



# Basic Conditions Statement

Section 8 (2) of Schedule 4B of Town and County  
Planning Act 1990 (as amended)

Submission Draft

Prepared by  
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in conjunction with  
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on behalf of  
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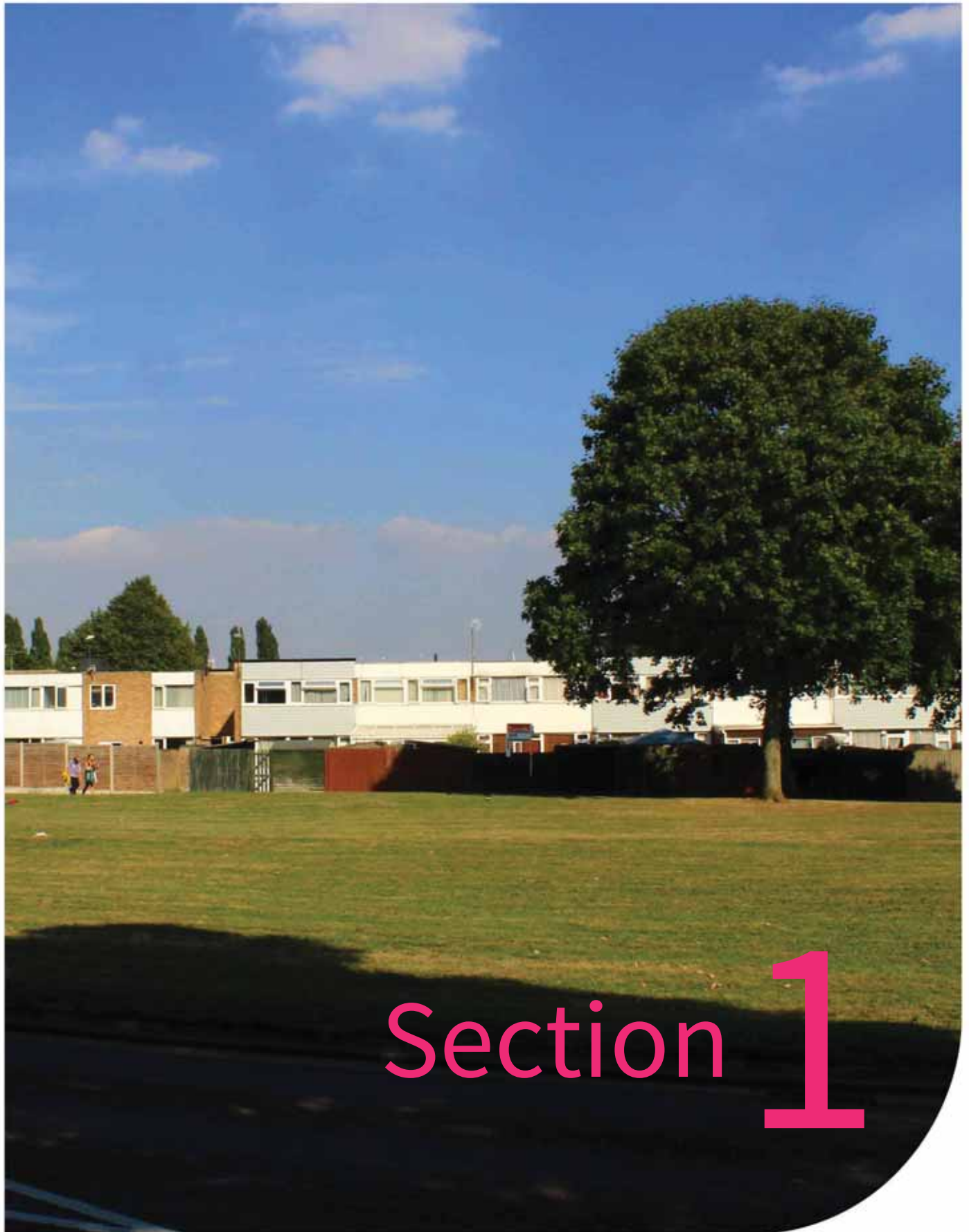


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# 01 Introduction

1.1 Under the Localism Act 2011, Milton Keynes Council has designated Bletchley and Fenny Stratford Town Council a qualifying body, and the Lakes Estate a qualifying area for which to prepare a Neighbourhood Development Plan.

1.2 This Basic Conditions Statement has been prepared by David Lock Associates, on behalf of Bletchley and Fenny Stratford Town Council to demonstrate how the proposed Lakes Estate Neighbourhood Development Plan (“The Plan”) meets the requirements of the Town and Country Planning Act 1990 (as amended), in relation to the preparation of a Neighbourhood Development Plan.

