

Sherington Neighbourhood Plan

2016-2031

**A report to Milton Keynes Council on the Sherington
Neighbourhood Plan**

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Executive Summary

- 1 I was appointed by Milton Keynes Council in February 2017 to carry out the independent examination of the Sherington Neighbourhood Plan.
- 2 The examination was undertaken principally by written representations. However, I considered the matter of one of the two proposed local green spaces at a hearing. I visited the neighbourhood plan area on 2 March 2017. The hearing was held on 12 April 2017.
- 3 The Plan proposes a series of policies and seeks to bring forward positive and sustainable development in the Plan area. In particular, it proposes residential developments on two sites and designates two local green spaces. At its heart is an ambition to secure the future of the village as a vibrant, sustainable rural community
- 4 The Plan has been significantly underpinned by community support and engagement. It seeks to achieve sustainable development in the plan area and which reflects the range of social, environmental and economic issues that it has identified.
- 5 Subject to the recommended modifications set out in this report I have concluded that the Sherington Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood plan area.

Andrew Ashcroft
Independent Examiner
12 May 2017

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Sherington Neighbourhood Plan 2016-2031 (the Plan).
- 1.2 The Plan has been submitted to Milton Keynes Council (MKC) by Sherington Parish Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework in 2012 and which continues to be the principal element of national planning policy.
- 1.4 This report assesses whether the Plan is legally compliant and meets the Basic Conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.5 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the plan area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by MKC, with the consent of the Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both MKC and the Parish Council. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 30 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning independent Examiner Referral System.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan is submitted to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

The Basic Conditions

- 2.5 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State; and
 - contribute to the achievement of sustainable development; and
 - be in general conformity with the strategic policies of the development plan in the area; and
 - be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

I have examined the submitted Plan against each of these basic conditions, and my conclusions are set out in Sections 6 and 7 of this report. I have made specific comments on the fourth bullet point above in paragraphs 2.6 to 2.10 of this report.

- 2.6 In order to comply with the Basic Condition relating to European obligations MKC carried out a screening assessment. The conclusion of the draft screening report

was that there were no significant environmental effects as a result of the production of the Plan.

- 2.7 The required consultation was carried out with the three prescribed bodies. The Environment Agency and Historic England were content with the outcome of the screening assessment. Whilst Natural England raised some detailed comments it was content for those matters to be taken into account as part of the plan making process.
- 2.8 MKC has also undertaken a Habitats Regulations Assessment (HRA) screening report on the Plan. Its Habitats Regulation Assessment (HRA) screening report concluded that the Plan was not likely to have any significant effect on a European site. In doing so it assessed the impact of Plan proposals on the Ouse Washes SPA/SAC, the Portholme SAC and the Upper Nene Valley Gravel Pits SPA.
- 2.9 Having reviewed the information provided to me as part of the examination I am satisfied that a thorough, comprehensive and proportionate process has been undertaken in accordance with the various regulations. The various reports set out a robust assessment of the relevant information. None of the statutory consultees have raised any fundamental concerns with regard to either neighbourhood plan or to European obligations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.
- 2.10 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Other examination matters

- 2.11 In examining the Plan I am also required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
 - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.12 Having addressed the matters identified in paragraph 2.11 of this report I am satisfied that all of the points have been met subject to the contents of this report.

3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the submitted Plan.
- the Basic Conditions Statement.
- the Consultation Statement
- the representations made to the Plan.
- the adopted Milton Keynes Core Strategy 2013 and the saved Local Plan 2005.
- Plan MK: Draft Consultation March 2017
- National Planning Policy Framework (March 2012).
- Planning Practice Guidance (March 2014 and subsequent updates).
- recent Ministerial Statements (March, May and June 2015).

3.2 I carried out an unaccompanied visit to the Plan area on 2 March 2017. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My site inspection is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the majority of the Plan could be examined in this fashion. However, I decided that the proposed designation of land to the east of High Street as a local green space should be the subject of a hearing. The hearing was held in the village on 12 April 2017.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a Consultation Statement. This statement is thorough, comprehensive and professionally-prepared. It provides a proportionate level of detail to the Plan and its policies. The Statement sets out how the emerging plan took account of the various comments and representations received at the pre-submission phase of the Plan. This element of the Statement has been particularly helpful in my examination of the Plan.
- 4.3 Section 3 of the Statement sets out details of the wider consultation events that have been carried out as part the evolution of the Plan. The consultation events were well-structured and followed a clear sequence. Details are provided about:
- the initial consultation (February 2015)
 - the ecological and environmental searches (February 2015)
 - the infrastructure and statutory undertakers' engagement (February 2015)
 - the use of articles and awareness updates in the SCAN Community magazine
 - the village survey (August 2015)
 - the information drop in event (September 2015)
 - the initial policy consultation (December 2015)
 - the land owners panel meeting (March 2016)
 - the public meeting (April 2016)
 - the policy options exhibition (May 2016)
- 4.4 The Consultation Statement provides very useful information about the methods of community engagement. It is helpfully supported by a range of photographs and a reproduction of the various leaflets that were used. I can see that extensive use was made of door to door deliveries and on line surveys.
- 4.5 It is clear to me that consultation has fundamentally underpinned the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation. Consultation and feedback has been at the heart of the Plan throughout the various stages of its production.
- 4.6 The positive approach that was taken in responding to the earlier comments is reflected in the significant number of representations supporting the submitted plan (see 4.8 below). There were also other representations received raising objections to the submitted Plan.

