work. It seeks to protect important open space and sets criteria so that new development integrates with the existing urban area. The Town Council and the Steering Group are to be congratulated on their diligence and obvious hard work. This document will become an integral part of the development plan if residents vote to support the policies at referendum.

To conclude, I can confirm that my overall conclusions are that the Plan, if amended in line with my recommendations, meets all the statutory requirements including the basic conditions test and that it is appropriate, if successful at referendum, that the Plan, as amended, be made.

I am therefore delighted to recommend to the Milton Keynes Council that the Olney Neighbourhood Plan, as modified by my recommendations, should now proceed to referendum.

JOHN SLATER BA(Hons), DMS, MRTPI

John Slater Planning Ltd

25th March 2017