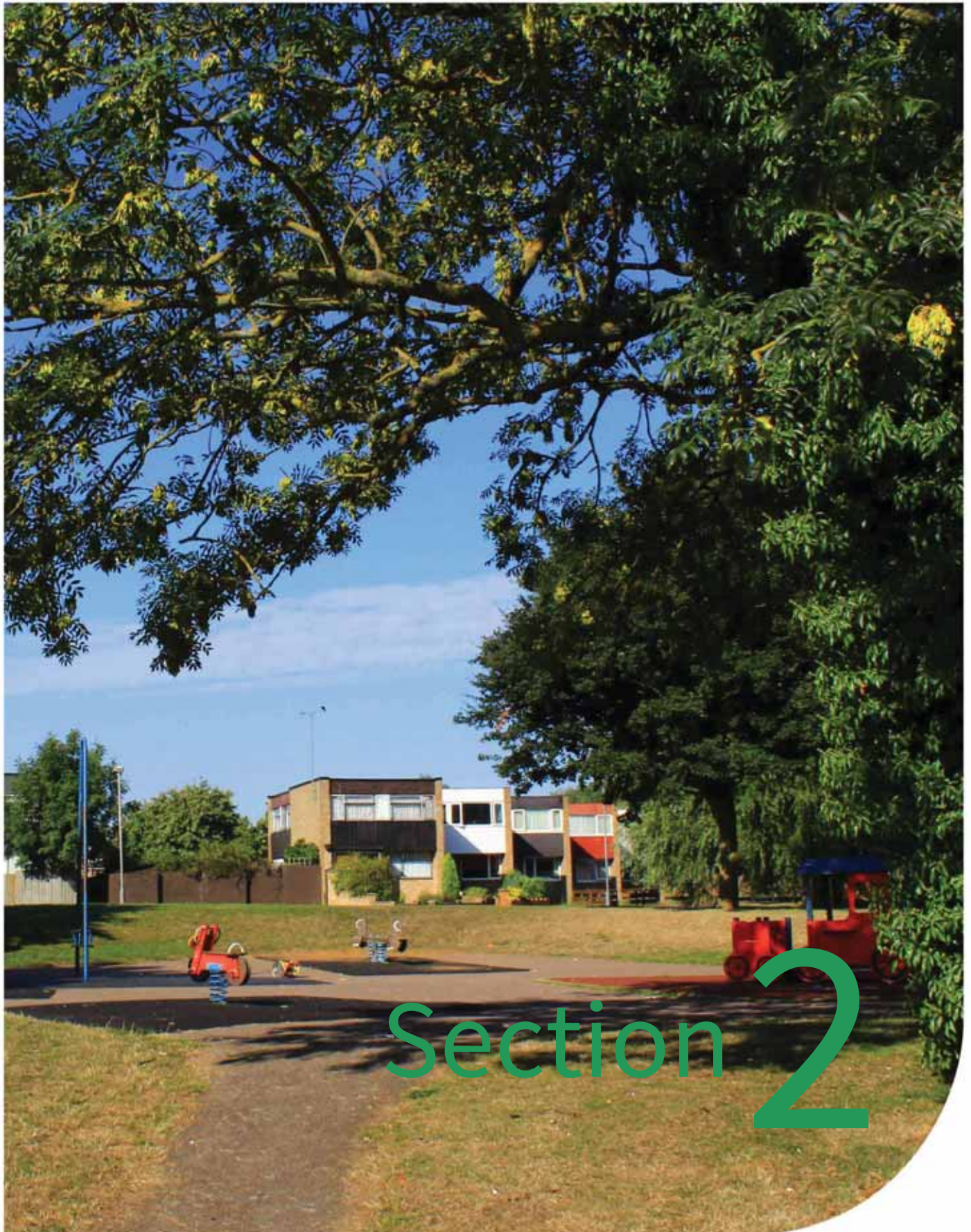












# Section 2



## 02 Legislation

2.1 Section 8 (1) of Schedule 4B of the Town and Country Planning Act 1990 (as amended) (“The Act”) requires an examiner to consider the following:

- (a) whether the draft neighbourhood development order meets the basic conditions (see sub-paragraph (2)),
- (b) whether the draft order complies with the provision made by or under sections 61E(2), 61J and 61L,
- (d) whether the area for any referendum should extend beyond the neighbourhood area to which the draft order relates, and
- (e) such other matters as may be prescribed.

2.2 Section 8 (2) of Schedule 4B provides a list of basic conditions that Neighbourhood Development Plans must comply with, these are set out below:

- (a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan,
- (d) the making of the neighbourhood development plan contributes to the achievement of sustainable development,
- (e) the making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),
- (f) the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations, and
- (g) prescribed conditions are met in relation to the neighbourhood development plan and prescribed matters have been complied with in connection with the proposal for the order.

2.3 Section 8 (6) of Schedule 4B states that “the examiner is not to consider any matter that does not fall within sub-paragraph (1) (apart from considering whether the draft order is compatible with the Convention rights).

2.4 The purpose of this statement is to demonstrate how the Neighbourhood Development Plan meets the basic conditions as required by 1(a) and sub-paragraph 2, (see section 3). However, the statement also demonstrates accordance with the requirements under paragraphs 1(b), (d) and (e).

### Section 8 (1) (b)

2.5 The provision of 61E(2) 61J and 61L as amended by s38C(5)(b) is a reference to the provisions of 38A and 38B.

### 38 A - Meaning of “neighbourhood development plan”

- 1) Bletchley and Fenny Stratford Town Council are a qualifying body and are therefore entitled to initiate a process to prepare a Neighbourhood Development Plan (NDP).
- 2) The policies contained within the Lakes Estate NDP solely relate to the area designated as the Lakes Estate Neighbourhood Development Plan Area (see appendix 1).
- 3) The NDP satisfies the requirements relating to the published examination and post-examination procedures.



## 38 B - Provision that may be made by neighbourhood development plans

- (1) (a) The period of the NDP is up to 2026, to align with the plan horizon of the recently adopted Milton Keynes Core Strategy.
- (b) The NDP does not include any provision for development that is considered excluded development (development that is defined within Section 61K).
- (c) The NDP does not relate to more than one neighbourhood area; it relates solely to the area designated by Milton Keynes Council on 22 January 2013.
- (2) There is no other NDP in place for this neighbourhood area.
- (3) Refers to conflicts in the NDP and clarifies that in the event of conflict between a NDP Policy and any other statement or information in the plan, the conflict must be resolved in favour of the policy.
- (4) Refers to regulations that the SoS may make relating to NDPs. These regulations are The Neighbourhood Planning (General) Regulations 2012, which are the same that have informed the preparation of the Lakes Estate Neighbourhood Development Plan. The Regulations specify provisions in relation to the procedure for making neighbourhood development plans, which include:
  - details of the consultation bodies (see the Consultation Statement);
  - that NDPs which are likely to have a significant effect on European Sites (Habitats) must be

subject to an appropriate assessment. The Lakes Estate NDP has been subject to a Strategic Environmental Assessment Screening Report. The recently adopted MKC Core Strategy has undertaken a Habitats Regulations Assessment (HRA). The screening exercise for the Lakes Estate NDP concluded that there are no European sites that would be affected by the proposals and as such it was considered that a Habitat Directive Assessment was not required; and

- that Neighbourhood Development Orders may be subject to an Environmental Impact Assessment (not relevant for NDPs).

5) Refers to the publication of NDPs.

6) Clarifies what is excluded development.

Section 8 (1) (d)

2.6 The NDP area was revised in 22 January 2013 to include those properties along the Stoke/Drayton Road at the north eastern tip of the plan area, following a decision made by the local community that this approach would ensure better cohesion between the Lakes Estate and the adjacent community of Water Eaton. There is not considered to be any justifiable reason, nor merit to extend the referendum area further beyond the designated NDP area.