- 4.7 From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive and comprehensive approach to seeking the opinions of all concerned throughout the process. MKC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

Representations Received

- 4.8 Consultation on the submitted plan was undertaken by the District Council for a six-week period and which ended on 9 February 2017. This exercise generated 104 comments from various persons and organisations. The following statutory bodies or business made comments:

- Anglian Water
- Historic England
- Natural England
- Newport Pagnell Town Council
- Rascal Systems
- Sherington Shooting Centre
- The Trustees of the Cook Settlement (Berrys)
- Roy Mason (David Lock Associates)
- B Cawley (PPS)
- R and S Shires (Farmers Ltd) (Bletsoes)
- C.H Smith and Sons

- 4.9 In examining the Plan I have taken account of all the representations received. In some cases, I have highlighted specific representations in this report where it is both appropriate and relevant to do so.

5 The Plan Area and the Development Plan Context

The Plan Area

- 5.1 The Plan area is located to the north and east of Milton Keynes and covers an extensive parcel of land within the administrative area of Milton Keynes. It lies between Newport Pagnell and Olney. It was designated as a neighbourhood area on 21 April 2015.
- 5.2 The village itself is the principal focus of development in the Plan area. It sits within pleasant open countryside
- 5.3 The village has developed over many years from its agricultural background. The original core areas of the village based on Church End and the High Street continue to form the basis of the current village. The historic elements of the village form the basis of its conservation area.

Development Plan Context

- 5.4 The development plan covering the neighbourhood plan area is the Milton Keynes Core Strategy (2013) and the saved policies of the Milton Keynes Local Plan 2001 to 2011 adopted in December 2005. The policies within the Core Strategy are the strategic policies with which the Plan will need to be in general conformity. The Basic Conditions Statement has very helpfully listed the policies in both the adopted Local Plan and in the Core Strategy with which the Plan is considered to be consistent.
- 5.5 Sherington is identified as a selected village in Policy CS1 of the Core Strategy. That policy indicates that a limited amount of housing will be permitted in the village. Footnote 23 to the policy indicates that the scale of new housing sought in Sherington was around 20-40 new dwellings. The Core Strategy originally envisaged that this level of development would be determined through work on the Site Allocations Plan. However, this did not take place as the Site Allocations Plan had its focus on the development of sites in the urban area of Milton Keynes. On this basis housing sites in rural areas fall to be identified and allocated in neighbourhood plans.
- 5.6 MKC was consulting on its Draft Preferred Options Plan MK at this time of this examination of the Sherington Neighbourhood Plan. When adopted this emerging Plan will replace the saved policies in the 2005 Local Plan and the 2013 Core Strategy. Whilst I cannot take account of this emerging plan as part of this examination it is clear that there have been strong overlaps and working relationships between the two documents. This reflects several key principles in Planning Practice Guidance and is best practice.
- 5.7 The submitted Plan has a strong relationship to the adopted Core Strategy. Its identification of development sites contributes significantly to the delivery of policies CS1 (the development strategy) and CS2 (housing land supply).

- 5.8 The Plan has an appropriate and effective approach towards environment and design matters. Its policy NP1 has strong delivery overlaps with Core Strategy policy CS13 (ensuring high quality, well-designed place). This gives all concerned the assurance that a Plan that has a clear growth agenda is also sensitively addressing a sense of place and its broader environment.

Site Visit

- 5.9 I carried out an unaccompanied visit to the Plan area on 2 March 2017. I approached the Plan area from the M1. In doing so I was able to see the relationship between the village and its agricultural hinterland. I parked in Crofts End. Given the compact nature of the village I was able to carry out the majority on the visit on foot.
- 5.10 I looked initially at the proposed housing site at Water Lane. I saw the restricted nature of the carriageway as mentioned by several persons making representations. I saw the variety of employment and storage uses on the site as described in the Plan.
- 5.11 I then walked back into High Street to look at the proposed housing site to the north of the village. I saw its relationship to the built-up form of the village, to High Street and to its wider agricultural landscape.
- 5.12 I then walked back down High Street and found the footpath leading into the proposed local green space and followed it through to St Laud's Church. I saw that the two distinctive areas as set out in Policy NP2. The timing of my visit in the year allowed me to enjoy the snowdrops in Snowdrop Walk. It was clear that much time and effort had been devoted to the design and safeguarding of this interesting part of the village
- 5.13 At various times during my visit I looked at the range of community facilities identified in the Plan. This helped me to understand the policy concerned. I saw the strong community focus in Church Road based on the Village Shop, the Village hall and the playing fields.
- 5.14 During my visit I saw some very interesting buildings. The Old Rectory opposite the school stood proudly in its own grounds. Sherington Place occupies a prominent position facing the end of School Road at its junction with Church Road and Gun Lane. The former Sherington Chapel in Crofts End had been sensitively converted into residential use.
- 5.15 I finished my tour around the village by walking along Perry Lane up to the Sports and Recreation Ground
- 5.16 In order to get a full impression of the Plan area I drove around the local road network including the A509. I could see that there was good interconnectivity between the Plan area and Milton Keynes and Olney.

