

Milton Keynes Council

Castlethorpe Neighbourhood Plan Review

Decision Statement

22 April 2021

Summary

Following an independent examination, Milton Keynes Council now confirms that the Castlethorpe Neighbourhood Plan Review will proceed to a Neighbourhood Planning referendum.

Background

Castlethorpe Parish Council, as the qualifying body, successfully applied for its area to be designated a Neighbourhood Area, under the Neighbourhood Planning (General) Regulations (2012). The area was designated on 28th May 2013. Following the successful referendum held on 21st September 2017, the Castlethorpe Neighbourhood Plan was made part of the Development Plan by Milton Keynes Council on 18th October 2017.

In April 2020, Modifications to the Castlethorpe Neighbourhood Plan were submitted to the Council for examination and were subsequently publicised for a six-week period, ending on, 17th July 2020. All comments received were then passed to the Examiner, Andrew Ashcroft, who submitted his report on the Plan in January 2021, stating that the plan met relevant basic conditions and requirements and, subject to modifications, should proceed to referendum.

The Leader of the Council agreed on 9th March 2021 that the Castlethorpe Neighbourhood Plan should proceed to a referendum (the delegated decision can be viewed at: <https://milton-keynes.cmis.uk.com/milton-keynes/Calendar/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/6700/Committee/1354/Default.aspx>). This decision was 'called in' and was considered by Strategic Placemaking Scrutiny Sub-committee at its 31st March 2021 meeting. The sub-committee upheld the Leader's original decision that the Plan should proceed to referendum.

Having considered each of the recommendations made by the examiner's report, and the reasons for them, the Council has decided to make the modifications to the draft plan set out in Table 1 below.

Decision and Reasons

The Council has made the modifications to ensure that the draft plan meets the basic conditions, for the reasons given. These are set out in Table 1 below.

Having made the modifications, the Council agrees with the Examiner that the Castlethorpe Neighbourhood Plan should proceed to a referendum and that the referendum area will be the same as the Neighbourhood Plan area.

Table 1

Examiner's recommendations		MKC comments	Modifications to submission draft Neighbourhood Plan
Recommendation 1			
Para 3.8	<i>Replace the revised text in paragraph 4.2.3 with: 'The recent housing scheme at Paddock Close is regarded as a successfully designed scheme and could act as a clear cue for the design of this scheme. It has an Edwardian style reflecting the growth of Castlethorpe following the advent of the railway, including bay windows, sash windows, stone window lintels and recessed front porches.'</i>	<p>Agreed, subject to a non-material amendment to the supporting text in para 4.2.3.</p> <p>The examiner has recommended a change to the supporting text 'so that it is less prescriptive.' Whilst accepting that the text should be less prescriptive, the examiner's proposed wording goes further than the wording already included in the adopted Neighbourhood Plan. We are proposing, with the support of the Parish Council, an amended form of wording, which still meets the basic conditions.</p>	Amend paragraph 4.2.3 to read: "A high quality scheme is required, given the location of the site within the setting of the Conservation Area to its immediate north and west along Maltings Field. <u>The recent housing scheme at Paddock Close is regarded as a successfully designed scheme and this should act as a clear cue for the design of this scheme. It has an Edwardian style reflecting the growth of the railway, including bay windows, sash windows, stone window lintels and recessed front porches.</u>"
Recommendation 2			
Para 7.5.3	<p><i>Policy CAS8 – Local Green Spaces</i></p> <p><i>Delete iv Gobbey's Fields from the policy.</i></p> <p><i>Delete Gobbey's Field from Plan J.</i></p> <p><i>Delete the photograph of Gobbey's Field from Plan K.</i></p>	<p>Agreed. Gobbey's Field does not meet the 'demonstrably special' test in paragraph 100 of the NPPF in relation to the designation of Local Green Spaces.</p> <p>The National Planning Policy Framework (NPPF) provides the national policy on Local Green Space designation. Paragraph 100 of the NPPF states that: "<i>The Local Green Space designation should only be used where the green space is:</i></p>	<p>Delete (iv) Gobbey's Field from Policy CAS8.</p> <p>Delete Gobbey's Field from Plan J.</p> <p>Delete the photograph of Gobbey's Field from Plan K.</p>