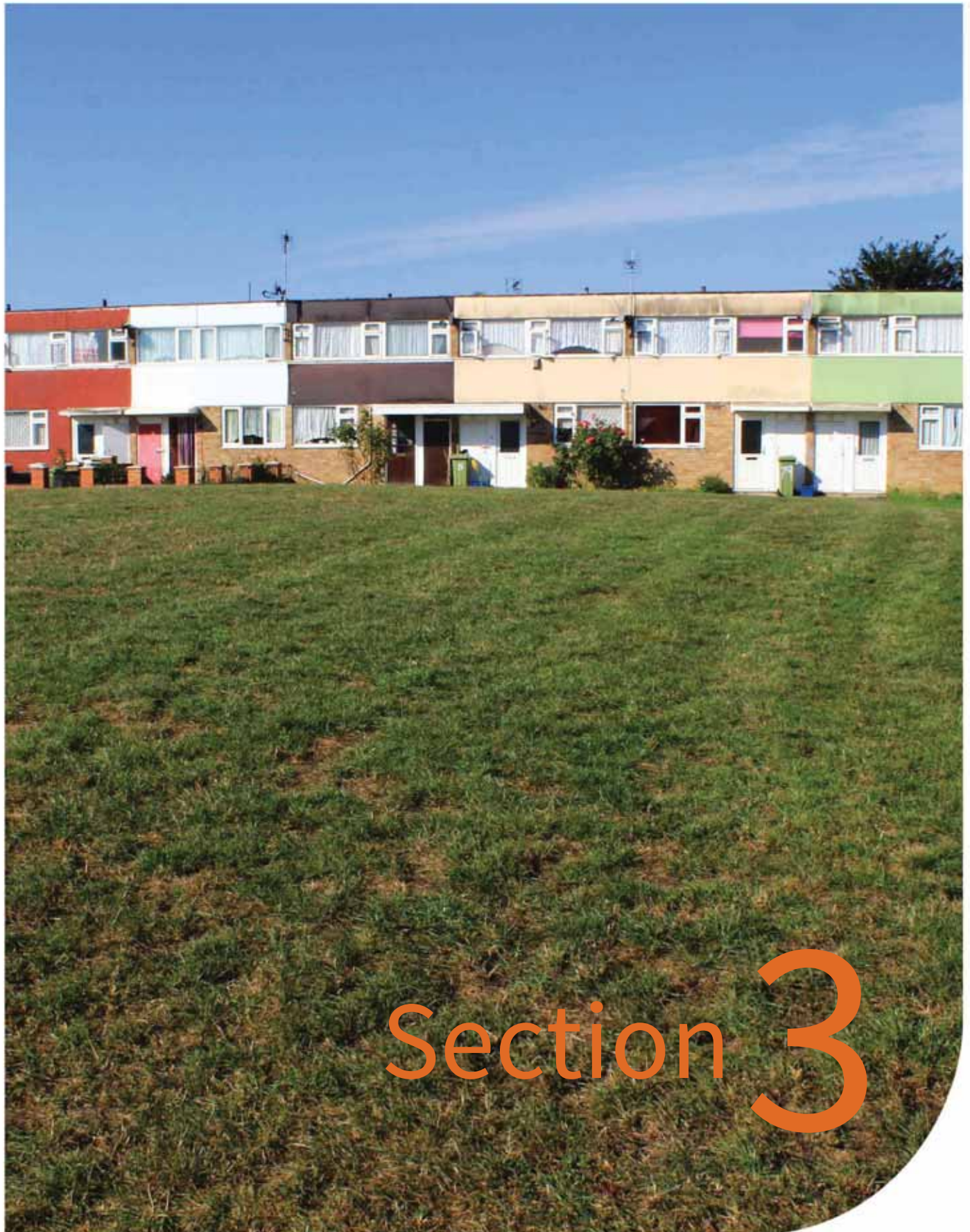
### Section 8 (1) (e)

2.7 There are no other prescribed matters of relevance to this document.









## 03 Basic Conditions

### National Policies and Advice

3.1 This section will demonstrate that the Lakes Estate Neighbourhood Development Plan, the “Plan” has had regard to national policies and advice as required by Section 8 (2) of Schedule 4B a) of “The Act”.

3.2 Paragraph 183-185 of the National Planning Policy Framework (NPPF) relates to Neighbourhood Plans. Paragraph 183 sets out the mechanisms through which neighbourhood planning can provide communities with the power to shape their neighbourhood through the delivery of sustainable development.

3.3 Paragraph 184 requires the ambitions of the neighbourhood to be aligned with the strategic needs and priorities of the wider local area, requiring Neighbourhood Plans to be in general conformity with the strategic policies of the Local Plan. Of note is the distinction between the legal requirement as set out in “The Act”, which requires general conformity with the Development Plan.

3.4 The NPPF provides 12 core planning principles that should underpin plan making and decision taking. Those of relevance to the “The Plan” are summarised below, alongside a commentary of the Plan’s conformity with them.





Core Planning Principle	Conformity of Plan
Plan-led system, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up to date, and be based on joint working and co-operation to address larger than local issues.	The Plan is a product of lengthy consultation with the local community and stakeholders and will enable the residents of the Lakes Estate to have a strong influence over the future of their neighbourhood. The policies contained within the Plan have been shaped by the responses of the community and local stakeholders to initial ideas so as to ensure that future development is appropriate and has a positive impact on the area.
Sustainable economic development to deliver homes, businesses, infrastructure and local places. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, responding positively to wider opportunities for growth and taking into account the needs of the residential and business communities.	The Plan has the potential to deliver positive change to the Lakes Estate, in line with the needs and aspirations of the local community. The Plan proposes delivery of additional housing, supported by a new mixed use centre, public realm and landscape improvements, new community facilities and an opportunity for the creation of a new canal gateway for the Estate. As such the Plan will have a positive effect on economic development of the Estate.
High quality design and amenity.	The Plan, through its policies, will promote development that responds positively to the unique character and layout of the Estate, integrates with existing development and delivers opportunities to improve and enhance connections both within the Estate and to the surrounding areas.
Take account of the different roles and character of different areas including promoting the vitality of main urban areas and recognising the intrinsic character and beauty of the countryside.	The Plan seeks to deliver a new local centre for the Estate, to accommodate displaced residential and commercial units and to offer a level of retail, commercial and community provision appropriate to support the day to day needs of the residents. The development opportunity sites have been influenced by the landscape context and topographical features of the area. The Plan considers ways to retain and enhance areas of valued pedestrian routes and open space, taking into account the established physical features within the area.
Support the transition to a low carbon future.	The Plan supports the principles of sustainable development, including to maximise the potential for walking, cycling and public transport and thereby to minimise the development's carbon footprint. Furthermore, all new buildings will be built to at least current day building regulation standards and thereby remove the current challenge of how to satisfactorily insulate 40 year old buildings which were intrinsically poorly constructed.
Contribute to conserving and enhancing the natural environment.	The Milton Keynes Core Strategy and more recent discussions with statutory consultees has established that there are no high level constraints to the development within the Plan area. The development identified within the Plan will respect the local topography and offers the potential to enhance the natural environment.
Promote mixed use developments.	The Plan promotes a new mixed use centre for the Lakes Estate and encourages the delivery of residential, commercial, retail and community opportunities.
Manage growth to make the fullest use of sustainable modes of transport and focus development in sustainable locations.	The facilitation of new commercial, retail and community opportunities in the centre of the Plan area will serve to encourage further pedestrian trips along the enhanced footpath routes. Furthermore, the Plan supports opportunities to identify improvements to public transport to improve the community's accessibility to a wider range of services and facilities in the surrounding area.
Improve health, social and cultural well being and delivery community and cultural facilities to serve local need.	The Plan demonstrates a commitment to improve the quality and variety of existing open space, play areas, community facilities and services within the Estate. Equally, it identifies new local employment opportunities in the redeveloped Serpentine Court so as to facilitate the possible provision of business start up units.

3.5 The NPPF details specific policy relating to 13 key themes. The following paragraphs assess the development against those themes that are relevant.

### Building a Strong Competitive Economy

3.6 The Government states a commitment to securing sustainable economic growth, paragraph 21 of the NPPF requires that “planning policies should recognise and seek to address potential barriers to investment, including a poor environment or lack of any infrastructure, services or housing”. Neighbourhood Development Plan Core Objective CO3 encourages the provision of small scale commercial uses to support and encourage a local economy.

3.7 Policy GP5: Local Commercial Opportunities supports and encourages new opportunities for small scale employment on the Estate with an aim to encourage flexible employment opportunities for residents of the Estate.

3.8 Policy SSP7 identifies a mix of land uses within a new centre to accommodate displaced commercial units from Serpentine Court and to develop a centre for the Lakes Estate which offers a range of supporting commercial uses, to include opportunities for start-up businesses. Through this policy the Neighbourhood Development Plan will enhance and encourage a local economy and help support the retail elements already established on the Estate.