6 The Neighbourhood Plan as a whole

6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented, informative and very professional document.

6.2 The Plan needs to meet all the basic conditions to proceed to referendum. This section provides an overview of the extent to which the Plan meets three of the four basic conditions. Paragraphs 2.6 to 2.10 of this report have already addressed the issue of conformity with European Union legislation.

National Planning Policies and Guidance

6.3 The key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in March 2012.

6.4 The NPPF sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the Plan area:

- a plan led system– in this case the relationship between the neighbourhood plan and the adopted Local Plan/Core Strategy.
- proactively driving and supporting economic development to deliver homes, businesses and industrial units and infrastructure.
- Contributing to conserving and enhancing the natural environment
- Conserving heritage assets in a manner appropriate to their significance

6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development, which is identified as a golden thread running through the planning system. Paragraph 16 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and the ministerial statements of March, May and June 2015.

6.7 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the plan area and promotes sustainable growth. At its heart are a suite of policies that aim to bring forward sensitive and appropriately-located housing sites and to safeguard open spaces. It also safeguards important community facilities.

Table 1 of the Basic Conditions Statement is particularly effective in terms of mapping Plan policies with the appropriate paragraphs in the NPPF.

- 6.8 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraphs 17 and 154). This was reinforced with the publication of Planning Practice Guidance in March 2014. Its paragraph 41 (41-041-20140306) indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.9 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear to me that the submitted Plan has set out to achieve sustainable development. In the economic dimension, it includes two policies to promote new residential development (NP7/8). It also promotes employment development that would be appropriate to the scale and character of the Plan area (NP9). In the social role, it includes policies to safeguard community facilities (NP4). In the environmental dimension the Plan positively promotes design and energy efficiency proposals (NP6). It identifies two local green spaces and includes a policy for biodiversity enhancement. These and other matters are helpfully set out in section 4 of the Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.11 I have already commented in detail on the development plan context in the wider Milton Keynes area in paragraphs 5.4 to 5.8 of this report.
- 6.12 I consider that the submitted Plan delivers a local dimension to this strategic context and supplements the detail already included in the adopted development plan. I am satisfied that the Plan is in general conformity with the strategic policies in the development plan.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the range of policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is thorough and distinctive to the Plan area. Other than to ensure compliance with national guidance I do not propose that major elements of the Plan are removed or that new sections are included. The Community Council has spent considerable time and energy in identifying the issues and objectives that it wishes to be included in the Plan. This gets to the heart of the localism agenda.
- 7.4 The Plan is commendable to the extent that it includes only land use policies. This approach directly reflects Planning Practice Guidance (41-004-20140306) which indicates that neighbourhood plans must address the development and use of land.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. In some cases, there are overlaps between the different policies.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

Sections 1 to 3 of the Plan

- 7.8 These introductory elements of the Plan set the scene for its range of policies. They do so in a concise and proportionate way. The Plan is well-presented and arranged and is supported by well-chosen photographs and diagrams. The photographs add value and depth to the text in these sections of the Plan
- 7.9 The Introduction to the Plan (Section 1) provides a very clear context to the role and purpose of neighbourhood planning and to the designation of the neighbourhood plan area. It also sets out a good summary of the various elements of legislation that have affected the production of the Plan and the context provided by the development plan. Section 2 sets out the plan making process. It helpfully describes the key findings from that process that have underpinned the development of the Plan in general, and its policies in particular. aims and objectives of the Plan. Section 3 sets out some useful information on the challenges that have been addressed in making the Plan and how these have cascaded into its Vision and Objectives.

- 7.10 These introductory sections demonstrate that the Plan has been prepared and submitted in a professional way. The policies have been developed in an iterative fashion (Sections 4/12) and are the outcome of proper research and an assessment of available information.

Policies in General

- 7.11 The plan includes nine policies. The presentation of the Plan makes a clear contrast between the policies themselves and the supporting text. This will ensure that decision-makers have clarity on the policies in the Plan. In appropriate circumstances the policies are criteria-based. The adoption of this approach will provide useful long term clarity for decision makers, local residents and land owners and investors alike.

Policy NP1: Sherington Settlement Boundary and Development Principles

- 7.12 The policy sets out a strategic context to development in the Plan area. It establishes a village development boundary within which the policy establishes a presumption in favour of sustainable development. The second part of the policy sets out criteria against which windfall sites will be assessed. These criteria have a direct relationship to the vision and objectives of the Plan itself. The third part of the policy establishes a revised settlement boundary, primarily to take account of the two proposed allocations of land for residential purposes. The fourth part of the policy sets out guidance for development proposals outside the settlement boundary.
- 7.13 One representation contends that the approach adopted in the policy does not fully take account of the status of Sherington as set out in the adopted Core Strategy. However, I see no conflict between the Core Strategy and this policy. It sets out a positive approach to future development in the Plan area and positively promotes two housing allocations. The approach taken to concentrate new development within the settlement boundary will assist in the promotion of sustainable development and will accord with national and local planning policies.
- 7.14 I recommend two modifications to the policy so that it has the clarity required by the NPPF. The first replaces 'will be expected to' with 'should' in the second part of the policy. This will give clarity to the decision maker rather than a more general expectation that developers would follow the principles identified in the policy. The second deletes the repetitive description of the extension of the settlement boundary from the policy itself. It is already satisfactorily addressed in the supporting text.

