

# West Bletchley Neighbourhood Plan

## Examiner's Questions and Milton Keynes Council's response

### Introduction

The West Bletchley examiner has asked Milton Keynes Council (MKC) to respond on a number of areas.

Plan:MK is MKC's emerging local plan, and this is reflected in the responses (below). The examination hearings concluded in August (2018) and the Inspector has set a number of [additional action points](#). We are currently preparing responses for each action. Further consultation is expected take on the main modifications later this year and it is anticipated Plan:MK will be adopted in early 2019.

Whilst mindful that the West Bletchley Neighbourhood Plan has, by necessity, been prepared to be in general conformity with the current adopted development plan, MKC recommends that the Neighbourhood Plan, where possible, reflects the latest development policies in Plan:MK.

### **Q1 What is the up-to-date position on housing need?**

**A1** The local plan inspector has published a note containing his advice following the Stage 1 Hearings (*Note INS4 – Inspector's Advice following the Stage 1 Hearings, 3th August, 2018* – available on the MKC website at: <https://www.milton-keynes.gov.uk/planning-and-building/planning-policy/plan-mk-examination> )

The submitted OAN is 1,766 dwellings per annum. In INS4, at para 4, the Inspector states that:

*“Based on what is before me, I see no need at this stage to recommend any adjustments to the submitted OAN of 1,766 dwellings per annum for plan soundness.”*

**Q2 What do you consider to be the strategic policies of the development plan?**

**A2** The council's view as to the strategic policies of the development plan are set out in the following table.

<b>Milton Keynes Local Plan (MKLP) adopted 2005</b>	
<b>Policy reference in MKLP</b>	<b>Policy name in MKLP</b>
S6	Bletchley
S10	Open Countryside
S11	Areas of Attractive Landscape
S12	Linear Parks
D1	Impact of Development Proposals on Locality
D2	Design of Buildings
D3	Canalside Development
D5	Renewable Energy
D6	Mains and Telecommunications Services
T1	Transport User Hierarchy
T9	The Road Hierarchy
T12	Major Transport Schemes
EA1/EA2	City Expansion Areas and Key Sites General Policies
EA3	Eastern Expansion Area
EA5	Western Expansion Area
KS1	Newton Leys
KS5	Bletchley Park Area
H4 & H5	Affordable Housing
H8	Housing Density
H9	Housing Mix
E1	Protection of Existing Employment Land
E7	Retailing on employment Land
E8	Sites for bad neighbour uses
E11	Protection of Small Business Units
VS2	Existing Village Shops, Pubs and Post Offices
LC2 & 3	Local Centres
TC18	Non Retail Uses on Ground floors in Town Centres
TC19	Housing in Town, District and Local Centres
CC1/ CC2	Shopping
C1	Location of community facilities
C2	Loss of community facilities
C9	Reserve Sites
<b>Core Strategy adopted in 2013</b>	
All of the policies in the Core Strategy are considered to be strategic policies	

## Plan:MK

Milton Keynes Council prepared a response to the Inspector's initial questions regarding the strategic policies for local parishes preparing a neighbourhood plan. The MKC response includes a table of the strategic policies in Plan:MK, can be found here: <https://www.milton-keynes.gov.uk/planning-and-building/planning-policy/plan-mk-examination> - see INS1a MKC Response to Inspector's Preliminary Letter, Section 5, page 13 & 14.

**Q3 Is the BNH2 site an allocation that was removed from the Site Allocations Plan (I refer to your housing policy officer reps)? If so, can you please explain why (say by sending me an extract from the Inspector's report)?**

**A3** The Wellington Place car park site was included as a site allocation (Site SAP2) in the Submission Version of the Site Allocation Plan (see: <https://www.milton-keynes.gov.uk/planning-and-building/planning-policy/site-allocations-examination-evidence-base>).