3.9 Policy SSP8 identifies an opportunity for a public house/restaurant facility adjacent to the canal, responding to demand that could be generated by users of the canal and linear park. Paragraph 22 of the NPPF states:

*“where there is no reasonable prospect of a site being used for allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities”.*

3.10 The Plan recognises that a public house/restaurant use may not come forward in this location and provides a mechanism for such sites to be developed for solely residential use provided that any such application demonstrates that there is no commercial market interest for whole/part of the site.

### Promoting Sustainable Transport

3.11 Paragraph 29 requires the transport system to be “balanced in favour of sustainable transport modes, to give people a real choice about how they travel”. The Plan adopts an approach that favours a transport system balanced in favour of sustainable transport modes. Plan Core Objective CO7 seeks to identify opportunities for public transport to better serve the needs of its local users.

3.12 Policy GP3 concerns the physical integration of new development and requires new development to improve pedestrian and landscape connectivity through appropriate design of the built form. Policy GP4 requires new development to demonstrate ways to improve and enhance footpath connections, to include improvements to surfacing and lighting and to encourage new north-south connections to Water Eaton and east-west connections to Newton Leys. This approach will encourage walking and cycling within the Plan area and as a realistic transport mode to access the surrounding areas. A further factor in the delivery of this policy is the fact that the planning permission which facilitated the development of Newton Leys, to the south west of the Plan area, included with it a legal obligation to both ensure that a financial contribution was made to the enhancement of facilities on the Lakes Estate and improve public transport in the area.



## Delivering a Wide Choice of High Quality Homes

3.13 Paragraph 49 of the NPPF notes that housing applications should be considered in the context of the presumption in favour of development. The Plan demonstrates a sustainable approach to development by identifying development opportunities that are sensitive to the environment, supportive of a local economy and help to strengthen a community and social focus.

3.14 Plan Core Objective CO2 seeks to ensure that new development provides a suitable mix of housing types across all tenures, with particular regard to provision of affordable housing to meet the needs of the local community. To achieve this aim, the Plan identifies a number of development opportunity areas, allocated predominately for residential development. Policy GP2 confirms that a design-led approach will be taken to determining the most appropriate quantum of development within each site. The Plan identifies eight development opportunity sites which will yield a net gain of housing units, taking into account the demolition of Serpentine Court. Milton Keynes Council is not reliant on the delivery of these new homes to meet their housing targets and as such any housing delivered within the Plan area will be duly reported as windfall sites in the Council's monitoring of the successful implementation of its policies.

3.15 The exact mix of housing types, sizes and tenures will be determined through a series of planning applications that follow the production of the development brief and will be considered against the requirements set out in Plan:MK (for the interim, proposals should be considered against saved Local Plan Policy H4 and Affordable Housing SPD). A proportion of dwellings will be of an affordable tenure providing for those in housing need. The precise percentage and tenure mix of affordable housing will be determined and agreed with Milton Keynes Council as part of wider S106 discussions regarding applications that come forward.



## Requiring Good Design

3.16 Paragraph 56 of the NPPF states that:

*“good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making better places for people.”*

3.17 Paragraph 58 makes specific reference to Neighbourhood Development Plans, stating they should:

*“develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics. Planning policies and decisions should aim to ensure that developments:*

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;*
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;*
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;*
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and*
- are visually attractive as a result of good architecture and appropriate landscaping.”*

3.18 Plan Core Objective CO1 seeks to ensure that all development responds positively to the established character of the Estate. CO4 seeks to ensure that layout of new development is accessible and demonstrates opportunities to improve existing footpath connections within the Estate, whilst CO6 seeks to ensure that new





development provides safe, secure and well located parking areas and looks at ways to improve access and parking for existing residents.

3.19 The Plan, through its policies and core objectives seeks to reinforce the community's desire that new development is well designed and positively responds to the unique character of the Estate. Central to this is recognition of the successful attributes afforded by a Radburn layout, upon which the Estate is designed, but also an understanding that some of its elements are less conducive to modern living and in some instances can in fact generate conditions that result in negative situations, activities and associations such as fuel poverty, vandalism and fear of crime.

3.20 Policy GP2 and GP3 recognise the importance of good design ensuring a contemporary approach to design that positively responds to the established character of the Estate and improves pedestrian and landscape connectivity, whilst identifying opportunities to improve less successful design elements of the Estate, particularly with regard to public realm improvements. In the context of the pursuit of sustainable forms of development Policy GP1 and GP3 provides support for innovative and contemporary buildings and spaces that create community focus, which provides a mechanism for developers to pursue a more bespoke and creative design approach where acceptable.

3.21 Eight potential development opportunity sites have been identified by the community in the Plan, the key site design and place shaping principles that will govern the development of these areas are articulated through the individual site specific policies and further explored through illustrative plans. The design criteria have been shaped by rigorous schemes of consultation and both density and capacity testing and provide direction for any schemes coming forward within these identified areas, in relation to use, layout, access points, height and orientation of buildings, parking and footpath connections.

## Promoting Healthy Communities

3.22 Paragraph 69 of the NPPF recognises the role of planning in the promotion of healthy communities, through facilitating social interaction and creating healthy, inclusive communities. Great importance is placed on creation of a shared vision, incorporating community aspirations with regard to residential environment and facilities, through effective engagement and consultation.

3.23 Plan Core Objective CO12 seeks to ensure that meaningful community consultation exercise is undertaken before the submission of any proposal on the Estate, to identify relevant and necessary planning obligations that are appropriate to the local area and meet the needs of the local people. This aim is supported through policy GP8 which requires that development proposals demonstrate through Design and Access Statements and Statements of Community Involvement, how applicants have positively engaged with the Town Council and local stakeholders and resident groups and adequately demonstrate compliance with the Plan Core Objectives. This will ensure that any development proposals that come forward are planned in such a way that reinforces those characteristics of the Lakes Estate that the community treasure.

3.24 The Plan is a product of seven years of community engagement and consultation with the residents of the Estate, to draw out issues and identify areas of opportunity and improvement within the Estate. The development sites proposed by the Plan have been identified by the local community and their design has been shaped through design workshops and exhibitions, as evidenced in the Consultation Statement that supports the Plan.

### 3.25 Paragraph 70 requires:

*“positive planning for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments”.*



3.26 Plan Core Objective CO8 seeks to improve the quality and variety of existing open space, play areas, community facilities and services within the Estate. Policy GP7 sets out the requirement for new commercial and/or residential development to provide towards community development, either through direct provision of new facilities or through financial contributions. The policy prioritises contributions towards a new community facility for the youth of the Plan area; development of a community transport scheme; enhancement/replacement of street lighting; formalising appropriately located parking lay-bys; improving and strengthening key landscape and footpath connections; and improving the quality of play areas and equipment at identified locations. Plan Core Objective CO9 seeks to create a new, high quality centre that accommodates a mix of uses to cater for essential day to day needs of the residents of the Estate. Policy SSP7 sets out the specific design and use requirements that will govern the form of the new “heart” for the Estate. The policy supports the creation of a new centre as a community focus and to also provide a commercial and business focus of activity that is centrally located and therefore easily accessible from all locations within the Estate.