In the second part of the policy (its third paragraph) replace 'will be expected to' with 'should'.

Delete the fourth paragraph of the policy (beginning 'New housing allocations' and ending 'existing settlement boundary'.

Policy NP2: Local Green Space

- 7.15 This policy identifies two adjacent parcels of land as local green space. They run from High Street to St Laud's Church to the immediate north of the properties on the northern side of Church Lane. The site to the west is an open grassed parcel of land surrounded by hedgerows. The site to the east has been laid out as a community open area with newly-planted trees. The sites are connected by a well-used footpath that runs through the two sites from High Street to St Laud's Church. The policy refers to two separate sites. The proposals map shows the two sites as one site. I address this matter in my recommended modifications for the purposes of clarity. I also comment on the sites separately when making my own assessment of the extent to which they meet the criteria for such designation in the NPPF.
- 7.16 The submitted Plan makes reference to the national basis for designating local green spaces (LGS) in the NPPF. It sets out its own assessment of the relationship of these two sites. That assessment focuses on the extent to which the site is demonstrably special to the local community and holds a particular local significance.
- 7.17 The designation of the western parcel of land has attracted an objection to the Plan from a planning consultant acting on behalf of the land owner. That objection raises six specific issues as follows:
- The site was not specifically special to have been included in the Sherington Conservation Area
 - There is no wildlife or ecological value to the site
 - The only public access to the site is via the existing public footpath
 - The Article 4 Direction referred to in the Plan is not relevant to the LGS issue
 - The site is available for built development
 - The proposed designation has not been subject to the rigorous testing and justification required by the NPPF.
- 7.18 Having considered all of the evidence available to me I was satisfied that the parcel of land to the south west of St Laud's church met the criteria to be designated as a local green space. I took the view that the land east of High Street was best considered by way of a hearing. That hearing took place on 12 April 2017. The hearing addressed two questions:
- Paragraph 77 of the NPPF comments that 'Local Green Space designation will not be appropriate for most green areas or open spaces'. Is it appropriate for the parcel of land to be designated as Local Green Space in the submitted Plan? and
 - Is the parcel of land demonstrably special to the local community and does it hold a particular local significance?
- 7.19 The summaries of the cases presented to the hearing and my questions to the parties are available on the Milton Keynes Council website (Sherington Neighbourhood Plan). I visited the site both on 2 March and during the early evening of 11 April 2017. The site is just over 1 hectare in size and is an untended paddock. It

is surrounded by a series of hedges, principally to the west (adjacent to High Street) and to the north (where it abuts open countryside). A public footpath runs through the site roughly in an east-west direction. That footpath provides an attractive link between High Street and St Laud's Church.

- 7.20 On the first of the two questions I was presented with differing cases. The agent acting for the landowner contended that the initial test in paragraph 77 of the NPPF had not been met. It was argued that the designation of the site as a LGS should be considered both within the round and within the specific context of the need for the Plan to promote sustainable development. I was advised of the proposals to promote the site concerned for residential development. My attention was drawn to its sustainable location within the village and the lack of any technical constraints on its development.
- 7.21 The agent acting for the owner also drew my attention to the existing Article 4 Direction affecting the site. This was introduced in 1984 and removes permitted development rights from certain types of agricultural buildings. I was also advised that part of the site lies within the conservation area. On this basis, it was put to me that the site was already protected and that there was no evidence that there would be additional local benefit to be gained by the designation of the site as LGS. My attention was also drawn to the fact that the site lies outside the settlement boundary as defined in the submitted Plan.
- 7.22 The Parish Council drew my attention to the evolution of the Plan and how it had considered the relationship between new development and safeguarding the character and appearance of the village. I was advised about the refinements made to the scale and extent of LGS designations. I was also advised that the Parish Council was attempting through the production of the neighbourhood plan to maintain a clear and consistent approach to safeguarding this site as part of its contribution to the open structure of the village. This has been applied through a series of village appraisals and planning decisions and appeals. MKC provided all parties with a copy of the most recent appeal decision immediately after the hearing.
- 7.23 Taking all matters into account I am satisfied that it is appropriate in principle to designate the parcel of land as a LGS. It is clear that the wider Plan has addressed sustainable development in the round. In particular, it includes policies that address each of the three components of sustainable development. I have addressed these matters in paragraph 6.10 of this report. In particular, the Plan identifies two proposed housing sites. MKC confirmed at the hearing that both sites now have planning permission. In total, they will deliver the housing target for the village as set out in the adopted Core Strategy 2013.
- 7.24 I am also satisfied that appropriate consideration has been given to the additional local benefit that would be gained by LGS designation. The effect of the existing Article 4 Direction is simply to require that any proposals for defined agricultural buildings should be assessed through the formalities of the planning process rather than being permitted development. In any event the introduction of the Direction

significantly pre-dates the publication of the NPPF and its introduction of the LGS concept.

