

Woughton Neighbourhood Plan 2017-2031

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

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Executive Summary

- 1 I was appointed by Milton Keynes Council in March 2017 to carry out the independent examination of the Woughton Neighbourhood Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area 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 provides a context for future Regeneration Programme proposals. These proposals are based around the classic grid squares that characterise this part of the tradition Milton Keynes new town. It also safeguards a Green Infrastructure Network and designates Local Green Spaces.
- 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 Woughton 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
23 October 2017

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Woughton Neighbourhood Plan 2017-2031 (the Plan).
- 1.2 The Plan has been submitted to Milton Keynes Council (MKC) by Woughton Community 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 Community Council, to conduct the examination of the Plan and to prepare this report. I am independent of both MKC and the Community 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 likely to arise as a result of

the production of the Plan. On this basis, it was concluded that the Plan does not need to be subject to Strategic Environmental Assessment

- 2.7 The required consultation was carried out with the three prescribed bodies. Replies were received from the Environment Agency and Natural England.
- 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. As such the Appropriate Assessment of the Plan was not required.
- 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 The information submitted with the Plan is very comprehensive. In undertaking this examination, I have considered the following documents:

- the submitted Plan.
- the Basic Conditions Statement.
- the Consultation Statement
- the SEA Screening Statement and the Appropriate Assessment Screening (November 2016)
- the Character Study of Woughton
- Housing Needs Assessment Woughton Community Council
- 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).
- relevant Ministerial Statements.

3.2 I carried out an unaccompanied visit to the Plan area on 12 April 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 Plan could be examined in this fashion. I advised MKC of this decision in the initial phase of the examination.

3.4 This is a revised report on the Plan. The original report was sent to MKC in June 2017. This report includes my commentary on a further representation to the Plan which MKC has asked me to address. The details on this matter are set out in paragraph 4.9 of this report.

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. In particular, it addresses the relationship between the preparation of the Plan and the on-going regeneration plan for the area
- 4.3 The Statement sets out details of the wider consultation events that has 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 appointment of a professional consultancy team
 - The establishment of a Steering group in 2015, consisting of representatives of the parish Council, one representative for each estate, a planning officer from MKC and a representative from MK University Hospital.
 - The Q&A event in July 2015 to introduce residents to the Plan
 - A first round of consultation (July to November 2015)
 - A second round of consultation (March to June 2016)
- 4.4 The Consultation Statement provides very useful information about the methods of community engagement (Annex B). It provides evidence about household and online questionnaires, drop in sessions, the use of a quarterly newsletter and a series of workshops, outreach events and supporting publicity. Annex E and G summarise the responses made to the pre-submission Plan and how they were taken into account in the preparation of the submission Plan.
- 4.5 Your Mk raise several related representations about its interpretation of the integrity of the consultation process. In particular, it argues that comments made do not fully represent those of a statistically significant proportion of the population. The issue of the scale and extent of the consultation response is one that is actively addressed by the Community Council in the Consultation Statement. Nevertheless, it is important to assess the consultation process in the round. At the initial consultation stage 812 unique comments were received from 309 individual responses. At the pre-submission Plan stage, there were 2169 individual comments from 126 responses. In

any event my role as examiner is to assess the submitted plan against the requirements of the Neighbourhood Planning Regulations. MKC will make its own decisions on the scale and extent of the consultation processes for its own Regeneration Programme.

- 4.6 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. I am satisfied that the consultation process has been both appropriate and fit for purpose.
- 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, in its capacity as the local planning authority, 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 10 April 2017. This exercise generated comments from the following persons and organisations:
- Virginia Bell
 - Emberton Parish Council
 - Aylesbury Vale District Council
 - Natural England
 - Peter Hobson
 - Milton Keynes Council (Planning Policy)
 - Milton Keynes Council (Your MK- Regeneration Team)
 - Campbell Park Parish Council
 - New Chapter Primary School
- 4.9 In September 2017 MKC asked me to consider an additional representation to the Plan from the Canal and River Trust. For administrative and technical reasons, it had not been provided to me as part of the main examination process. I have considered the representation and amended the report accordingly. The changes are addressed in paragraphs 7.28 and 7.64 of this updated report. In particular I have recommended a modification to the text of paragraph 3.22 of the Plan which was not included in the initial report.
- 4.10 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 south and east of Milton Keynes city centre. It covers the entire parish of Woughton. Woughton has a population of around 13300 persons living in the communities of Netherfield, Eaglestone, Beanhill, Tinker's Bridge, Peartree Bridge Leadenhall and Coffee Hall. There are also significant industrial estates at Bleak Hall and Redmoor. The Plan area also includes the City's hospital and major schools. It was designated as a neighbourhood area on 13 January 2015.
- 5.2 The Plan area is characterised by its grid layout. This layout is very distinctive and creates very separate communities within each grid square. The communities of Coffee Hall, Bean Hill and Netherfield in particular are defined by their tight knit grid plan layouts. These are typical of the earlier phases of the development of the Milton Keynes new town. The geography of the Plan area directly underpins several of its policies. It has resulted in a very interesting and unique plan.
- 5.3 Four of the seven residential estates in the Plan area have been identified by MKC as part of a major 15-year Regeneration Programme. Achieving a relationship between this Programme and the production of a neighbourhood plan has been an ongoing issue as the Plan has been prepared. The view adopted in the submitted Plan is to maintain the distinct characteristics of the grid squares, to seek to improve their self-sufficiency and to protect their green infrastructure and open space.