3.27 Introducing a range of mix of uses within the centre will ensure activity throughout the day and evening, which in turn helps to increase indirect surveillance which will help reduce existing and perceived levels of crime. As part of the detailed design for the centre it is envisaged that the development will make use of well designed security features, including active frontages and overlooked spaces.

3.28 An imperative to improve the network of footpaths and cycle routes including the incorporation of formal and informal open space will encourage activity and healthy lifestyles.

3.29 Paragraph 73 of the NPPF emphasises the contribution that access to high quality open spaces and opportunities for sport and recreation make to the health and wellbeing of communities. Paragraph 74 emphasises the importance placed on open space, sports and recreational buildings and land, stating that these assets should not be built on unless:

- *an assessment has been undertaken which has clearly shown the open space, buildings and land to be surplus to requirements; or*
- *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*

3.30 Almost half of the land within the Plan area is undeveloped green space. The generous proportions of green space and trees are key defining features of the Estate. This is recognised in the saved policies of the Milton Keynes Local Plan. However, in order to encourage inward investment and environmental betterment some areas of open land have been identified by the community as being suitable for development. As part of the consultation process undertaken as part of the preparation of this document the community have accepted ‘No Development = No Improvements’. Consequently the loss of some open space is accepted in order to deliver wider gains; such as: much needed better quality housing (to be delivered through policies SSP1-SSP8) and opportunities to improve the quality and variety of recreation and children’s play provision within the Estate (to be delivered through policies GP6 and GP7).



3.31 The Lakes Estate benefits from a significant quantity of open space and as part of the community engagement undertaken to inform the preparation of this Plan, it is evidenced that the community are prepared to see the loss of some areas of open space/land in order to deliver wider gains. The wider gains provided for by the Plan relate to improvements in the quality of open space provision and associated community and recreation facilities, as secured through policy GP7, which include improvements to the plays areas and variety of play equipment at locations identified by the community as being valued spaces which require improvements. As such, the approach adopted by the Neighbourhood Development Plan, in relation to loss of open spaces, is considered to comply with the requirements identified by paragraph 73 of the NPPF.

3.32 Paragraph 76 states that local communities should, in part, through Neighbourhood Development Plans, identify for special protection, green areas of particular importance to them. Paragraph 77 requires that Local Green Space designations should only be used where:

- *green space is in reasonably close proximity to the community it serves;*
- *where the green area is demonstrably special to a local community and holds a particular local significance, for example due to its beauty, historic significance, recreational value (including playing field), tranquillity or richness of wildlife; and*
- *where the green area concerned is local in character and is not an extensive tract or land.*

3.33 Areas identified by policy GP6 are the central area of open space known as “The Warren”, which provides a key structuring element to the Estate and serves to

connect the centre of the Estate to the Canal and linear park to the east of the Estate and the footpath spines within the centre of the Estate that define the 4 key diagonal routes within each quarter of the Estate. These areas are therefore in close proximity to the community they serve. The two areas identified hold a particular significance to the local community, as evidenced through the consultation process, particularly through their community, amenity and recreational value. The areas are local in character, specifically related to amenity uses within the Lakes Estate and tightly bound by existing and indeed, in the case of The Warren, proposed residential development. Their designation is therefore considered to satisfy the designation criteria set out at paragraph 77 of the NPPF.

### Meeting the Challenge of Climate Change and Flooding

3.34 The NPPF notes that reductions in greenhouse gas emissions and resilience to climate change can be encouraged through good planning. In considering the location of new development, Lakes Estate NDP has had regard to the need to consider ways in which to reduce greenhouse gas emissions. This imperative is primarily demonstrated in four ways: through a commitment to improve footpath connections within the Estate to include links to the surrounding neighbourhoods (Policy GP4); for proposals to demonstrate how the design and layout of the new centre can be served by existing bus routes (Policy SSP7); for provision of a range of energy efficient buildings that are flexible and can accommodate internal changes in the way they are used (Policy GP1); and for new development to be orientated to maximise solar gain (Policy GP3).



3.35 Paragraph 100 of the NPPF requires that development should be directed away from areas at highest risk of flooding. The allocation of sites for development as identified by the Plan has had regard to flood risk, ensuring that developments avoid flood risk areas.

### **Conserving and Enhancing the Natural Environment**

3.36 The NPPF places an emphasis on protecting valued landscapes, minimising impacts on biodiversity and preventing unacceptable levels of pollution, and on mitigating impacts where these occur. The Plan has had regard to the NPPF in the allocation of development sites, and seeks to balance the need to protect and enhance the natural environment whilst identifying areas for development and securing funds prioritised towards the delivery of targeted community objectives, as identified in the Plan.

3.37 The Plan also seeks to conserve and enhance other areas of the natural environment through the designation of areas of “Local Green Space”, (policy GP6) preserved for community, recreational and environmental purposes and safeguarded from development that would be contrary to such uses.



3.38 Site Specific Policies SSP2 and SSP8 identify canal side development opportunities and require development proposals to respect and enhance the rural character and appearance of the Grand Union Canal. SSP2 promotes sensitively designed canal side development that preserves and where possible enhances, the site's landscape context. SSP8 identifies a development parcel that maximises the canal edge setting, reinforcing the relationship between the Estate and canal by creating a continuous landscape connection for public enjoyment, amenity and activity.

### **Conserving and Enhancing the Historic Environment**

3.39 The NPPF recognises the contribution that heritage assets make to our knowledge and understanding of the past and the desirability of new development to make a positive contribution to local character and distinctiveness. The Plan area includes only one designated heritage asset, Grade II listed building, Sycamore Farmhouse at the northwestern tip of the Plan area. The Plan recognises the imperative for particular care to be taken when considering proposals for development to the north of the Plan area, to ensure it does not detrimentally impact on the setting of the listed buildings that comprise the historic core of Water Eaton (GP3).

3.40 There are no Conservation Areas, Registered Parks or Gardens, or Scheduled Monuments located within the Plan area.

3.41 Advice from Milton Keynes Council's Archaeologist has however highlighted the possible need for a watching brief to be undertaken in some of the Plan area to record if any pre-Roman finds are present.

## Contribution to the Achievement of Sustainable Development

3.42 This section will demonstrate that the Lakes Estate Neighbourhood Development Plan contributes to the achievement of sustainable development as required by Section 8 (2) of Schedule 4B d) of “The Act”.

3.43 The policies in paragraphs 18-219 of the NPPF, taken as a whole, constitute the Government’s view of what sustainable development in England means in practice for the planning system. Paragraph 7 of that document sets out the three dimensions to sustainable development: economic; social and environmental and explores how the planning system should contribute to the functioning of each by contributing to building a strong, responsive and competitive economy to include the identification of development requirements; to support strong, vibrant and healthy communities by providing a supply of housing to meet present and future needs and to contribute to protecting and enhancing our natural, built and historic environment whilst adapting to climate change and moving to a low carbon economy.

3.44 Paragraph 10 of the NPPF confirms that plans need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development. Paragraph 14 states that the presumption in favour of sustainable development should be seen as the golden thread running through both plan-making and decision-taking.

