

12th January 2023

By email to neighbourhoodplanning@milton-keynes.gov.uk

Planning and Placemaking
Milton Keynes City Council
Civic Offices
1 Saxon Gate East
Central Milton Keynes
MK9 3EJ

Our Ref: 1026

Dear Sirs

Haversham-cum-Little Linford Neighbourhood Plan Regulation 16 Consultation Response

On behalf of our client Mr Charles Glasse we write with formal comments to the submission draft of the Haversham-cum-Little Linford Neighbourhood Plan (HcLLNP) 2016 – 2031 which has been published by Milton Keynes Council under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended) for consultation until 13th January 2023.

Background

Representations were made to the Regulation 14 consultation in April 2022. This response should be read alongside these earlier comments.

The representations are made in the context of our client's interest in land east of the High Street, Old Haversham, the extent of which is shown on Figure 1 below. The site has previously been promoted for allocation residential development in the HcLLNP for approximately 10 no. zero or near zero carbon units with 40% being affordable and access via an existing gate or a new access off the High Street.

Our client is disappointed to learn that the site has not progressed as an allocation in the submission HcLLNP. The response below sets out why there continues to be concern regarding the suitability and deliverability of the site proposed to be allocated at Land south of 27 High Street, Old Haversham for up to 16 dwellings (Policy HLL2) and why the HcLLNP should positively seek to allocate land east of High Street, Old Haversham for a small scale residential development as a suitable and deliverable alternative. The response also provides comments on a number of other policies contained within the submission HcLLNP.

As part of this response, we have reviewed the accompanying Basic Conditions Statement (July 2022) and Consultation Statement (September 2022).



Figure 1 - Land east of High Street, Old Haversham

Representations

Before a Neighbourhood Plan can proceed to referendum, it must be tested against a set of Basic Conditions as set out in Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended). These may be summarised as:

- a) Be consistent with national policy and guidance issued by the Secretary of State;
- b) Contribute to achievement of sustainable development;
- c) Be in general conformity with the strategic policies in the local Development Plan;
- d) Do not breach and be otherwise compatible with EU obligations;
- e) Not have significant effect on a designated European site.

It is noted that the Basic Conditions Statement has not assessed the compliance of the HcLLNP against criterion (b) and (c) as they are considered to 'not be relevant to this Neighbourhood Plan.' A Neighbourhood Plan must meet all basic conditions if it is to proceed to referendum and be made and compliance with the achievement of sustainable development and conformity with strategic policies is fundamental to the purpose of the HcLLNP. It is therefore considered erroneous for the Basic Conditions Statement not to consider compliance with each of the conditions.

Policy HLL1: Settlement Boundaries

The draft HcLLNP seeks to limit development proposals to within the settlement boundaries at New Haversham and Old Haversham. A new settlement boundary has been drawn for Old Haversham for the purposes of the HcLLNP which excludes our client's site.

We maintain that establishing a new settlement boundary for Old Haversham is not an appropriate strategy given it provides no flexibility for situations of undersupply of market housing in the Borough and brings with it the risk of limiting the ability of sustainable development opportunities on the edge of settlements from coming forward. This fails to accord with the positive approach to growth required by the National Planning Policy Framework (NPPF) and is contrary to Basic Condition (b).

Accordingly, Policy HLL1 should be modified so that it allows for a degree of flexibility consistent with the requirements of the presumption in favour of sustainable development and allows for the consideration of sustainable development opportunities on sites adjoining the settlement where the benefits of the scheme significantly and demonstrably outweighed any harm, if these could assist with delivering the overall objectives of the HcLLNP.

Policy HLL2 Land south of 27 High Street, Old Haversham

Housing Number

The draft HcLLNP allocates Land south of 27 High Street, Old Haversham for a residential development scheme of up to 16 dwellings. It however remains unclear how the figure of 16 dwellings has been derived.

The review of Plan:MK (the New City Plan) will include strategic policies to set a housing requirement for designated neighbourhood areas. The Review of Plan:MK will also establish a new overall housing number and allocate new sites for development. Given the still early stage of the New City Plan and the current uncertainty regarding the wider planning strategy and the lack of evidence of local housing need, it is queried whether a major development of 16 dwellings represents an appropriately sized housing allocation for Old Haversham consistent with its current status in the Local Plan settlement hierarchy as a 'village and rural settlement.' The Consultation Statement identifies that our Regulation 14 comments queried the quantum of development included in the HcLLNP but does not appear to provide any justification in response.