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. The policies within the Core Strategy are the strategic policies with which the Plan will need to be in general conformity.
- 5.5 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. In summary, the most relevant Core Strategy policies are as follows:

- CS1 Development Strategy
- CS8 Other Areas for Change
- CS10 Housing
- CS12 Developing successful neighbourhoods
- CS13 Ensuring High Quality, Well Designed Places
- CS17 Improving Access to Local Services and Facilities
- CS19 The Historic and Natural Environment

- 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 review/replace the saved policies in the 2005 Local Plan. This emerging Plan does not have direct effect on the regeneration programmes associated with the grid squares in the Plan area.
- 5.7 The submitted Plan has a strong relationship to the adopted Core Strategy. Its promotion of high-quality, distinctive regeneration proposals contributes significantly to the delivery of the policies set out in section 5.5 of this report. In doing so it seeks to improve the lives of existing residents, to continue the approach to managing sustainable neighborhoods and to safeguard important open spaces.
- 5.8 The Plan has an appropriate and effective approach towards environmental and design matters. Its policies WN5/6/9/10/18 have strong delivery overlaps with Core Strategy policy CS13 (ensuring high quality, well-designed place). This gives all concerned the assurance that a Plan with a clear regeneration agenda is also sensitively addressing its urban characteristics and its broader townscape setting.

Site Visit

- 5.9 I carried out an unaccompanied visit to the Plan area on 12 April 2017. I approached the Plan area from the M1. In doing so I was able to see the relationship between the Plan area, the strategic highway network and the city centre itself.
- 5.10 I looked initially drove to the Peartree Bridge Grid. I saw the marina and its relationship to the canal. I then walked along Waterside to look at the housing designs and to see the proposed Canal local green space.
- 5.11 I then drove to Tinkers Bridge to look at the housing layout and the proposed local green space. I then drove to Netherfield. I saw the interesting use of land levels in the original layout of buildings of between one and three storeys in height. I spent some time looking around the Local Centre and the range of facilities on offer. It was clearly at the heart of the local community. I also saw the extensive proposed local green space to its south and its relationship to the local centre.
- 5.12 I then drove to Bean Hill. I saw the characteristic chalet-style houses with their lattice fences separating one garden from another. I found both Rainbow Park and Tinman Park and saw that they were being extensively used.
- 5.13 I then drove to Coffee Hall and saw its own interpretation of the early Milton Keynes new town grid layout. I saw the extensive primary school at its southern tip. I then made my way into Leadenhall to its north. I saw the more modern housing types and layouts and the Milton Keynes College Campus and the Milton Keynes Academy. I then looked at the industrial areas of Bleak Hall and Redmoor. This aspect of my visit helped me to understand the basis of policy WN14 more fully.

- 5.14 I then drove to Eaglestone. I saw the hospital and the residential area to its north. I saw that it was very different in form and character from Netherfield, Bean Hill and Coffee Hall.
- 5.15 At various points during the visit I was able to look at the variety of open spaces and proposed local green spaces. They provide a strong green infrastructure to the environment of the Plan area.
- 5.16 In order to get a full impression of the Plan area I looked briefly at some of the grid squares and land uses around its boundaries in general, and to the north in particular.

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
- Encouraging the effective use of land by reusing land that has been previously developed (brownfield land)
- Actively managing patterns of growth to make the fullest use of public transport, walking and cycling
- Taking account of and supporting local strategies to improve health, social and cultural wellbeing for all

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 provide a context for future planning applications and redevelopment proposals in the Plan area. It also has a particular focus on safeguarding green infrastructure, open spaces and Redways and other footpaths. Table A 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 has regard to 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 policies to establish parameters for new housing development (WN 9/10). It also promotes employment development within the Bleak Hall and Redmoor Grid Squares (WN14) and within Local Centres (WN15). In the social role, it includes policies on education and community facilities (WN17/19). In the environmental dimension the Plan safeguards play and activity areas and trees in the public realm (WN5 and 7). It identifies a variety of local green spaces (WN6) These and other matters are helpfully set out in Table B 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 proposes 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. I recommend modifications to two policies that I do not consider to be land use later in this section.
- 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 and 2 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.
- 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 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 and follow on from the vision and objectives.

Policies in General

- 7.11 The plan includes 22 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 WN1 Distinctive Grid Squares

- 7.12 The policy sets out a strategic context to development in the Plan area. It identifies the primary uses within each of the Grid Squares that make up the Plan area. It then comments that development proposals will be supported where they are consistent with the primary use of each of the grid squares. The policy reflects the spatial pattern of this part of Milton Keynes and the distinctive nature of the grid squares.
- 7.13 MKC contends that the policy does not have the clarity to achieve the second of the objectives set out in the supporting text at paragraph 3.5 of the Plan. Whilst I understand the issue raised I am satisfied that the policy meets the basic conditions. Its purpose is to provide a degree of structure to the range of development that may come forward in the Plan period. There is nothing in the general descriptions of the Grid Squares that do not accord with my own observations of the Plan area. In addition, I am satisfied that the second part of the policy is sufficiently flexible to provide a policy context to development throughout the Plan period. This is articulated in paragraph 3.7 of the Plan.