3.45 The Plan contributes to the achievement of sustainable development by seeking positive improvements in the quality of built and natural environment, as well as in people’s quality of life in the following ways:

- **Policy GP2** identifies development sites to deliver homes to meet the needs of the local community;
- **Policy GP 3 and Site Specific Policies 1-8** promote development that responds positively to the character and layout of the Estate and identify opportunities to improve existing direct routes to the centre of the Estate and create new walking and cycling connections to improve accessibility to a wider range of services and facilities in the surrounding area;
- **Policy GP6** protects and enhances the natural environment through retention and enhancement of areas of valued open space and routeways, taking into account the established physical features within the site;
- **Policy SSP7** seeks to improve the conditions in which people live, work, travel and take leisure; by allocating housing supported by a new mixed use centre
- **Policy GP6, GP7 and SSP8** provide a commitment to improve the quality and variety of existing open space, play areas, new community facilities and an opportunity for creation of a new canal gateway for the Estate;
- **Policy SSP7** replaces poor design with better design through the demolition of Serpentine Court and replacement with a new “heart” for the Estate to provide a community, commercial and business focus of activity, contributing to economic development through creation of retail uses to promote local employment opportunities to include provision of business start up units and live/work units.

3.46 The Plan demonstrates a sustainable approach to development by identifying development opportunities that are sensitive to the environment, supportive of a local economy and help to strengthen a community and social focus.

## General conformity with the Strategic Policies of the Development Plan for the Area

3.47 This section will demonstrate that the Lakes Estate Neighbourhood Development Plan is in general conformity with the strategic policies of the development plan for the area as required by Section 8 (2) of Schedule 4B e) of “The Act”. The development plan for the area comprises the Milton Keynes Core Strategy, adopted in July 2013 and saved policies of the Milton Keynes Local Plan 2001-2011, adopted in December 2005. The Core Strategy contains strategic policies and sets the framework for future detailed policies and Neighbourhood Development Plans. It only replaces the strategic policies in the 2005 Local Plan; most of the Local Plan policies are therefore saved. The Council will undertake an early review of the Core Strategy in the form of Plan:MK, which aims to be in place in 2015 and will provide strategic planning policy up to at least the year 2031.

3.48 The strategic policies relevant to the Lakes Estate Plan are:

### **Milton Keynes Core Strategy 2013**

#### **Policy CS1**

##### **Milton Keynes Development Strategy**

The provision of new homes and jobs will take account of the Settlement Hierarchy, with the majority focused on, and adjacent to, the existing urban area of Milton Keynes, to include selective infill, regeneration and redevelopment opportunities.

In conformity with the requirements of core strategy policy CS1, the Plan allocates development to support the regeneration of the Lakes Estate through the provision of:

- identifying possible infill sites for new homes;
- opportunities for job creation; and
- the provision of advice on how the local centre could be regenerated as part of phased redevelopment programme.

#### **Policy CS4**

##### **Retail and Leisure Development**

Planning permission will be granted for additional retail floorspace and other uses appropriate in town centres, subject to the scale of the proposal reflecting the characteristics of the centre within which it is proposed, in accordance with the defined shopping hierarchy (carried forward from the Local Plan, 2005). Local and Village Centres form the fourth tier of the hierarchy and provide convenience shopping and service facilities in order to reduce and minimise car dependency and to ensure ready access by non-car owning households and other people with limited or impaired mobility.

In conformity with the requirements of core strategy policy CS4, Lakes Estate Neighbourhood Development Plan Policy SSP7 sets out a clear policy that:

- supports the provision of retail opportunities as part of a mix of uses that will comprise the new local centre for the Estate to accommodate the essential day to day needs of its residents;
- includes a requirement for built form to be accessible and designed to accommodate wheelchair and pushchair users and those with mobility problems;
- requires proposals to demonstrate how the design and layout of the new centre can be served by existing bus routes; and
- requires provision of a central footpath spine to accommodate direct north-south cyclist and pedestrian movement through the redeveloped local centre.



## Policy CS8 Other Areas of Change

The Neighbourhood Regeneration Strategy, was adopted by Milton Keynes Council in December 2008, and provides the framework for change in older housing areas within Milton Keynes. The strategy is based on a community-led approach, therefore development and changes in areas identified by the regeneration strategy will be driven by the views of local people (para 8.4). Milton Keynes Council is not relying on new development in these areas to meet adopted housing targets, but any houses that are delivered will be accounted for in the Annual Monitoring Report (para 8.5).

The central Core Strategy policy that underpins the Regeneration Strategy is CS8. Three areas have been identified for pilot studies; Fishermead, Tinkers Bridge and the Lakes Estate, based on their index of multiple deprivation (2007) and Milton Keynes Social Atlas (2008). Policy CS8 requires, through close work with communities, the preparation of Neighbourhood Action Plans and Neighbourhood Development Plans to identify the specific changes required in these areas (and future study areas) to address the potential need for the following:

1. Physical change – land, buildings and the space between them;
2. Economic improvement – employment opportunities and business activity;
3. Improved human capital – skills, abilities and knowledge of people; and
4. Social capital – community spirit, strength of voluntary and community groups.

In conformity with the requirements of core strategy policy CS8, the Plan provides a framework within which positively planned development can take place that is directly influenced by the residents of the Lakes Estate. The Neighbourhood Development Plan Policies as set out below seek to achieve the following:

- **GP2** - identify land for new housing, commercial and community uses to meet the needs of the local community
- **GP5** - support the creation of new opportunities for small scale, flexible employment opportunities;
- **GP6** - protect land considered to have residential amenity or recreational value;
- **GP7** - identify and support improvements for community and recreation facilities;
- **GP8** - supports continued communication and community engagement to ensure development proposals are compliant with the aspirations of the local community; and
- **SSP7** - supports opportunities to incorporate small start-up commercial units and a community building within a new local centre.







## Policy CS10 Housing

This policy requires that both new and refurbished housing should meet the needs and aspiration of the existing population and of the future residents by the provision of an appropriate range of sizes, values, styles, tenures and densities. Infill development should respect the style and scale of buildings and the mix of dwelling types in the surrounding area. Housing should be energy efficient, so as to minimise the risk of fuel poverty, and development design should encourage access by walking and cycling.

In conformity with the requirements of core strategy policy CS10, the Neighbourhood Development Plan Policies as set out below, seek to achieve the following:

- **GP1** – supports provision of a range of energy efficient buildings which are flexible and respond to people’s current and future needs;
- **GP3** - new housing to incorporate a mix of house types and tenures and respects the layout principles and built form of the Estate and improved pedestrian connectivity;
- **GP5** - support improvements and enhancement of footpath connections;
- **SSP1** – ensure design approach to built form, layout and dwelling density, relates to context of the surrounding area, generally be two storeys in height, however three storeys may be acceptable;
- **SSP2** – restricts built form to 4 storeys and integration of footpaths to improve access between Estate and canal;
- **SSP3** – requires bungalows to be included in the dwelling mix, proposals should cater for pedestrian movement;
- **SSP4** – development to be generally two storeys in height, however three storeys may be acceptable, establish new pedestrian link;
- **SSP5** – development to be generally two storeys in height, however three storeys may be acceptable, establish new pedestrian link;

- **SSP6** - development to be generally two storeys in height, however three storeys may be acceptable, sensitively designed built form to respect bungalows;
- **SSP7** – restricts built form to 4 storeys, seeks a minimum of 195 residential units with a significant proportion to be delivered through blocks of 2 storey housing, implementation of north-south pedestrian corridor and legible and safe pedestrian link to Warren open space;
- **SSP8** - restricts built form to 4 storeys, integration of footpaths to improve access between Estate and canal.