It is considered that a more modest allocation of up to 10 dwellings, which can provide a greater proportion of affordable housing in line with the community's aspirations, would be more appropriate. This could be suitably delivered by our client's site at Land east of High Street, Old Haversham.

Site Assessment

The Regulation 14 consultation response provided a review of the scoring for the selected allocation site (**Site 11**) and the dismissed site controlled by our client (**Site 5**) following an assessment of the Site Assessment Report and Strategic Environmental Assessment:

The table below sets out the findings of this review:

| | |
|---|---|
| <i>Social effect</i> | <i>Both sites have been scored as major positive (++) by providing new homes in the parish to meet local need.</i> |
| <i>Effect on the wider landscape and environment</i> | <i>Both sites have been assessed as having the potential for a minor negative (-) effect but that suitable measures could deal with these issues. In this respect, it is considered that Site 5 would have less impact on the wider landscape being well contained on both sides by existing built form and planting. Development on the site would follow the established settlement pattern such that it can be successfully integrated without significant landscape and visual impact effects. Conversely, Site 11 protrudes away from the linear character of the village with open countryside beyond and would have a greater impact</i> |

| | |
|---------------------------------------|---|
| | <i>on the receiving landscape. Site 11 is also highly visible from the network of public footpaths that are present to the northern part of the parish connecting to Little Linford Wood.</i> |
| Surface water flood risk | <i>Site 11 has been assessed as having a high risk on part of the site and a low risk of surface water flooding on a different part. These constraints do not exist for Site 5 with the site totally devoid of any surface water risk. The assessment does not reflect this critical difference between the sites.</i> |
| Village character | <i>Both sites have been assessed identically as having the potential to continue linear development along the High Street in order to preserve the rural character of the village lane. It is therefore not clear why Site 5 has been scored as a minor negative (-) while Site 11 has been scored as a minor positive (+).</i> |
| Biodiversity | <i>Both sites have been assessed identically as having no biodiversity designations although it is noted that there is likely to be some interest in existing hedgerows which can be mitigated. Site 11 contains a tree protected by a Tree Preservation Order which would be a constraint to development, however the site does not appear to have been scored more negatively on this basis.</i> |
| Bridleway | <i>Site 11 contains a well-used bridleway (no.32) which traverses the site diagonally and bridleway no. 33 which bounds the site to the south and west. The policy requirement for the layout to retain public right of way Bridleway no.32 through the site would limit the developable area and may raise delivery issues. There are no such constraints on Site 5.</i> |
| Road safety and traffic issues | <i>Site 5 has been scored as a major negative (--) on the basis that access onto the High Street would be on an incline with the 'potential' for issues with visibility. There is no evidence to substantiate this claim. To the contrary, it has been demonstrated that Site 5 is able to demonstrate sufficient visibility splay of 2.4m x 43m would be achievable if an access is positioned approximately at the midpoint along the site frontage. In light of the minor scale of development envisaged, any impact on the highway network is expected to be negligible and appropriate visibility splays from a new access can be provided to allow safe egress onto the High Steet.</i> |
| Climate change | <i>The landowner for Site 5 has made an express commitment that development on the site would deliver zero, or near zero, carbon units. The major positive (++) assessment in this regard and the minor negative (-) score for Site 11, for which there is no such commitment, is therefore welcomed.</i> |
| Mains drainage | <i>Both sites are comparable in that they do not have mains drainage.</i> |

Paragraph 3.8 of the Consultation Statement states that the Site Assessment Report provides *'proportionate, robust evidence that has been used to support the choices made and the approach taken'* to the site selection but does not justify this any further. There remains significant concerns about the lack of evidence for a number of claims in the Site Assessment Report and the same situation applying to each site for a number of criteria as identified above.

In our view, the identification of Site 11 as the preferred allocation has not been based upon an appropriately evidenced assessment of the sites or an accurate application of the criteria. Correcting this has the result of demonstrating Site 5 to clearly perform more favourably.

In accordance with the community's aspirations and the policy objectives, Site 5 would deliver a small housing development of up to 10 dwellings on a site under 1 hectares in size with a higher proportion of affordable housing (40%) compared to Site 11 which is proposing a larger site and a major development of 16 dwellings with a lower proportion of affordable housing. Development on Site 5 would also preserve the character of the village in the surrounding landscape, maintaining the linear nature of the High Street at Old Haversham and can preserve local biodiversity. Given the small scale development envisaged, it would not significantly worsen existing traffic congestion and/or safety issues. It will also deliver low energy use, low water use and zero carbon footprint housing which should be afforded significant weight.