Policy WN2 Medical Facilities

- 7.14 This policy offers support for the expansion of the Milton Keynes Hospital. In addition, it offers support for new medical facilities at Coffee Hall.
- 7.15 This policy reflects the current and potential future growth plans of the Hospital. It is a key land use in the Eaglestone Grid Square. Whilst there are no definitive plans at this stage for the expansion of the hospital into the Coffee Hall grid square the

second part of this policy provides a supportive context for that to take place if required.

- 7.16 The policy will make a very significant contribution to the delivery of the social dimension of sustainable development. It meets the basic conditions.

Policy WN3 Sustainable Grid Squares

- 7.17 This policy has two separate components. At the heart of the wider policy is an ambition to ensure that each grid square becomes more self-contained. Paragraph 3.11 of the submitted Plan makes reference to the importance of this matter as captured in Policy CS12 of the Core Strategy.
- 7.18 The first part of the policy offers support for new commercial, business and community uses in each grid square where they are of a scale to meet the needs of the area. This part of the policy meets the basic conditions. It will provide a positive context for the promotion of a wide range of activities that will have an important role to play in the sustainability and the regeneration of the Plan area.
- 7.19 The second part of the policy sets out that proposals that would lead to a net loss of existing commercial, business or community uses in each residential Grid Square will be resisted. MKC has made a representation on the inflexibility of the policy. I share its concerns. As drafted the policy takes no account of the range of viability considerations that will inevitably underpin the wide variety of commercial decisions that will be reached based on this policy. Viability is a key component of the NPPF. It may also have unintended consequences if it were to be applied literally by MKC in its capacity as the local planning authority. On the one hand, otherwise acceptable proposals may be resisted. On the other hand, planning permissions may be required to replace floorspace of a particular kind that was either not being used or where local residents were already using equivalent facilities elsewhere. This approach would ultimately be counter-productive. Policy CS12 of the Core Strategy sets out to ensure that new developments and major redevelopment should be designed to support sustainable lifestyles for all. Whilst that policy encourages the siting of key day to day facilities in locations easily accessible on foot, by bike and by public transport it does not include the absolute guidance as proposed in the submitted neighbourhood Plan. The challenge for the regeneration programme in the Plan area will be to meet the various criteria in Core Strategy Policy CS12.
- 7.20 I recommend a series of modifications to address these matters. I recommend that a viability test is introduced into the second part of the policy. I also recommend that the policy allows the decision-maker to take account of either the use of existing facilities in adjacent grid squares or for associated or separate planning applications to replace the facility concerned within adjacent grid squares.

**Insert 'Subject to viability' at the start of the second paragraph of the policy.
Replace 'be resisted' with 'not be supported'.**

Add at the end of the policy:

‘unless either:

- **The facility has been or will be replaced by an equivalent facility within an adjacent grid square; or**
- **The facility concerned is no longer viable’.**

In the final sentence of paragraph 3.13 replace ‘a new facility.... Grid Square’ with ‘it is assessed against the opportunities that exist to replace the facility to be reduced in scale or lost within an adjacent grid square and an assessment of its inherent viability’.

Policy WN4 Green Grid Squares

- 7.21 This policy defines a series of parklands, open spaces and Redways as a Green Infrastructure Network. It then offers support to proposals that would enhance its environmental or recreational value and resists proposals that would harm the network.
- 7.22 I saw much of this network on my visit to the Plan area. It provides a richness to the local street scene. The approach adopted is entirely appropriate. I recommend a modification to ensure that the decision-maker has appropriate flexibility to determine the wide range of proposals that may come forward within the Plan period. As drafted the policy is very absolute.

In the second part of the policy replace ‘be resisted’ with ‘not be supported’.

Policy WN5 Play and Activity Areas

- 7.23 This policy offers support to proposals to create new play and activity areas. The second part of the policy comments that proposals that would require the loss of existing play areas will only be supported where they are replaced within the same Grid Square and to the same area and quality.
- 7.24 I am satisfied that this policy meets the basis conditions. Its purpose is very different to that of Policy WN3 where I have recommended modifications. In my view, it would be both unreasonable and unsafe to encourage children to be expected to visit play areas outside the grid squares in which they live. In any event this policy will make a significant contribution to the delivery of the social component of sustainable delivery in the Plan area.