At examination, the Inspector was not satisfied that the constraints affecting the site (the proximity of the site to existing light industrial development) would result in a satisfactory residential environment for future occupiers. The site (SAP2) was therefore proposed for removal as an allocation in the Council's Main Modifications to the plan and subsequently confirmed as deleted in the Inspector's report (see para 27) - <https://www.milton-keynes.gov.uk/planning-and-building/planning-policy/site-allocations-plan-2018>. The proposed development site has not been included into Plan:MK.

A synopsis of planning applications at this site (post 2010):

- [14/00759/FUL](#) (Lorry Park Rear of Units 4 to 8 Wellington Place Bletchley) Erection of two storey detached building for use as office – permitted 02/07/2014;
- [15/01524/FUL](#) (Lorry Park Rear of Units 4 To 8 Wellington Place Bletchley), Erection of two storey detached office (resubmission of 14/00759/FUL) – permitted 19/08/2015;
- [17/01228/OUT](#) (Lorry Park Rear of Units 4 To 8 Wellington Place Bletchley) Outline application (with approval of access, layout and scale) for the erection of 24 x dwellinghouses across 2 x 3 storey buildings each containing 12 dwellinghouses – application withdrawn 09/02/2018.

**Q4 Does the SEA take into account the recent court case about mitigation; and why does the Screening Report (App 4) omit the consultation advice?**

**A4** The Habitat Regulations Assessment included as part of the screening statement for the neighbourhood plan has not been revisited to take into account the recent court case about mitigation. The issue has, however, been discussed recently at the Plan:MK examination resulting in a letter from the Inspector to the Council – *INS2 Inspector's Letter to Milton Keynes Council regarding HRA 11 May 2018* in which the Inspector notes that –

*'From all that I have read to date I am not persuaded that the judgement applies for the Plan:MK'.*

The letter INS2 and Milton Keynes Council's response including a revised HRA (INS2a) can be seen at: <https://www.milton-keynes.gov.uk/planning-and-building/planning-policy/plan-mk-examination>

It is considered that, given the nature of the proposals in the Neighbourhood Plan and the recent discussion around the HRA at the Plan:MK examination, it is very unlikely that the legal judgement will impact on the Neighbourhood Plan. However, if the Examiner would find it helpful, a revised HRA assessment for the Neighbourhood Plan could be prepared with reference to the updated HRA produced by the Council for the Plan:MK Examination.

With regard to the Screening Report in the Appendices accompanying the submission neighbourhood plan, it would appear that the draft screening opinion has been used in the document, rather than the final screening statement which includes the consultation responses at para 4.1 and is attached below for convenience (see Appendix 1) . The final Screening Statement can be added to the Neighbourhood Plan's webpage on the MKC website.

# Appendix 1 – Final Screening Statement for West Bletchley Neighbourhood Plan

## West Bletchley Neighbourhood Plan Strategic Environmental Assessment Screening Statement Appropriate Assessment Screening

### 1. Introduction

#### 1.1 What is the Screening Statement?

1.2 This report has been produced to determine the need for a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004.

1.3 This document also addresses the need for Appropriate Assessment, in accordance with European Directive 92/43/EEC, commonly known as the Habitats Directive.

#### 1.4 What is the Neighbourhood Plan trying to achieve?

The Neighbourhood Area covers the whole of the West Bletchley Parish Council Area (see Appendix 1). The Neighbourhood Plan sets out eight broad objectives which, when achieved, will help to address the key issues facing the parish over the next 10-15 years. These objectives are:

- Building New Homes
- Renewing Parks, Gardens and Open Space
- Conserving and developing heritage of Bletchley Park
- Creating New Employment
- Reviving Local Shopping Centres
- Protecting and Developing Community Infrastructure
- Ensuring Streets are Safe and Accessible
- Promoting High Quality and Sustainable Design

1.5 The above objectives have a spatial focus, but the draft Plan does not propose any new areas for development. Instead, it supports the redevelopment of old garage courts and local shopping centres located within established residential areas (circa 1970's developments). The draft Plan also supports further development and re-development of Bletchley Station and the surrounding area (Station Quarter Opportunity Area) and seeks to achieve a comprehensive, mixed use development within this area.