## Policy CS11 A Well connected Milton Keynes

This policy seeks to improve accessibility across the Borough, improved safety and quality of life and a reduction in the Borough’s carbon footprint. Measures to secure this, amongst more strategic transport priorities, include: a step change in improvements to public transport; more sustainable transport choices for car owners and information for non-car mode journeys; and encouraging movement by cycling and walking through improvements to the Redway network and other paths to include more direct routes, enhanced facilities, improved signage.

In conformity with the requirements of core strategy policy CS11, the Neighbourhood Development Plan Policies as set out below, seek to achieve the following:

- **GP2** - supports proposals that demonstrate a safe, usable, well connected, legible design layout that maximise opportunities to improve the public realm;
- **GP3** - new development should improve pedestrian connectivity;
- **GP5** - support improvements and enhancement of footpath connections, to include improvements to street lighting, resurfacing and surveillance;
- **SSP7** – proposals should demonstrate how the design and layout of the new centre can be served by existing bus routes.



### Policy CS12 Developing Successful Neighbourhoods

This policy seeks to ensure that new developments and major redevelopments must be designed to support sustainable lifestyles for all to include: creating walkable neighbourhoods and extensions of existing walking and cycling networks; siting day-to-day facilities, including shops, leisure and employment in locations easily accessible on foot, by bike and public transport; creating high quality open spaces in line with MK Open Space Strategy and private amenity space for houses; locating development to maintain and improve current flood risk and air quality standards; encouraging home working; achieving highest standards of design in terms of safety and security; and creating diverse and flexible neighbourhoods that can respond to change overtime, allowing communities to form and grow effectively.

In conformity with the requirements of core strategy policy CS12, the Neighbourhood Development Plan Policies as set out below, seek to achieve the following:

- **GP1** – support flexible buildings which respond to people’s current and future needs, provide a range of community and commercial facilities designed to meet the needs of the whole population, provide local jobs to create opportunities close to where people live;
- **GP2** - supports proposals that demonstrate a safe, usable, well connected, legible design layout that maximise opportunities to improve the public realm;
- **SSP7** – allocates a new centrally located local centre to the Estate to support the community who live and work there, to include community building, opportunities for small start-up commercial units.

### Policy CS15 Delivering Economic Prosperity

This policy seeks to ‘up skill’ the existing workforce in Milton Keynes through a number of key projects which include training facilities to improve the skills and qualifications of the resident workforce and help sections of the community that are disadvantaged in the labour market.

In conformity with the requirements of core strategy policy CS15, the Neighbourhood Development Plan Policies as set out below, seek to achieve the following:

- **GP5** - support the creation of new opportunities for small scale, flexible employment opportunities; and
- **SSP7** – support small start-up commercial units.

### Policy CS17 Improving access to local services and facilities

This policy commits to improving access to local services and facilities by: implementing policies that protect public open space, leisure, recreation, sport and community facilities, local centres and village shops, pubs and Post Offices; working with other service providers on the wider use of buildings and co-location of services; seeking alternative community uses for community facilities that are no longer required for their current use; and improving access for the disabled and other disadvantaged groups.



In conformity with the requirements of core strategy policy CS17, the Neighbourhood Development Plan Policies as set out below, seek to achieve the following:

- **GP6** – protects areas of open space that have particular significance to the community from development, through designation as “Local Green Space”; and
- **GP7** - promotes improvements to community and recreation facilities, provides appropriate access to well located open space and encourages collective use of community buildings.

### Policy CS19

#### The Historic and Natural Environment

Requires developments to protect and enhance the significance of the Borough’s Heritage Assets, through consideration of the character, appearance and setting of sites, buildings, structures, areas, parks and gardens and landscapes that are of historic, architectural, cultural, biodiversity or archaeological significance. Development must also protect and enhance green infrastructure and open space must be provided in line with the Council’s standards.

In conformity with the requirements of core strategy policy CS19, the Neighbourhood Development Plan Policies as set out below, seek to achieve the following:

- **GP3** - new development should improve landscape connectivity, particular care should be given to ensure new development at the northern edge of the Plan area does not detrimentally impact on the setting of the listed buildings that comprise the historic core of Water Eaton, to include the single listed building within the Plan area, Sycamore Farmhouse, listed at Grade II ;
- **SSP1 and SSP6** – Site at Skene Close and rear of Water Hall school are close to a known archaeological site at Ruthven Close, therefore prior to commencement, archaeological field evaluation is likely to be required to be carried out;
- **SSP8** - respect and enhancement of the rural character and appearance of the Canal, creation of a valuable area of landscaped open space adjacent to the canal.

### Policy CS21

#### Delivering Infrastructure

The policy requires that new development that generates a demand for infrastructure to support and mitigate its impact is either already in place, or demonstrates a reliable mechanism to ensure it will be delivered in the right place and time in line with the Council’s standards. Where appropriate, the Council will permit developers to provide the necessary infrastructure as part of the development proposals, rather than making financial contributions through a s106, or levy.

In conformity with the requirements of core strategy policy CS21, the Neighbourhood Development Plan Policies as set out below, seek to achieve the following:

- **GP7** – planning applications for new housing or commercial units must demonstrate contribution towards delivery of complementary community development;
- **GP8** - supports continued communication and community engagement to ensure development proposals are compliant with the aspirations of the local community; and
- **SSP7** – requires an implementation and phasing plan to be submitted setting out how redevelopment of the new local centre will be delivered in a phased approach that retains established tenants and occupiers.

Furthermore, the Plan is also supported by a Delivery Strategy that sets out the delivery mechanisms for the sites identified by the Plan. The Delivery Strategy is a ‘live’ document that will continue to be updated during the life of the Plan.

### Milton Keynes Local Plan 2005

The Local Plan policies, as set out below, are relevant to the Plan area, as identified on the Proposals Map. The policies relate to housing, development in local centres, nature conservation and protection of open space and community facilities.

### **Policy H1** **Land Allocated for Housing**

This policy supports proposals for new housing as identified on the proposals map.

Neighbourhood Development Plan Policies SSP2 and SSP8 propose residential development on land south of Phelps Street in conformity with the residential allocation identified in the Local plan proposals map.

### **Policy H2** **Priority Housing Requirements**

Within the context of the overall housing need, the policy seeks a provision for affordable, supported and housing for older people (bungalows and sheltered homes).

### **Policy H4** **Affordable Housing: Target and Site Thresholds**

The policy sets out the Council's target of securing 30% of new housing as affordable housing from housing developments of at least 25 dwellings, or residential sites of at least 1 hectare, irrespective of the number of dwellings.

As part of the Milton Keynes Core Strategy and the failure of the market to deliver sufficient new affordable homes to meet the needs of the local community, officers were encouraged by the Inspectorate to review the viability of this policy. In March 2013

a new Supplementary Planning Document on Affordable Housing was published and is now used for development management purposes. This seeks, where obligations are appropriate, affordable housing or a financial contribution for it to be provided at a rate of 20% of units for rent in a range up to 80% of open market rents, 5% broadly at social rent and 5% as shared ownership or new build / home buy where 15 or more dwelling units are to be provided.