Policy WN6 Local Green Spaces

- 7.25 This policy identifies a series of local green spaces (LGS) throughout the Plan area. Annex D of the Plan makes a very comprehensive assessment of each of the proposed LGSs against the criteria set out in the NPPF. This is best practice.
- 7.26 Paragraph 3.23 sets out the approach that the Plan has adopted in balancing the retention of open spaces with emerging regeneration proposals (addressed later in the Plan and this report). On this basis, some land that may otherwise have met the LGS criteria tests have not been designated in the Plan.
- 7.27 I saw many of the LGS as part of my visit to the Plan area. I saw that, in their different ways, that they sat at the heart of the communities that they served within their Grid Squares. The Eaglestone Local Park and the Alphabet Park are good examples of LGS fulfilling this function. All of the proposed LGS with the exception of the Grand Union Canal Corridor LGS comfortably meet the three criteria set out in the NPPF and therefore meet the basic conditions.
- 7.28 At 15.78 ha the proposed Grand Union Canal Corridor LGS is significantly bigger than the other identified LGSs. In addition, it is well beyond the size of a LGS anticipated to be 'local in character and not an extensive tract of land'. The representation submitted by the Canal and River Trust provides detailed commentary on the proposed designation of the Grand Union Canal Corridor LGS. It helpfully describes its charitable role and functions. It also advises that it has permitted development rights which would remain unaffected by the proposed designation. The Trust sets out its concerns about the implications of LGS designation. In particular it argues that the application of 'Green Belt policies within these areas may restrict the ability of the Canal & River Trust and other landowners to provide facilities on the off-side of the canal that support active and thriving waterways'. It suggests that examples would be for outdoor sports and recreation facilities (where these in some way impinge on openness) or facilities associated with moorings. The Trust's specific reservation about the designation reflect its clearly-defined responsibilities and the distinctive nature of the proposed LGS. The Community Council and the Trust are in agreement about the role of the canal in visual terms and the footpath in access and recreational terms. There is a common desire to protect this valuable asset. The Trust's concern is in relation to possible unintended consequences of the policy. I recommend modification to the supporting text to address this important matter. Nevertheless, I am content that the designation of the Grand Union Corridor (LGS-k) meets the basic conditions in terms of how it is defined in the Plan. It represents key elements of the eastern boundary of the Plan area and acts as an important visual and recreational facility within the wider area. Furthermore, whilst the Plan describes it as a single LGS it is in effect a series of separate LGSs each within its own separate context and environment.

In 3.22 final sentence delete 'on'

Insert the following additional supporting text at the end of paragraph 3.22:

'The designation of sections of the Grand Union Canal as local green space reflect its very distinctive nature within the environment of the Plan area. It is a significant part of its built heritage. The canal and its footpaths offer extensive opportunity for

recreation and accessibility both to local residents and to visitors in canal and house boats. The designation of the area as local green space is not intended to hinder the normal operational requirements of the Canal and River Trust in general, and the provision of mooring facilities, recreation facilities and general maintenance work in particular.

Policy WN7 Trees in the Public Realm

- 7.29 This policy sets out to safeguard existing mature trees and groups of trees unless their loss is unavoidable and replacements will be provided in the same locality. The policy helpfully reflects commentary at the pre-submission phase of the Plan.
- 7.30 The policy will represent a major element in delivering the environmental dimension of sustainable development in the Plan area. It meets the basic conditions.

Policy WN8 Community Gardens, Allotments and Orchards

- 7.31 This policy offers support for the creation of new community gardens, allotments and orchards in the Grid Squares primarily in residential use. In doing so it requires that 'proper provision' is made for off street parking.
- 7.32 As submitted the policy does not have the clarity required by the NPPF on its car parking requirements. There is no basis against which either the investor or the decision-maker can apply the policy in a consistent fashion. I recommend a modification so that the policy refers to MKC policies.

Replace 'proper provision' with 'that provision is made to Milton Keynes Council standards'

Policy WN9 Housing Design

- 7.33 This policy sits at the very heart of the Plan. It represents the community's views on the type of regeneration programmes that should come forward in the Plan period. The Plan comments that the community has a strong desire to retain the grid square network that is characteristic of this classic New Town style.
- 7.34 This translates into a policy which sets out a series of design principles for new residential proposals. They include grid square principles, building heights, building forms, garden and parking arrangements and street layouts.
- 7.35 MKC express concern about the impact of this policy on its wider regeneration proposals in general, and its impact on commercial viability in particular. I sought clarification from MKC and the Community Council on this point given its importance

to the delivery of the Plan and the wider regeneration proposals throughout the neighbourhood plan period.

- 7.36 On the basis of the evidence available to me I am satisfied that the Plan has been prepared with a view to assisting in the development of imaginative and interesting regeneration proposals. It is on this basis that the policy has been designed to have a flexible approach. It sets out to encourage creativity and innovation in emerging regeneration proposals within the Plan area. I am satisfied that this approach meets the basic conditions. One of the 12 core planning principles in the NPPF (paragraph 17) is ‘(always seek) to secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings’. Furthermore, the approach adopted in the policy has regard to the more detailed design elements of the NPPF. In particular, it plans positively for high quality and inclusive design (paragraph 57), it has developed a robust and comprehensive policy (paragraph 58), it proposes outlines of design codes (paragraph 59) and does so in a locally distinctive yet non-prescriptive way (paragraph 60).
- 7.37 Nevertheless I recommend a series of modifications to the policy so that it has the clarity required by the NPPF. In doing so I acknowledge that the Community Council has advised that its intention to introduce a degree of flexibility into the policy has resulted in the use of language such as ‘reasonably’ and ‘occasionally’. In these circumstances this approach is appropriate as detailed schemes are not yet available. I recommend the deletion of ‘seek to’ in the initial part of the policy. The flexibility in the policy should stem from the application of the criteria rather than the backbone of the policy itself. I also recommend the deletion of the part of criterion a) which is supporting text rather than policy. I also recommend that the criterion on cul-de-sac road layouts should be more prescriptive to add clarity.
- 7.38 I am satisfied that the Community Council has properly addressed the issue of viability. In its response to my clarification questions it comments that it has neither been possible nor necessary to undertake viability testing given that the policy has avoided specifying a single design solution. Nevertheless, it is important that the supporting text makes reference to the balance that will inevitably need to be struck between design and affordability/viability in the roll out of regeneration proposals. Plainly this will be a matter for MKC, the Community Council and local residents to address throughout the Plan period. I recommend additional text accordingly.