1.6 The draft Plan supports the continued conservation and heritage development of Bletchley Park and its setting and seeks to ensure that benefits arise for local people and that necessary improvements are made to local infrastructure to support the development as a major attraction.

### 2. Policy context

2.1 The Milton Keynes Local Plan was formally adopted December 2005. Along with the Core Strategy (see below) the Local Plan provides the statutory land use planning framework for Milton Keynes.

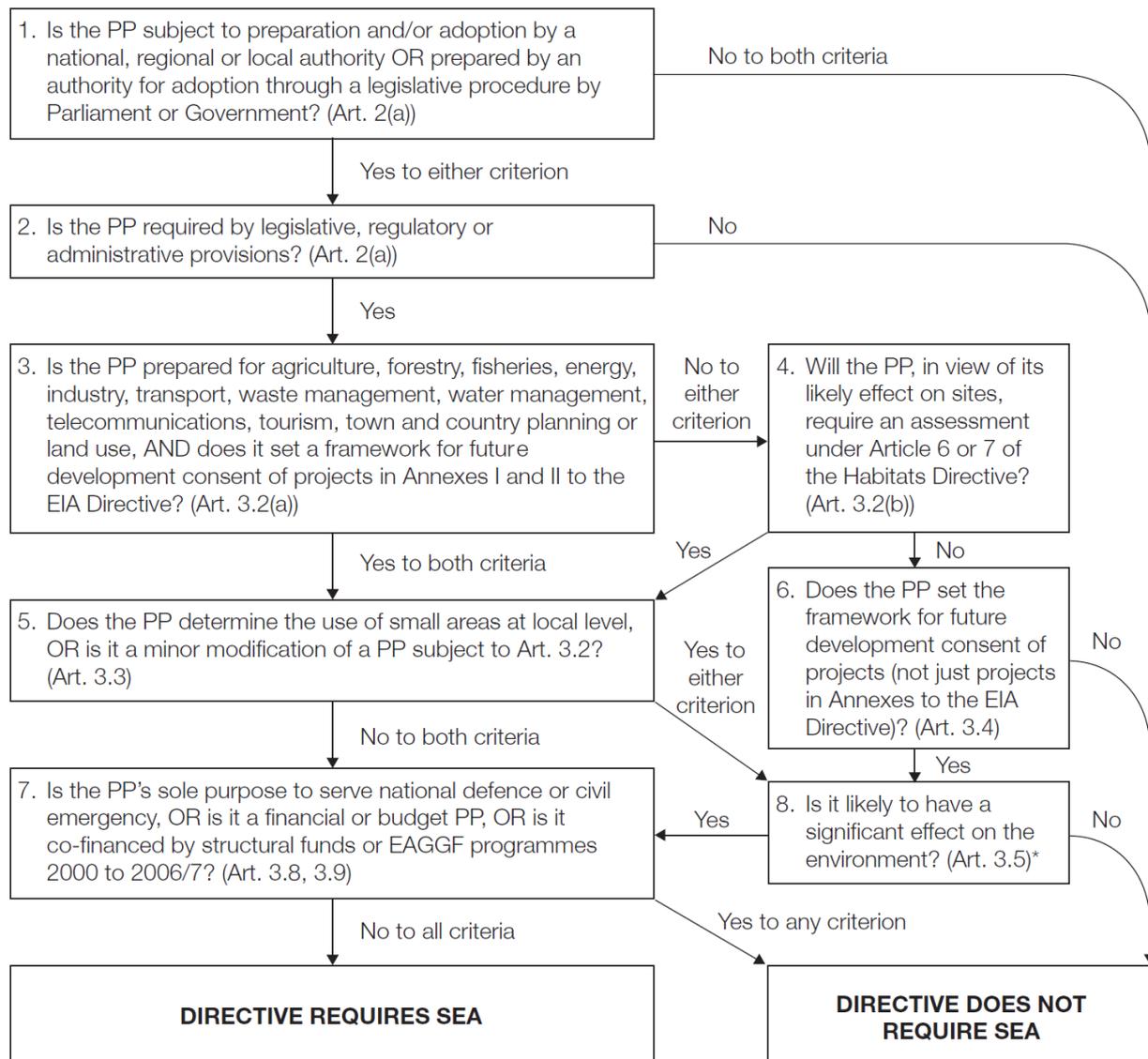
- 2.2 The Council's Core Strategy was adopted in July 2013. The document contains the vision, objectives and strategic policies for the future of Milton Keynes to 2026, replacing the strategic elements of the Core Strategy.
- 2.3 Although the Neighbourhood Plan must be in general conformity with the strategic policies of the Local Plan and the Core Strategy, it can promote more development, but must not propose less. It will also provide a more local context to the non-strategic policies of the Local Plan.
- 2.4 The Neighbourhood Plan will undergo some public consultation in accordance with the relevant regulations prior to its adoption.