- 7.25 The second part of the hearing dealt with the extent to which the parcel of land is demonstrably special to the local community and holds a particular local significance. This is one of the three criteria identified in paragraph 77 of the NPPF which any parcel of land need to meet to be designated as LGS.
- 7.26 The NPPF provides examples of characteristics that may point to any proposed LGS being demonstrably special to the local community. The various parties assembled their cases around these examples. They touch on the characteristics of the site in different ways. I use the various examples as the basis for the structure of the next parts of this report on this policy.
- 7.27 The historic significance of the site is at the very heart of the Parish Council's proposed designation of the site as LGS. It argues that the safeguarding of the openness of the site is fundamental to the preservation of the spatial and living history of the village. I was advised that the village street plan had remained largely unchanged since the village was originally developed. I was also advised that the site concerned, together with the proposed LGS to its east, performed an important role in providing an open context to the church and delivering an attractive footpath link between the Church and High Street. This approach had been consistently applied through village appraisals (1972 and 1985) and planning applications and appeals.
- 7.28 The agent for the site owner contended that the site could not be considered to have an important historic significance. Only a small sliver of the site is included within the conservation area as designated in 1973. It was suggested that if the site was demonstrably special it would have been included within the conservation area at that time. My attention was also drawn to the lack of any review, re-appraisal or re-assessment of the conservation area by MKC since that time. MKC identified at the hearing that there was a forthcoming review of conservation areas within its administrative area.
- 7.29 Taking all matters into account I am satisfied that the site is demonstrably special to the local community and holds a particular local significance on this matter. It clearly sits at the heart of the village and provides a context to the setting of the St Laud's Church to its east. It is a site that has remained both unchanged and open over many centuries. It reflects the open and agricultural context of the village and holds a particular local significance. This view overlaps with the findings of the planning inspector who determined the most recent appeal for residential development on the site (in 1981). In his decision letter, he commented that 'as open land the site to my mind contributes valuably to the rural quality of the northern part of the village, and in particular to the attractive open setting of the Church to the east, and the buildings along High Street to the west...'. He also draws attention to the relationship between the site itself and the wider countryside the north in later sections of his decision letter as follows 'As readily accessible grazing land adjoining open country it also contributes to the rural character of the countryside around the village'

- 7.30 A key part of the Parish Council's case is that it is properly continuing an approach to the safeguarding of this parcel of land that has been adopted by successive parish councils and planning decision-makers. I am satisfied that this is the case. Little has changed on the site since the Inspector's report of 1981. The historic significance of the site remains and is equally applicable to current national policy.
- 7.31 The hearing then considered the recreational use of the site and in particular whether or not it was demonstrably special. The Parish Council presented a case that the site was extensively used by dog walkers and that there were a number of tracks crossing the field and its perimeter. It was argued that its significance as a recreational area was reinforced given the limited number of footpaths within the wider village. My attention was also drawn to the attractive and open nature of the footpath itself, and the recreational advantages that stem from this openness.
- 7.32 The agent acting for the owner of the site commented that the land is privately-owned and not a playing field or other public space. I was advised that the public footpath represents the only legitimate public access on the land. Whilst the owners have occasionally allowed the field to be used for village events the whole of the site cannot be claimed to have been used by dog walkers for at least 20 years. In this regard, I was advised that the owners had made a deposit under section 31(6) of the Highways Act 1980 to MKC.
- 7.33 Having considered all the evidence I am not satisfied that the site is demonstrably special to the local community by virtue of its recreational use. It was acknowledged at the hearing that the owner does not prevent the informal use of the site for recreational purposes. There is clear evidence of the use of the footpath through the site and the use of a subsidiary loop running to the south from the main footpath. Nevertheless, I share the view put by the agent acting for the owner that the recreational use of the site is typical of that that might be found in a paddock on the edge of a village with a public right of way running through its midst. It is not used for formal recreational use in that way in which other sites are used elsewhere in the village.
- 7.34 The hearing then considered whether the site was demonstrably special by virtue of its tranquillity. The Parish Council contended that the site was the epitome of tranquillity. This was highlighted due to its proximity to the heart of the village. The agent acting for the owner argued that the site displayed the characteristics of a typical field on the edge of a village. It was further argued that the proposed LGS to the east of the site in question displayed greater levels of tranquillity.
- 7.35 Based on the comments made at the hearing and my two separate visits to the site it is clear that the site is a quiet haven within the wider context of the village. Nevertheless, I am not satisfied that the site is demonstrably tranquil in the context for its designation as a LGS. It is a quiet site within the context of a quiet village. Whilst its use may be greater that would otherwise be the case if it were not for the

route of the public footpath the site does not display sufficiently greater levels of tranquillity to justify its designation as a LGS on this matter alone.