The Basic Conditions Statement confirms that the majority of the effects of the development have been *'satisfactorily mitigated through policy provisions which will be assessed in detail at the planning application stage.'* For the remaining residual effects, the Parish Council attributes moderate adverse weight to the net additional traffic effects of development in this rural area and minor adverse weight to the residual effects of development on the wider landscape character. In response, such minor adverse impacts would not be applicable to Site 5.

It is maintained that Site 5 clearly represents a suitable, sustainable and deliverable option for housing development devoid of any insurmountable constraints which should be allocated in the HcLLNP, as an alternative to Site 11, to assist in meeting housing needs and sustainability objectives.

Policy HLL3: First Homes Exception Sites

The HcLLNP's inclusion of a policy in relation to First Homes Exception Sites is welcomed given that the affordability of housing was identified as being important by the community. However, there remains concerns that the wording of the policy is overly restrictive and will frustrate the delivery of such exception sites contrary to the Government's key objectives.

The Consultation Statement identifies that the HcLLNP has taken the opportunity to use the provisions of 026 Ref ID: 70-026-20210524 in Planning Practice Guidance which states that *'For plan making, local authorities and neighbourhood planning qualifying bodies are encouraged to set policies which specify their approach to determining the proportionality of First Homes exception site proposals, and the sorts of evidence that they might need in order to properly assess this.'*

In this regard, there is no evidence provided on the local circumstances which have informed the policy requirements that such sites must be adjacent to the defined settlement boundary of New Haversham and not Old Haversham, that a site must be no more than 0.4 ha in size and 12 dwellings and that no

other proposals for a First Homes Exception Site have been approved or implemented in the plan period.

It is therefore maintained that as drafted, the policy will serve to constrain the delivery of such exception sites and therefore the achievement of sustainable development. Accordingly the policy as drafted is contrary to Basic Conditions (a) and (b) and should be amended.

Policy HLL4: Zero Carbon Buildings

Overall our client supports the policy requirements to deliver a step change in the energy performance of all new developments in the Parish. As set out above, our client has promoted Land east of High Street, Old Haversham for zero or near zero carbon dwellings and is committed to assisting supporting the transition to a low carbon future as required by the NPPF (Paragraph 152). Given the strong policy commitment in the draft, it is considered that the HcLLNP should include reference in the Objectives to climate change resilience.

The HcLLNP should however recognise the cost of such requirements which may have adverse implications on development viability. It should include a caveat whereby if it is not feasible or viable to meet the requirements, developments would need to meet alternative requirements so that proposals are not rendered unviable and undeliverable.

Conclusion

On behalf of our client, Mr Charles Glasse, we would like to confirm support overall of the Vision and Objectives of the draft Haversham-cum-Litford Neighbourhood Plan (HcLLNP), however are concerned that the Plan in its current form does not fully comply with all of the Basic Conditions and should be amended to enable it to be robust enough to serve its purpose for the local community.

It is clear that the HcLLNP must be consistent with national planning policy and there is a need to take account of up-to-date housing needs evidence and the policy direction provided in the strategic plan. It is not considered appropriate for the HcLLNP to determine its own housing requirement to the extent proposed. It is also considered that the HcLLNP should not seek to restrict sustainable development to an unreasonable level through the establishment of a new settlement boundary for Old Haversham. We also maintain significant concerns as to how the selected site allocation has been assessed. Whilst the Policy on First Homes is welcomed, it is considered that, as drafted, it is overly restrictive and will serve to restrict the delivery of such exception sites contrary to the Government's key objectives.

We therefore consider that in order to pass examination, proceed to referendum and be 'made', the HcLLNP should re-assess the level of housing required and look more flexibly at settlement boundaries. The First Homes policy should also be amended as suggested. We also request that land east of High Street, Old Haversham is re-considered as an alternative option for allocation as it provides a suitable, deliverable and sustainable location for small scale future growth in line with the community's aspirations.

In light of the above, this representation should be read as an objection to HcLLNP at this time albeit we are hopeful that amendments can be made in order to allow it to meet the Basic Conditions and proceed to referendum.

Should you have any queries in the meantime then please do not hesitate to contact me at this office.

Yours faithfully

A handwritten signature in black ink, appearing to read 'E Warner', written in a cursive style.

Emily Warner MRTPI
Associate