		<p><i>a) in reasonably close proximity to the community it serves;</i></p> <p><i>b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and</i></p> <p><i>c) local in character and is not an extensive tract of land.”</i></p> <p>Milton Keynes Council obtained Counsel’s advice on the extent of the requirement to “have regard” under the Paragraph 100 of the NPPF. Counsel advised that <i>“In my view ... a duty to “have regard” is not a duty to be in full accord with. However, designation of a site as [a Local Green Space] should be in accord with the policy tests for such designation in paras 99-101 of the NPPF otherwise it would not be “appropriate” in the terms of paragraph 8 (2) (a) of Schedule 4B TCPA 1990 to make the order.”</i> However, where proposals significantly depart from national planning policy, there should be good and justifiable reasons and in most cases such a departure will not be appropriate.</p> <p>The examiner concluded that Gobbey’s Field was not ‘demonstrably special to the local</p>	
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		<p>community' (assessment and reasons are set out in paragraphs 7.42 – 7.43 of the Examiner's report at Annex A) and that it represented 'an extensive tract of land' (assessment and reasons are set out in paragraphs 7.49 – 7.53 of the Examiner's report at Annex A). Consequently, he considered that inclusion of Gobbey's Field would fail the basic condition of having regard to national policies (i.e. the NPPF) and recommended a modification to delete designation of Gobbey's Field as a Local Green Space.</p> <p>Adopted Castlethorpe Neighbourhood Plan</p> <p>Castlethorpe Neighbourhood Plan was submitted in February 2016 to Milton Keynes Council and was adopted in October 2017. The submitted plan proposed the designation of Gobbey's Field as a Local Green Space. During the examination of the Plan, the landowner raised objections asserting that Gobbey's Field did not meet the tests required for Local Green Space designation. The examiner subsequently recommended that it be deleted from the Plan. The Council proposed to take a different view to the examiner on the strength of new evidence provided by the Parish Council. In accordance with the legislation, the Council sought representations and held a further examination into the matter. A second examiner considered the designation of Gobbey's Field as a Local</p>	
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		<p>Green Space, including the survey information submitted by the Parish Council, and also recommended its deletion. Milton Keynes Council accepted the examiner's recommendation and following a successful referendum, the Neighbourhood Plan, was adopted without the designation of Gobbey's Field as a Local Green Space.</p> <p>Assessment</p> <p>In the Council's view, Gobbey's Field does not meet the criteria for designation as a Local Green Space as set out in paragraph 100 of the NPPF. This is the first time the Council has come to a view on whether the Local Green Space proposed in the Modified Plan meets the basic conditions.</p> <p>Paragraph 100 (b) of the NPPF requires that a Local Green Space should only be designated where it is "demonstrably special to a local community and holds a particular local significance". Paragraph 100 (b) provides examples of features which might make it demonstrably special or give it a particular local significance, including beauty, historical significance, recreational value, tranquillity or richness of its wildlife. The Parish Council have argued that Gobbey's Field is demonstrably</p>	
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		<p>special due to its historical significance, the richness of its wildlife and its recreational value.</p> <p>With regard to its historical significance, only a small part of the Ancient Monument lies within the proposed Local Green Space. The Ancient Monument is already protected, and there is no additional local benefit that would be gained by designation as Local Green Space.</p> <p>Consequently, the Council agrees with the examiner that Gobbey's Field does not have sufficient particular local historic significance to justify designation as a Local Green Space. With regard to the richness of its wildlife, Gobbey's Field is not covered by any designated wildlife site. Whilst the Parish Council highlight that birds and bats are seen within the vicinity of the Field, this is no more than would be expected in an open field on the edge of the village. The Council agrees with the examiner that Gobbey's Field does not have sufficient particular local ecological significance to justify designation as a Local Green Space.</p> <p>With regard to recreational value, the field is predominantly used by walkers, dog walkers and joggers. According to the Parish Council's evidence, over a period of 20 days, there were 360 observations of people using the field, approximately half of which kept to the public right of way, with the other half straying from</p>	
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		<p>the path. The Council does not consider that the scale and nature of Gobbey's Field's use for informal recreational purposes is sufficient to make it demonstrably special.</p> <p>No evidence has been presented by the Parish Council to demonstrate that Gobbey's Field is demonstrably special in terms of its beauty, tranquillity or any other feature. Therefore, the Council does not consider this aspect to have been met. The Council agrees with the examiner's view that the evidence does not show that Gobbey's Field is demonstrably special by virtue of its informal recreational value, historical significance or the richness of its wildlife.</p> <p>Consequently, the examiner is right to require its deletion, in order for the Modified Plan to meet the basic conditions.</p>	
Recommendation 3			
Para 7.5.8	<i>Modification of general text (where necessary) to achieve consistency with the modified policies.</i>	Noted and agreed.	Foreword – amend fourth para to read: “The update was necessary to bring the Plan in line with the new Milton Keynes Council Local Plan, Plan:MK, to strengthen some design protections and to include Gobbey's Field as a Local Green Space.”

			<p>Vision – amend fifth para to read “New development will have been constrained to be within the settlement boundary of 2020 with the population of around 1,200 being able to sustain the Assets of Community Value of school, church, pub and shop as well as allotments and the play areas at the Fishponds and at Thrupp Close/Bullington End Road. Leisure amenities have been protected by the designation of the Recreation Ground, Gobbeys Field and South Street Paddock as Local Green Spaces for the enjoyment of residents and visitors alike.”</p> <p>Amend para 3.2 (objective 4) to read: “To protect the Recreation Ground, Gobbeys Field and South Street Paddock through designating these as Local Green Spaces for the enjoyment of residents and visitors alike.”</p> <p>Page 25 – delete Gobbey’s Field from the Proposals Map.</p> <p>Annex B, 2. Parcels of Land – amend to read: “These are: the Recreation Ground, the South Street <u>and</u> Paddock and Gobbeys Field. In addition Castle Field, which, together with part Gobbeys Field, is the Scheduled Ancient Monument (SAM) Historic England registration 1011299 and thus already has protection</p>
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			<p>against development, is well used by village residents and visitors alike.”</p> <p>3. Rationales for designation as a Local Green Space - Delete all text from “Gobbey’s Field (the Field)”</p> <p>Conclusion – Delete.</p>
Referendum Area			
Para 8.5	<p>In the event that the Plan proceeds to referendum 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 originally approved by Milton Keynes Council on 28 May 2013.</p>	Agreed.	<p>Referendum area to be based on the neighbourhood area for Castlethorpe.</p>