- 7.36 The hearing then considered whether the site was demonstrably special by virtue of its richness of wildlife. The agent acting for the site owner drew my attention to the TEP survey undertaken in October 2014 on the site. That survey concluded that there was nothing on the site that would indicate that it had a rich wildlife or was of specific ecological merit. The Parish Council provided its own observations on the extent to which the site provided the perfect habitat for voles, and attracted hunters such as barn owls and kestrels. It also provided commentary on the ecological importance of the hedgerows surrounding the site. It also made its own comments on the underlying purpose of the TEP survey (to identify any ecological barriers to its proposed development for residential purposes) or the impact of its timing on its findings on the ecological significance of the site.
- 7.37 On the basis of all the evidence available to me I conclude that whilst the site has a degree of ecological significance it is of little difference to that which may be found in similar sites within the Plan area. The site has no overriding demonstrable ecological significance. The TEP report represented the only evidence available to me. MKC advised that the site has no statutory designations.
- 7.38 In summary following the consideration of the evidence at the hearing I am satisfied that the site is demonstrably special to the local community and holds a particular local significance. On this basis, its designation as a local green space satisfies the second of the three criteria in paragraph 77 of the NPPF.
- 7.39 At the hearing I sought the views of the agent acting for the site owner and of MKC on the extent to which they considered that the proposed LGS met the other two criteria in the NPPF (in close proximity to the community it serves and local in character). Both parties agreed that this was the case. In the case of the agent acting for the owner these comments were invited without prejudice to the substantive case as rehearsed in this report. In conclusion, the identification of land to the east of High Street as LGS meets the basic conditions.
- 7.40 There was a degree of debate at the hearing about the wording of the policy itself. The agent acting for the owner considered that it did not have regard to the NPPF. All parties were happy for me to recommend modifications to its wording in the event that I agreed with that assertion. I have considered the policy carefully and recommend modifications to ensure that it has regard to national policy. In doing so I make reference to the need for 'very special circumstances' to justify development. I also recommend the deletion of other elements of the policy which are not directly rooted in paragraphs 76-78 of the NPPF.
- 7.41 I also recommend a modification to Figure 6 which shows the area covered by the two separate but adjacent LGSs. In policy NP2 they are properly described as two separate parcels of land. In Figure 6 they read as one larger parcel of land. I acknowledge that this is a rather academic issue. Nevertheless, the parcels of land

have different characteristics and management regimes and should be shown as two separate sites.

In the first part of the policy replace ‘proposals map’ with ‘Figure 6’

Replace the second part of the policy with:

Development proposals within this local green space that will harm the permanent open character of the land will only be supported in very exceptional circumstances.

Distinguish the two separate parcels of land in Figure 6 so that they correspond to the two separate LGSs set out in Policy NP2

Policy NP3: Biodiversity Enhancement

- 7.42 This policy offers support to biodiversity and environmental enhancement proposals. It also provides support for the installation of sustainable drainage schemes.
- 7.43 The policy is well-written and constructed. It will contribute significantly to the delivery of the environmental dimension of sustainable development in the Plan area. It meets the basic conditions

Policy NP4: Community Hub and Facilities

- 7.44 This policy has three component parts. The first sets out support for the improvement of identified community facilities in the Plan area. The second part protects the identified community uses from alternative use. The third part sets a context for plans for the redevelopment of the existing village store. I saw the various community facilities as part of my visit to the Plan area. This helped me to understand their importance in the local community.
- 7.45 I recommend a modification to the policy in respect of the existing village store so that it can have the clarity necessary as part of the development management process. As drafted it identifies that the Parish Council will advance plans for its redevelopment rather than offering support for the project itself. This approach can however be repositioned into the supporting text to underpin the policy (as modified).

Replace the final paragraph of the policy with:

Proposals for the redevelopment of the existing village store to create a community hub adjacent to the village hall on Church Road will be supported.

Insert the replaced element of the policy as additional supporting text at the end of paragraph 8.6

Policy NP5: Developer Proposals

- 7.46 This policy requires that developers should engage with the Parish Council in the formulation of their proposals. The purpose of the policy is to ensure as far as is practicable that the emerging proposals reflect both the wishes of the community and the approach adopted in the wider Plan.
- 7.47 I can understand the approach adopted. Similarly, I would expect that many developers will already be doing so. Nevertheless, I am not satisfied that the policy meets the basic conditions. Firstly, it is based around a process matter rather than a land use policy. In particular, it provides no clarity on the effect of a developer submitting a planning application to MKC without having engaged with the Parish Council. In addition, it provides no guidance on the nature of the 'constructive dialogue' expected or the specific role of the Parish Council in the planning process.
- 7.48 Within the context of the wider preparation of the Plan and within the spirit of localism I recommend that the policy is translated into a non-land use policy rather than being deleted from the Plan. In doing so I recommend modifications to its wording so that it takes on an advisory rather than a prescriptive nature.

Translate the policy into a non-land use policy (and reflect this by the use of a different colouring/presentation of the policy)

Replace 'required' with 'encouraged'

In paragraph 9.2 delete 'it will be necessary for' and insert 'are encouraged' between 'developers' and 'to make'.

Policy NP6: Design and Energy Efficiency

- 7.49 The policy sets out the Plan's expectations for new development that is design and energy-efficient. It adopts a positive approach to this important matter. In doing so it follows the approach in the NPPF of providing local and distinctive advice without being prescriptive. It actively encourages high quality development of architectural merit. Its various criteria are both appropriate to the Plan area and distinctive to its character.
- 7.50 I recommend two modifications to the policy to bring the clarity to the development management process as required by the NPPF. The first includes a reference to other policies in the development plan. As currently drafted the policy could inadvertently support a development that would conflict with development plan policies that address the location and scale of new development. The second clarifies that developments will be supported where they comply with all the criteria in the policy insofar as they relate to the site concerned.

In the initial part of the policy insert 'it complies with other development policies and' between 'where' and 'it'.