In the opening part of the policy delete ‘seek to’

In criterion a) delete ‘to maintain...identities’

In criterion h) replace ‘should be limited’ with ‘will not normally be supported’

Insert the following additional text after the first sentence in paragraph 3.33:

Nevertheless, the viability or otherwise of emerging regeneration proposals will be an important consideration in the deliverability of the Plan’s vision. Whilst financial matters should not compromise the quality of such emerging proposals it is important that proposals are both viable and deliverable. In doing so it will be important that all

parties concerned share evidence and information so that informed judgements can be made on these matters'

Policy WN10 Housing Mix in Regeneration Squares

- 7.39 This policy raises a similar set of issues to those raised in the previous policy. In this case, its focus is on the housing mix in regeneration proposals.
- 7.40 This translates into a policy which sets out a series of housing mix design principles for new residential proposals. These principles include house sizes, the need for flatted accommodation, the need for bungalows, meeting the needs of older people and the provision of plots for custom builders. There is also a specific criterion requiring that there will be no net loss in the number of social rented homes in any one grid square.
- 7.41 As with policy WN9 I recognise that the Community Council is setting out general principles rather than designing specific proposals on a grid square by grid square basis. In this case, the focus is on seeking to ensure that the community's identified housing needs as captured in the Housing Needs Assessment report are adequately addressed in future regeneration proposals. I am satisfied that the Community Council has properly addressed the issue of viability. In its response to my clarification questions it comments that it has neither been possible nor necessary to undertake viability testing given that the policy has avoided specifying a single design solution. Nevertheless, it is important that the supporting text makes reference to the balance that will inevitably need to be struck between housing mix and house types and affordability/viability in the roll out of regeneration proposals. Plainly this will be a matter for MKC, the Community Council and local residents to address throughout the Plan period. I recommend additional text accordingly.
- 7.42 I recommend modifications to the policy itself. The first is to criterion e) which addresses the retention of the numbers of social rented homes in each grid square. Its ambition is clear. Nevertheless, it does not take account of the very different circumstances that will affect the delivery of social housing throughout the Plan period as opposed to those that were in place when the original new town was developed. A degree of flexibility is important on this matter to ensure that resulting regeneration schemes are viable. In addition, other elements of the policy (such as the development of custom building plots and new houses to suit the needs of older persons) may assist in delivering specific types of housing to meet these needs.
- 7.43 The second is in relation to criterion g) which requires that at least 5% of all new open market homes in each grid square shall be provided as serviced plots for custom builders. Whilst this approach is appropriate it should be flexibly applied so that land is not otherwise left undeveloped if the need does not exist. The third is in relation to criterion h) which addresses the needs of older persons. I recommend that its wording is modified to bring the clarity required by the NPPF. As submitted the use of the word 'portion' is unclear. In any event the needs of older persons should be a

general matter rather than one which informs the occupancy of only a 'portion' of new homes.

Replace criterion e) with the following:

'In each grid square all existing social rented homes will either be retained or replaced by another social rented home. Variations from this principle will only be supported where economic and technical viability information supports such an approach or where other types of housing adequately address the housing needs of the community'.

In criterion g) insert the following at the start:

'Subject to evidence of demand'

In criterion h) replace 'A portion of new houses' with 'The size and arrangement of new dwellings'

Insert the following additional text at the end of paragraph 3.38:

Whilst financial matters should not compromise the quality of such emerging proposals it is important that proposals are both viable and deliverable. In doing so it will be important that all parties concerned share evidence and information so that informed judgements can be made on these matters.'

Policy WN11 Houses in Multiple Occupation (HMOs)

- 7.44 This policy sets out to provide a degree of local refinement to policy CS10 of the Core Strategy, Policy H10 of the Local Plan and the 'Houses in Multiple Occupation' Supplementary Planning Document (SPD) of 2012. In doing so it attempts to balance social needs with the amenity issues associated with such type of accommodation.
- 7.45 The adopted SPD provides detailed advice on the issue of the acceptable concentration of HMOs in any given locality. It establishes a flat figure that HMOs shall not exceed 35% of the total number of dwellings within 100 metres of the application property. The neighbourhood plan seeks to reduce this figure to 20% in certain defined grid squares. MKC is content in principle that the policy is in general conformity with the development plan whilst at the same time raise queries about the applicability of this approach through the neighbourhood plan process. On the latter point I am content that the issue is a land use matter and that householders and investors have had an opportunity to comment on the evolution of the policy.
- 7.46 I recommend modifications to the policy itself and to the supporting text. As submitted the policy is both unclear in its application and in its relationship to the development plan and the associated SPD. In particular, it needs to highlight the policy differences between the grid squares in which the normal SPD threshold of 35% will apply and those grid squares where the lower 20% threshold would apply. The modifications also recommend using an identical language to that already set out in the adopted

SPD. The supporting text in paragraph 3.46 as drafted is open to different interpretations and which I address by way of a recommended modification.

Replace the policy with the following:

Proposals to create Houses in Multiple Occupation or for the subdivision of houses into flatted accommodation will be supported where:

In the Tinker’s Bridge, Peartree Bridge and Netherfield Grid Squares the number of houses in multiple occupation does not exceed 20% of the total number of properties within a 100-metre diameter buffer of the application property

In the Eaglestone, Leadenhall, Coffee Hall and Bean Hill Grid Squares the number of houses in multiple occupation does not exceed 35% of the total number of properties within a 100-metre diameter buffer of the application property.