### 3. SEA Screening

3.1 The requirement for a Strategic Environmental Assessment (SEA) is set out in the “Environmental Assessment of Plans and Programmes Regulations 2004”. There is also practical guidance on applying European Directive 2001/42/EC produced by the ODPM (now DCLG)<sup>1</sup>. These documents have been used as the basis for this screening report.

3.2 Neighbourhood Plans must be screened to establish whether or not they will require Strategic Environmental Assessment. The ODPM practical guidance provides a checklist approach based on the SEA regulations to help determine whether SEA is required. This guide has been used as the basis on which to assess the need for SEA as set out below.

Figure 1: Establishing the need for SEA



\*The Directive requires Member States to determine whether plans or programmes in this category are likely to have significant environmental effects. These determinations may be made on a case by case basis and/or by specifying types of plan or programme.

<sup>1</sup> A Practical Guide to the Strategic Environmental Assessment Directive (2005) (ODPM)



Figure 2: Establishing the need for SEA of the Neighbourhood Plan

Stage	Answer	Reason
<b>1. Is the NP subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament of Government? (Article 2(a))</b>	Yes	It will be prepared by the Parish Council and adopted by Milton Keynes Council under the 2012 Neighbourhood Planning Regulations.
<b>2. Is the NP required by legislative, regulatory or administrative provisions? (Article 2(a))</b>	Yes	Although there is no requirement to produce a Neighbourhood Plan, they are subject to formal procedures and regulations laid down by national government. In light of the European Court of Justice ruling in the Case C-567/10 it is considered that this means the NP is 'required'.
<b>3. Is the NP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art. 3.2(a))</b>	No	The NP is prepared for town and country planning purposes but does not explicitly set a framework for future development consent of projects in Annexes I or II of the EIA Directive.
<b>4. Will the plan in view of its likely effect on sites, require an assessment under Article 6 or 7 of the Habitats directive?</b>	No	The Core Strategy was screened and it was concluded that appropriate assessment was not required. The Neighbourhood Plan must be in general conformity with the Core Strategy and, although it can propose more development, it is unlikely to be significant enough to require assessment under the Habitats Directive.
<b>6. Does the plan set the framework for future development consent of projects?</b>	Yes	The Neighbourhood Plan will provide a framework for future development consent of projects in the area.
<b>8. Is the NP likely to have a significant effect on the environment?</b>	See results of Figure 3: Determining the likely significance of effects	