Insert 'and' after the penultimate criterion in the policy

Policy NP7: Land adjacent to High Street, Sherington

- 7.51 This policy is the first of two policies that allocate land for residential purposes. The site lies to the north of the village to the immediate west of High Street and is currently in agricultural use.
- 7.52 Outline planning permission was granted in 2016 for the residential development of the site (14/02002/OUT). The permission is for 36 dwellings and with the scale, layout, design and landscaping of the development to be agreed at reserved matters stage.
- 7.53 I am satisfied that it is appropriate to include this committed site as an allocation in the Plan. It will act as a policy context in the event that the current proposal does not proceed or that revised proposals are submitted.
- 7.54 An agent acting on behalf of the land owners makes representations about the interplay between the terms of the outline planning permission and the criteria included within the policy. The representation comments that the criteria in the policy are matters that were not addressed in the grant of outline planning permission and therefore do not need to be addressed in future reserved matters applications.
- 7.55 Plainly as a matter of fact the integrity of the outline planning application is not directly affected by the preparation of the Plan. I recommend a modification to the supporting text to this effect. Given my comments in the previous paragraph I will address the details components of the policy and its criteria in turn within the context of its appropriateness in playing a part in determining any new or revised applications on this site.
- 7.56 The second part of the policy requires a mechanism to be agreed to enable persons with an established local connection to have first option (and for three months) on the purchase of open market housing. Whilst I can understand the approach adopted it does not have regard to national planning policy. There is no such mechanism for such an approach to be imposed in the NPPF. Whilst its paragraph 50 indicates that provision should be made for a mix of housing, that the size, type, tenure and range of housing should be identified and that affordable housing is provided where necessary, the approach set out in the Plan is neither identified nor recognised. I recommend that this component of the policy is deleted. The deletion of this component of the policy does not necessarily prevent this approach from being adopted either by a developer on a voluntary basis or through a negotiated planning obligation directly with MKC.
- 7.57 The third part of the policy refers to the need to provide affordable housing to MKC standards. This is entirely appropriate and meets the basic conditions.
- 7.58 The first six criteria in the policy are based around the need to provide specific details as part of planning applications. They address traditional planning matters that are associated with the development of housing allocations on the edge of villages. I am

satisfied that they meet the basic conditions and are distinctive to the site. Whilst they would not directly impact on the determination of any reserved matters application that may be submitted pursuant to the extant outline planning permission they would also be factors that would be addressed in the round as part of the submission of these details.

- 7.59 The seventh criterion requires that a financial contribution should be made to support community assets within the village. It specifically mentions the need for a unilateral contribution to the redevelopment of the village shop. Whilst I can see that there are plans to redevelop the existing village store within the context of policy NP4 there is no direct evidence provided of the need for this or any other housing proposal to contribute towards the project. It is not directly a feature of local infrastructure that needs to be funded in order to allow the development concerned to proceed as set out in the Community Infrastructure Levy Regulations 2010 (and as updated). As such I recommend that the criterion is deleted. The matter is properly addressed as part of the wider development management process and the associated discussions that take place between proposed developers and MKC. I can see from the letter of representation that the site owners will be discussing a contribution to this facility with the Parish Council in due course.
- 7.60 The eighth criterion identifies that access into the site is taken from a single point onto High Street. This is appropriate and reflects the location and topography of the site.
- 7.61 The ninth criterion requires the introduction of traffic calming measures along High Street. However, there is no context provided to this requirement in either the supporting text or within the site selection process in Annex A. No such need was identified as part of the determination of the 2016 planning application. In addition, I did not identify any traffic calming or traffic speed related issues as part of my visit to the Plan area. In the absence of any evidence I recommend the deletion of this criterion.

Delete the second paragraph of the policy

Delete the seventh and ninth criteria in the fourth paragraph of the policy

Delete paragraphs 11.8 to 11.11 of the supporting text

Insert a new paragraph 11.7 to read:

The validity of this outline planning permission is unaffected by the preparation of the neighbourhood plan. The applicant retains the ability to submit a reserved matters application in the usual way. Policy NP7 will apply to any new or revised applications that may be submitted on this site.

Reposition paragraph 11.7 of the submitted Plan to follow as paragraph 11.8

Policy NP8: Land at Water Lane

- 7.62 This policy is the second of two policies that allocate land for residential purposes. The site lies to the south west of the village to the immediate south of Water Lane. It

is currently in use for employment purposes and the outdoor storage of vehicles and other materials. In contrast to the remainder of the village it has an unattractive appearance and sits rather uncomfortably in its wider context.