In all cases proposals should demonstrate compliance with the Milton Keynes Council Supplementary Planning Document: Housing in Multiple Occupation (April 2012) in general and how they address any increase demand for car parking spaces arising from the development in particular.

Replace paragraph 3.46 as follows:

The SPD sets out to ensure that HMOs do not become overly-concentrated in any one part of the City. It does so by requiring that the number of HMOs should not exceed 35% of the total number of properties within a 100-metre diameter buffer of any planning application property. Policy WN11 applies the threshold in the particular grid squares as identified. In the grid squares where the issue is more acute a more restrictive figure of 20% is applied. In both cases these thresholds will have development plan status.

Policy WN12 Redways and other footpaths

- 7.47 This policy supports the extension of the network of Redways. It also resists any obstruction or removal of Redways, established public footpaths and off-street pedestrian routes. In relation to the latter the policy provides a degree of flexibility where the proposal incorporates a diversion of the route.
- 7.48 The policy overlaps with Policy WN4. It will make its own contribution to the social dimension of sustainable development in the Plan area. I recommend modifications to the policy to the same effect and for the same reasons as those recommended in respect of policy WN4.

In both parts of the policy replace ‘be resisted’ with ‘not be supported’

Policy WN13 Bus Routes and Facilities

- 7.49 This policy has two separate components. This first requires that any redevelopment proposals in primarily residential grids that result in a reorganisation of the road network should make provision to enable the routeing of bus services linking it to

Central MK and Stadium MK. I am satisfied that this part of the policy meets the basic conditions. In particular, it is land use based in its focus on the ability of the layout of the regenerated area provide access for bus routes. It provides the context within which commercial operators can make decisions about the routeing of bus services.

- 7.50 The second part of the policy offers support to proposals to establish a bus exchange at the Hospital or near the Netherfield Local Centre. This also meets the basic conditions. Both parts of the policy will have the ability to contribute to the social and the economic dimensions of sustainable development.

Policy WN14 Competitive Grid Squares

- 7.51 This policy applies to the existing business areas at Redmoor and Bleak Hall. It supports proposals to intensify the existing business uses or for new business development. The policy also resists other proposals unless they are ancillary to the primary business use of these two areas. Paragraph 3.55 of the Plan clarifies that the primary purpose of the second part of the policy is to resist residential proposals. The Plan contends that new residential uses would be inappropriate in these predominantly business areas.
- 7.52 Whilst the NPPF is keen to promote both business and housing growth I am satisfied that this policy meets the basic conditions. In particular, it is in general conformity with Policy CS3 of the Core Strategy (important employment locations) and with Policies CS15/16 which promote economic development. The policy also properly takes account of current permitted development rights.
- 7.53 The second sentence of the policy is unclear as drafted. I recommend a modification so that it is clear that proposals for non-business use may be supported where they are ancillary to the primary business use of the two grid squares and would not create an amenity issue between the differing uses.

In the second sentence of the policy replace ‘will be resisted.... business use’ with ‘will not be supported unless they are both ancillary to the primary business use of the Grid Square concerned and where they would not create an amenity issue between its primary business use and the proposed new use’.

Policy WN15 Grid Squares Local Centres

- 7.54 This policy has three related elements. The first offers support for extensions to identified Local Centres. The second requires that any redevelopment that involves the loss of an existing Local Centre should be accompanied by proposals for its replacement. The third seeks to restrict new hot food take away outlets and betting shops in residential grid squares where such a use already exists.
- 7.55 The first part of the policy is appropriate. I recommend a modification to provide clarity on the levels of car parking required.

- 7.56 The second part of the policy is appropriate in principle. It might reasonably be expected that any wider regeneration proposals that involved the loss of an existing Local Centre would involve its replacement elsewhere within the grid square. Nevertheless, the policy goes further than requiring a replacement facility by requiring that it provides additional commercial, office, workspace and live/work units. In some cases, this may naturally arise. In other cases, it may not arise due to a wide range of locational and viability issues. I recommend the deletion of this part of the second component of the policy. There is no evidence that the implications of the policy have been tested on viability grounds. Similarly, no assessment has been carried out on the ability of replacement or indeed reduced modern, purpose-built floorspace to fulfil the objectives of a Local Centre in a more efficient way. In addition, the literal application of this policy would cause otherwise acceptable proposals to be refused planning permission.
- 7.57 The third part of the policy seeks to resist the introduction of new hot food take-away outlets and betting shops. It is not the role of the planning system to make judgements on the quality of the cuisine offered by the hot food take-aways and the morality of betting shops. Nevertheless, on balance, I am satisfied that this part of the policy has a land use planning basis. As the submitted Plan comments the policy seeks to implement Policy CS18 of the Core Strategy which itself aims to reduce deprivation and health inequalities. I recommend a modification to this part of the policy so that it does not adopt an absolute approach.

In the first part of the policy replace ‘proper provision’ with ‘that provision is made to Milton Keynes Council standards’

In the second part of the policy replace ‘of a net.... associated car parking’ with ‘of an equivalent size and scale’.