Figure 3: Determining the likely significance of effects

<b>SEA Directive Annex II: Criteria for determining likely significance of effects referred to in Article 3(5)</b>		
<b>Criteria</b>	<b>✓/x/ ?</b>	<b>MKC Comment</b>
<b><i>The characteristics of plans and programmes, having regard, in particular, to:</i></b>		
<b>1a) The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources</b>	✓	The NP will set a framework for future development projects, in terms of location, nature and scale/size. However, the plan will need to be in general conformity with higher level plans so the scope of the plan to fully influence projects and activities is somewhat limited.
<b>1b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy</b>	✓	The NP will form part of the statutory development plan for Milton Keynes with the same status in decision making as development plan documents.
<b>1c) The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development</b>	✓	Sustainable development will be at the heart of NPs and its policies could make a significant contribution to promoting sustainable development, particularly ensuring any appropriate brownfield sites are identified for possible development and by promoting sustainable transport modes and seeking improvements to existing green spaces.
<b>1d) Environmental problems relevant to the plan or programme</b>	x	It is not considered that there are any particular environmental problems relevant to the plan.
<b>1e) The relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection).</b>	x	The NP is unlikely to be directly relevant in regard to this criterion.
<b><i>Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:</i></b>		
<b>2a) The probability, duration, frequency and reversibility of the effects</b>	x	Overall the effects of the plan on SEA topics are considered to be neutral. Where new development might have a negative effect this will be reasonably long term, although the effect is potentially reversible as redevelopment can occur.
<b>2b) The cumulative nature of the effects</b>	x	The effects of the Neighbourhood Plan needs to be considered alongside the Core Strategy however it is not considered that

		<p>the neighbourhood plan introduces significant additional effects over and above those already considered in the SA for the Core Strategy.</p> <p>The cumulative impact of the effects of the plan on the environment is not expected to be any greater than the individual parts.</p>
<b>2c) The trans-boundary nature of the effects</b>	x	Any impacts are only likely to be felt by the local area.
<b>2d) The risks to human health or the environment (e.g. due to accidents)</b>	x	It is unlikely that the nature of any development proposed would impact on human health. Any major development is likely to be for housing, offices, retail and ancillary uses.
<b>2e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)</b>	✓/?	The draft Plan supports the redevelopment of Bletchley Station and if that is realised then effects of the plan could be felt in a spatial area wider than the plan area. This indirectly could have an effect on population outside the plan area.
<b>2f) The value and vulnerability of the area likely to be affected due to:</b> <b>I. special natural characteristics or cultural heritage,</b> <b>II. exceeded environmental quality standards or limit values</b> <b>III. intensive land-use</b>	✓/?	The NP covers an area which includes a conservation area and Bletchley Park which is a World Heritage Site. However, the draft Plan does not propose any specific development within Bletchley Park and its policies support the continued conservation of this area and are in conformity with the site specific policies of the Local Plan and the Core Strategy.
<b>2g) The effects on areas or landscapes which have a recognised national, community or international protection status</b>	x	There are no areas or landscapes with these designations in Milton Keynes.

#### 4. Advice of the Statutory consultees

4.1 The Statutory Consultees provided comments on the draft Neighbourhood Plan. Historic England and Natural England confirmed that the draft Plan had the potential to lead to significant effects on the historic and the natural environment of the Plan area and that it should, if its policies were to remain unchanged, be subject to Strategic Environmental Assessment. These comments were taken on board and resulted in the amendments to the draft Plan. In light of these changes Historic England and Natural England altered their comments and concluded that a full SEA is not required.

#### 5. SEA Screening Conclusion

5.1. West Bletchley Neighbourhood Plan supports new development in the plan area. However, the draft Plan does not allocate any new sites to support further growth. The Neighbourhood Plan will provide a planning policy framework to be used when considering planning applications in the Neighbourhood Area.

The Plan's effects are unlikely to have any significant impacts beyond the Neighbourhood Area and it is considered that overall the Plan will not have significant effects on the environment. It is, therefore, concluded that the West Bletchley Neighbourhood Plan does not need to be subject to Strategic Environmental Assessment.

## 6. **Appropriate Assessment (AA) Screening**

- 6.1 Legal protection is afforded to habitats and species of European importance through Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora and Fauna - known as the 'Habitats Directive'. Articles 6(3) and 6(4) of the Habitats Directive require AA of plans to be undertaken. This involves assessing the contents of plans to ensure that their policies and proposals maintain the integrity of Natura 2000 sites. The assessment must determine whether the plan would adversely affect the nature conservation objectives of each site. Where negative effects can be identified, other options should be examined to avoid any potential damaging effects.
- 6.2 The application of the precautionary principle through the Habitats Directive means that plans can only be permitted once it is shown that there will be no adverse effect on the integrity of any Natura 2000 sites. In the rare case of there being no alternatives available or over-riding reasons of public interest why a plan needs to be implemented, plans that do have negative impacts may still be approved.