- 7.63 During the course of the examination MKC resolved to grant outline planning permission (16/02614/OUT) for the residential development of the site for nine dwellings, two of which will be retirement bungalows. Whilst this application has been submitted and determined much more recently than the equivalent planning application on the allocated site off High Street, the same principles apply to its relationship to the policy in the submitted neighbourhood plan. Given that this policy adopts a very similar format to that of Policy NP7 I will address it in an identical fashion.
- 7.64 Plainly as a matter of fact the integrity of the outline planning application is not directly affected by the preparation of the Plan. I recommend a modification to the supporting text to this effect. Given my comments in the previous paragraph I will address the details components of the policy and its criteria in turn within the context of its appropriateness in playing a part in determining any new or revised applications on this site.
- 7.65 The second part of the policy requires a mechanism to be agreed to enable persons with an established local connection to have first option (and for three months) on the purchase of open market housing. Whilst I can understand the approach adopted it does not have regard to national planning policy. There is no such mechanism for such an approach to be imposed in the NPPF. Whilst its paragraph 50 indicates that provision should be made for a mix of housing, that the size, type, tenure and range of housing should be identified and that affordable housing is provided where necessary, the approach set out in the Plan is neither identified nor recognised. I recommend that this component of the policy is deleted. The deletion of this component of the policy does not necessarily prevent this approach from being adopted either by a developer on a voluntary basis or through a negotiated planning obligation directly with MKC. This has been the case as part of the determination of the recent planning application.
- 7.66 The third part of the policy refers to the potential need to provide affordable housing to MKC standards. This is entirely appropriate and meets the basic conditions.
- 7.67 The first five criteria in the policy are based around the need to provide specific details as part of planning applications. They address traditional planning matters that are associated with the development of housing allocations on the edge of villages. I am satisfied that they meet the basic conditions and are distinctive to the site. Whilst they would not directly impact on the determination of any reserved matters application that may be submitted pursuant to the extant outline planning permission they would also be factors that would be addressed in the round as part of the submission of these details.

- 7.68 The sixth criterion refers to the need to bring forward appropriate mitigation measures to minimise the risk of flooding on the site. Anglian Water makes some technical comments on the need for foul water treatment and disposal. Whilst this is an important point it is properly addressed in other legislation.
- 7.69 The seventh criterion requires that a financial contribution should be made to support community assets within the village. Nevertheless, there is no direct evidence provided of the need for this housing site to contribute towards community assets. In any event, they are not directly features of local infrastructure that would need to be funded in order to allow the development concerned to proceed as set out in the Community Infrastructure Levy Regulations 2010 (and as updated). As such I recommend that the criterion is deleted. The matter is properly addressed as part of the wider development management process and the associated discussions that take place between proposed developers and MKC. I can see that this process took place as part of the planning obligation discussions in determining the recent application on this site.
- 7.70 The eighth criterion identifies that access into the site is taken from a single point onto Water Lane. This is appropriate and reflects the location and size of the site.
- 7.71 The final criterion requires details of improvements to Water Lane to accommodate the allocated site. This matter is addressed in some of the representations made by residents of Water Lane. I saw first-hand that the Lane is not constructed to modern highway standards. However, as part of its determination of the recent planning application MKC was content that no improvements were necessary to the width, alignment or other features of Water Lane. In particular, its highways engineers commented that the proposed residential development of the site would generate less traffic movements than the existing uses on the site. As such the proposed development, would represent an improvement in terms of the reduction of traffic. On this basis, I recommend the deletion of the criterion.

Delete the second paragraph of the policy (beginning 'Prior to the approval' and ending in 'released to market').

Delete the seventh and ninth criteria in the fourth paragraph of the policy (relating to financial contributions and improvements to Water Lane).

Insert a new paragraph of supporting text to read:

In March 2017 Milton Keynes Council resolved to approve a planning application for residential development on this site (16/02614/OUT) The validity of this outline planning permission is unaffected by the preparation of the neighbourhood plan. The applicant retains the ability to submit a reserved matters application in the usual way. Policy NP8 will apply to any new or revised applications that may be submitted on this site.

Delete paragraphs 11.19 to 11.20 of the supporting text

Policy NP9: Local Economy and Employment

- 7.72 This policy provides a positive context in which existing and new businesses can operate successfully in the Plan area. At its heart is the intention of promoting sustainable commercial activity. The implementation of the policy will assist significantly in promoting the economic dimension of sustainable development in the Plan area
- 7.73 The policy offers general support for economic development and more specific support for particular proposals. The final criterion of this part of the policy is more a clarification criteria of the wider policy rather than a specific type of business that the policy would support. I recommend a modification to address this matter. In doing so it will provide clarity to the decision maker.

Delete the fourth bullet point of the second part of the policy (beginning 'proposals' and ending in 'air pollution')

Replace it as a separate (third) part of the policy to read:

'All business proposals should be designed to ensure that potential light, noise and air pollution issues are addressed and that no unacceptable detrimental impact is created either to the character of the locality of the application site or to the amenities of adjacent residential properties'.

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2031. It is thorough and distinctive in addressing a specific set of issues that have been identified and refined by the wider community. It is positively prepared and includes a range of housing allocations.
- 8.2 Following my independent examination of the Plan I have concluded that the Sherington Neighbourhood Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.
- 8.3 This report has recommended a series of modifications to the policies in the Plan. Nevertheless, it remains fundamentally unchanged in its role and purpose.

Conclusion

- 8.4 On the basis of the findings in this report I recommend to the Milton Keynes Council that subject to the incorporation of the modifications set out in this report that the Sherington Neighbourhood Plan should proceed to referendum.

Referendum Area

- 8.5 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the Milton Keynes Council on 21 April 2015.
- 8.6 It is very clear to me that a huge amount of hard work and dedication has been put into the preparation of this Plan. I am grateful to everyone who has contributed towards the smooth delivery of this examination in general, and the hearing in particular.

Andrew Ashcroft
Independent Examiner
12 May 2017