In the third part of the policy replace ‘be resisted’ with ‘not be supported’

Policy WN16 Netherfield Local Centre

- 7.58 This policy has a focus on the Netherfield Local Centre. I looked at this facility as part of my visit to the Plan area. The policy provides a positive context for the promotion of new commercial, office, workspace or live/work units as part of an expansion of the Local Centre. It also supports the creation of residential accommodation on the upper floors of any new workspace. The second part of the policy also sets out an expectation for the delivery of equivalent floorspace in the event that the existing Local Centre is incorporated into a redevelopment project.
- 7.59 The approach adopted is entirely appropriate and distinctive to this part of the Plan area. I saw from my visit that it was a vibrant area at the very heart of the community. I recommend a modification to the same effect and for the same reasons as those recommended in respect of policy WN8

Replace ‘proper provision’ with ‘that provision is made to Milton Keynes Council standards’

Policy WN17 Education Facilities

- 7.60 This policy provides a positive context within which existing secondary, further and higher educational facilities can expand or where new facilities can be created in Leadenhall. I saw the concentration of the existing facilities when I visited the Plan area. This policy reflects this existing situation and the importance of this area as the City continues to expand. It sets out a series of criteria against which proposals can be assessed.
- 7.61 I recommend a series of modifications to the various criteria so that they have the clarity required by the NPPF.

In a) replace ‘proper’ with ‘appropriate’ and add ‘based on the scale of the development concerned’ at the end of the criterion

Replace d) with ‘will not detrimentally impact on the amenity of residential properties in the locality’

Policy WN18 Community Facilities

- 7.62 This policy has four component parts. The first offers support to existing community facilities. The second requires that any proposals for the redevelopment of the existing MK College site at Leadenhall for residential development should provide a new community facility. The third offers support for a new community facility at Peartree Bridge. The fourth requires that any redevelopment proposals that would affect an existing community facility should provide a replacement facility to an equivalent size.
- 7.63 I am satisfied that the first component of the policy is appropriate both in its approach and in relation to the community facilities to which it applies. I recommend that the policy should make a direct reference to the identified community facilities in Appendix A.18 of the Plan. Otherwise the decision maker will not have the clarity required by the NPPF. I also recommend a modification to clarify the amount of car parking required. I sought clarification from MKC and the Community Council on the second criterion. The responses have helped me to understand the philosophy behind the policy and the extent to which the requirement would have regard to national policy. For clarity, I recommend a modification to this part of the policy so that it has regard to the Community Infrastructure Levy Regulations 2010. I am satisfied that the third component of the policy meets the basic conditions. The fourth component of the policy is also appropriate in principle. I can see that it provides a local dimension to Policy CS17 of the Core Strategy. Nevertheless, I recommend that its requirements are limited to the provision of an equivalent floorspace for the same reasons as I have set out in relation to Policy WN15 (paragraph 7.56).

- 7.64 The representation submitted by the Canal and River Trust provides detailed commentary on the proposed identification of the Marina and Canal as community facilities. It draws an important distinction between the built marina and its wider canal landscape, and the distinction between the facilities within the marina. It is clear that some of the facilities within the marina are not community facilities in the generally-accepted sense. They are of an operational nature and are only available to boaters visiting the marina. I recommend modifications to the supporting text to clarify this point. I also recommend that details of the community facility in Appendix A is modified to delete any reference to the canal waterway itself. Plainly it is not a built facility to which the policy refers and its redevelopment and replacement elsewhere (as addressed in the fourth part of the policy) would be impractical.

In the first part of the policy replace at ‘Netherfield.... Policies Map’ with ‘as set out in Appendix A.18’

In the first part of the policy replace ‘proper provision’ with ‘that provision is made to Milton Keynes Council standards’

In the second part of the policy delete ‘only’ and include the following at the end:

‘The new facility should be fairly and reasonably related in scale and kind to the development proposed on the College site.

In the fourth part of the policy replace ‘of at.... area’ with ‘of an equivalent floorspace’

In Appendix A.18 replace the existing entry on the canal/marina with ‘Marina, Peartree Bridge’

Include the following additional supporting text at the end of 3.65:

‘The canal marina in Peartree Bridge contains a range of different uses. Some are of an operational nature and are only available to boaters using the facility in a commercial fashion. Other uses (the public house, take away and the laundry) are available both to boaters and the wider community. For clarification, this policy relates only to the public facilities within the building.’

Policy WN19 Primary Schools

- 7.65 This policy provides a positive context within which the local primary schools can expand. It also identifies that additional demand for primary school places will be met through the expansion of one or more of the existing schools rather than through the development of a new school site.
- 7.66 As drafted this policy extends its role from a land use planning policy into one which MKC exercises as the education authority. The decision on the future educational policy and provision in the Plan area is not a land use policy. On this basis, I recommend the deletion of the first part of the policy and a modification to the supporting text.

Delete the first part of the policy

In the second part of the policy replace ‘a’ with ‘existing’ and ‘school’ with ‘schools’.

Delete ‘therefore’.

Replace ‘proper provision’ with ‘that provision is made to Milton Keynes Council standards’

Delete the final sentence

Replace paragraph 3.68 with:

The community’s expectation is that the extra demands of a growing school age population and/or new residential development will be met by expanding one or more of the existing primary schools in the Plan area. They are already at the heart of social and community life in the neighbourhood area and respond to its needs. There is no support for the establishment of a new primary school in the Plan area. Policy WN19 provides a positive context within which the land-use component of this approach can be facilitated and supported.