## 7. **Screening for Appropriate Assessment**

- 7.1 The first stage in carrying out an Appropriate Assessment for the Habitats Directive is screening, by determining whether the plan is likely to have any significant effect on a European site, either alone or in combination with other plans and projects.
- 7.2 The Neighbourhood Plan will be in general conformity with Core Strategy which itself was screened for Appropriate Assessment. The screening process for the Milton Keynes Core Strategy demonstrated that Milton Keynes lies in an area void of any Natura 2000 sites. The nearest European site is the Chiltern Beechwoods to the south of the Borough although it was determined that the site would not be affected by Milton Keynes planning policy due to the distance of the site from Milton Keynes and there being no obvious impact pathways.
- 7.3 However, it was determined that there were two sites which could potentially be affected by the Core Strategy, and other Local Development Documents, due to the pathway provided by the River Great Ouse (which feeds in to Natura 2000 sites). These sites were:
- **Ouse Washes SPA /SAC-** The SPA designation is due to the site's importance as an internationally important assemblage of birds. The presence of the spined loach (*Cobitis taenia*) – the clear water and abundant macrophytes, is particularly important in the Counter Drain, and a healthy population of spined loach is known to occur
  - **Portholme SAC-** It is the largest surviving traditionally-managed meadow in the UK, with an area of 104 ha of alluvial flood meadow. Supports a small population of fritillary *Fritillaria meleagris*.
- 7.4 As a result of the screening process it was concluded that:
- The impact of the Core Strategy on water flow will not be significant primarily because Milton Keynes already has a comprehensive flood management system in place that has ensured the effective control of water flows, alongside the continued growth of the city. The Core Strategy will include a continuation of this approach which, informed by the emerging Water Cycle Strategy, will ensure continued effective management of the flow of water into the Great Ouse from Milton Keynes.

- The Growth Strategy developed for the city has used flood risk maps as a key constraint to directions for growth. As such, the broad locations for growth to be identified in the Core Strategy are away from flood risk areas, further reducing the potential of the plan to have a significant impact on water flow.
- In combination with other proposals in the wider Milton Keynes/South Midlands area, it is noted that the majority of proposals affect the River Nene Catchment area (in the case of Northampton) and ultimately the Thames for Aylesbury Vale.

7.5 Considering the above factors, it was concluded Appropriate Assessment for the Core Strategy was not required. The full screening report is available from: <http://www.miltonkeynes.gov.uk/planning-policy>

7.6 Since the Appropriate Assessment was undertaken for the Core Strategy, the Upper Nene Valley Gravel Pits have been granted Special Protection Area status. As with the Ouse Washes SPA/SAC and the Portholme SAC, due to the connection with the River Ouse, and development in Milton Keynes could have an impact on the SPA. However, for the same reasons as set out above in paragraph 7.4, it is assessed that any development in Milton Keynes would be unlikely to have a significant affect on the new SPA. Therefore, given that the scope of development in the West Bletchley Neighbourhood Plan is unlikely to extend beyond that of the Milton Keynes Core Strategy, it is concluded that the Nene Valley Gravel Pits SPA is also unlikely to be significantly affected by the Neighbourhood Plan.

## **8. Appropriate Assessment Conclusion**

8.1 Given the role of Neighbourhood Plans and the scale of development being proposed in the West Bletchley Neighbourhood Plan, it is considered that Appropriate Assessment of the plan is not required.

## **9. Contact**

Further information can be obtained from:

Development Plans  
 Planning and Transport  
 Civic Offices  
 1 Saxon Gate East  
 Central Milton Keynes  
 MK9 3EJ

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Appendix 1 – map of the West Bletchley Neighbourhood Plan designated area