Policy WN20 Regeneration: Refurbished Housing

- 7.67 This policy has two elements. The first supports proposals for the refurbishment of existing houses in general, and the energy efficiency of existing living spaces. The second offers support for small scale housing development subject to criteria.
- 7.68 The implementation of the first part of the policy is likely to be achieved through permitted development and without the need for the submission of planning applications. Nevertheless, subject to recommended modifications I am satisfied that the policy should remain in the Plan so that it can provide a context to proposals that do require planning permission.
- 7.69 The second component of the policy seeks to make the best use of urban land in general. Paragraph 3.72 comments that the approach may allow a better use of under-used and poorly located open spaces and help to finance the wider regeneration programme. It would support infill schemes where such proposals did not affect land designated either as part of the Green Infrastructure Network (WN4) or as local green space (WN6) and if they will lead to no more than 25% net loss of the existing total area of public open space in any one Grid Square. This approach has attracted a representation from Natural England. It expresses concern that the policy does not have regard to paragraph 109 of the NPPF and to Core Strategy Policy CS19.
- 7.70 The Community Council has suggested that the potential 25% net loss of existing areas of public open space would be monitored through the implementation of the regeneration programmes. Whilst I do not doubt that this would be possible to achieve it places an onerous responsibility on the developer. Equally it is important that the policy has regard to national policy (as advised by Natural England) and is in general conformity with strategic policies in the development plan. On this basis, I recommend that the second part of the policy is modified so that it adopts a format that overlaps with other policies in the Plan and has regard to national policy.

In the first part of the policy add ‘Insofar as planning permission is required’ at the start of the policy

Replace the second part of the policy with:

Proposals for small scale infill housing development will be supported subject to the following criteria:

- **They do not conflict with the Green Infrastructure network as defined in policy WN4 of this Plan;**
- **They do not involve the loss of land identified as Local Green Space as defined in Policy WN6 of this Plan or otherwise affect the attractiveness or openness of any defined Local Green Space; and**
- **They make appropriate provision elsewhere to ensure that biodiversity resources are safeguarded and extended wherever possible**

At the end of paragraph 3.71 add:

Policy WN20 acknowledges that many such proposals are unlikely to require planning permission. Nevertheless, the policy provides a positive context for the consideration of any proposals where planning permission is required.

Delete paragraph 3.72

Policy WN21 Regeneration: Redevelopment

- 7.71 This policy comments that proposals for the redevelopment of grid squares will only be supported where the programmes ensure that households required to relocate as part of the process should be given the opportunity to return to a dwelling in the same Grid Square as soon as practicable.
- 7.72 I can understand the approach being adopted and its relationship to the strong sense of community in the Plan area. However, this matter is not a land-use issue. It will be one that MKC seeks to implement as it sees fit based on its application of a series of other community-based policies. On this basis, I recommend that the policy is deleted from the land use element of the Plan. Given the strong sense of community in the Plan area I recommend that it is repositioned into a non-land use policy in section 4 of the Plan.

Delete policy

Delete paragraphs 3.74-3.76 of supporting text

Reposition the policy and the supporting text as a non-land use policy into Section 4 of the Plan

Policy WN22 Regeneration: Master planning

- 7.73 The policy sets out a process by which the principles established within the neighbourhood plan will translate into regeneration proposals for the refurbishment

and/or redevelopment of a Grid Square. In particular, it sets out the need for the development of a Community Regeneration Plan for each area.

- 7.74 The policy and the supporting text seek to apply the neighbourhood plan process to subsequent regeneration proposals. In particular, it is suggested that the concept of an independent examination and a community vote would be appropriate. On the one hand the policy is productive to the extent that it seeks to take the Plan into an implementation phase and to continue the type of community engagement that has so far underpinned the neighbourhood plan. On the other hand, the policy is very much about process rather than the development of a land use policy.
- 7.75 I have considered the policy carefully against the basic conditions. I am not satisfied that it is a land-use policy. Its focus is clearly on the processes that it expects regeneration proposals to follow. This may have naturally developed from work on the neighbourhood plan as Planning Practice Guidance envisages. Nevertheless, it is not the role of a neighbourhood plan to set out how regeneration proposals should be developed and how the community should be engaged in that process. On this basis, I recommend a modification to this policy so that it takes on the format of a non-land use policy. Policies of this type do not form part of the development plan.
- 7.76 In recommending this approach in principle I also recommend some detailed modifications to its format and contents. In particular, I recommend the deletion of the third process in the policy around the application of neighbourhood planning steps. MKC will come to its own decisions on how best it engages the local community as part of its development of the Regeneration Programme. In doing so it will follow its own constitutional arrangements and engage with ward members. It is not within the remit of the production of a neighbourhood plan to impose an independent examination and a referendum process on this Programme.

Delete the policy

Reposition the policy and the supporting text as a non-land use policy into Section 4 of the Plan. In doing so delete the third criterion and paragraphs 3.78 to 3.80.

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 policies that will set the context for regeneration proposals for parts of the Plan area.
- 8.2 Following my independent examination of the Plan I have concluded that the Woughton 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 Woughton 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 13 January 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 the examination.

Andrew Ashcroft
Independent Examiner
23 October 2017