### **Policy H5** **Affordable Housing: Site and Market Conditions**

The policy states that the proportion of affordable housing that the Council will seek on individual sites may vary depending on site and market conditions, taking into account the site size, suitability and economics of provision and the need to achieve a successful housing development. The policy also confirms that in some instances, an off-site financial contribution towards affordable housing may be sought.

### **Policy H9** **Housing Mix**

The policy requires proposals for 5 or more dwellings to incorporate a range of house sizes and types and will be encouraged to meet the "Lifetime Homes" standard.

In conformity with the requirements of saved local plan policies H2, H4, H5 and H9 the Neighbourhood Development Plan Policies as set out below, seek to achieve the following:

- **GP3** - new residential development should incorporate a mix of house types and tenures; and
- **SSP3** – bungalows should be included in the dwelling mix.

### **Policy H8** **Housing Density**

The policy requires the density of new housing development to be well related to the character and appearance of development in the surrounding area. The policy seeks an average net density of 30 dwellings per hectare within the Plan area.

Neighbourhood Development Plan Policy SSP2 requires proposals to clearly demonstrate a design-led approach to determining the appropriate amount of development, with the exception of redevelopment





of the local centre, for which policy SSP7 prescribes a minimum number of units to give an average net density of 37 dph.

### Policy LC3

#### New development in Local Centres

The policy supports new retail and other facilities in Local Centres, provided that the scale and nature of the proposal is consistent with their role and function as Local Centres.

Neighbourhood Development Plan Policy SSP7 seeks to deliver a mix of community, commercial retail uses as part of the redeveloped “heart” to offer a range of retail and community activities necessary for the day to day needs of the Estate, within the area defined as a local centre on the extant Proposals Map.

### Policy L2

#### Protection of Public Open Space and Existing Facilities

The policy states that planning permission will be refused for proposals involving the loss of open space used for leisure and recreation, unless alternative provision of at least equivalent size, quality, suitability and convenience is made.

In considering proposals involving the loss of amenity open space, the council will take into account the criteria set out in Appendix L2 of the Plan, furthermore, the loss of amenity open space may be acceptable if it is adequately compensated by proposals for improvements to the quality of landscaping and appearance of amenity space elsewhere in the locality.

Only the larger sites protected by this policy are shown on the Proposals Map, however smaller sites, such as play areas and incidental open space are given equal protection by this policy. If it is not intended that the policy should preclude infill housing development on appropriate sites where proposals satisfy the criteria listed in Policy L2 and Appendix L2.

The wider gains provided for by the Plan relate to improvements in the quality of open space provision and associated community and recreation facilities, as secured through policy GP7, which include improvements to the plays areas and variety of play equipment at locations identified by the community as being valued spaces which require improvements. As such, the approach adopted by the Neighbourhood Development Plan, in relation to loss of open spaces, is considered to comply with the requirements of Local Plan Policy L2.

In conformity with the requirements of saved local plan policy L2 the Neighbourhood Development Plan Policies as set out below, seek to achieve the following:

- **GP6** – protects areas of open space that have particular significance to the community from development, through designation as “Local Green Space”; and
- **SSP1** – site benefits from extant outline planning permission, through which it was demonstrated that the land formally comprises playing fields that are surplus to requirements.
- **GP7** – identifies improvements to plays areas and the variety of play equipment at locations identified by the community as being valued spaces which require improvements.

## Policy C2

### Protection of Community Facilities

The policy seeks to protect community facilities except where there is no longer a need for the facility for any type of community use.

Neighbourhood Development Plan Policy GP7 promotes improvements to community and recreation facilities in conformity with the requirements of saved local plan policy C2.

## EU Obligations

3.49 The planning and Compulsory Purchase Act 2004, requires Local Authorities to produce Sustainability Appraisals (SAs) for all local development documents to meet the requirement of the EU Directive on SEA. Paragraph 180(d) of the 2008 Planning Act and the Town and Country Planning (Local Planning) (England) Regulations 2012 removed the UK legislative requirement for the sustainability appraisal of Supplementary Planning Documents, moreover, the legislation confirmed that Neighbourhood Plans are not Development Plan Documents and as such do not require and SA.

3.50 Neighbourhood Plans may, however, still require a Strategic Environmental Assessment. In accordance with the provision of the European Directive 2001/42/EC and the Environmental Assessment of Plans and Programme Regulations 2004, a formal request for a screening opinion was made to Milton Keynes Council, in respect of the preparation of the Neighbourhood Plan for the Lakes Estate. A screening request was submitted on 19th September 2013 and was supported by a Screening Report.

3.51 The Report, which was prepared by David Lock Associates on behalf of Bletchley and Fenny Stratford Town Council, demonstrated that any environmental impacts arising from the Plan are likely to be local and small in scale. Furthermore, there are unlikely to be any significant environmental effects that have not already been addressed through the SA that supports the Milton Keynes Core Strategy.

3.52 Milton Keynes Council has formally consulted on the SEA screening request submitted in September 2013, with three statutory environmental bodies, English Heritage, Environment Agency and Natural England, following consultation with these bodies, the Council confirmed that the Lakes Estate Neighbourhood Development Plan does not require a full SEA to be undertaken.

3.53 For completeness and following consultation on the draft plan and consideration of the responses that were received, a second screening opinion was sought from the Council on 4th April 2014 (appendix 2). The Council confirmed their original view that the Plan does not require a formal SEA (appendix 3).

3.54 The Milton Keynes Core Strategy had undertaken a Habitats Regulations Assessment (HRA). There are no European sites that would be affected by the proposals as identified within the Plan and therefore is not considered to require an HRA.

3.55 The European Convention of Human Rights has been considered, in particular in relation to Article 8 (privacy); Article 14 (discrimination) and article 1 of the first Protocol (property). It is considered that the Lakes Estate Neighbourhood Development Plan is compatible with the European Convention on Human Rights within the meaning of the Human Rights Act 1998.

3.56 It is concluded that the Lakes Estate Neighbourhood Development Plan is considered to be compatible with EU obligations.







## 04 Conclusion

4.1 Section 8 (2) of Schedule 4B of the Town and County Planning Act 1990 (as amended) provides a list of basic conditions that Neighbourhood Development Plans must comply with.

4.2 The Lakes Estate Neighbourhood Development Plan, Proposed Submission Draft, and its supporting documents have benefited from a “Health Check” review, conducted by Neighbourhood Planning Independent Examiner Referral Service (NPEIRS), provided at appendix 4. The review reported that the Lakes Estate NDP had been competently prepared to a high standard and that much good practice had been established. The Plan had been developed through wide consultation with residents, landowners and businesses in the estate and that the inclusive approach engaging with key stakeholders had clearly been most successful.

4.3 The Health Check made a number of recommendations in respect of the Plan and its supporting documents, and these recommendations have been reviewed and applied to the submission draft of the Plan.

4.4 In conclusion, the Basic Conditions Statement demonstrates that all such conditions have been met by the Lakes Estate Neighbourhood Development Plan.



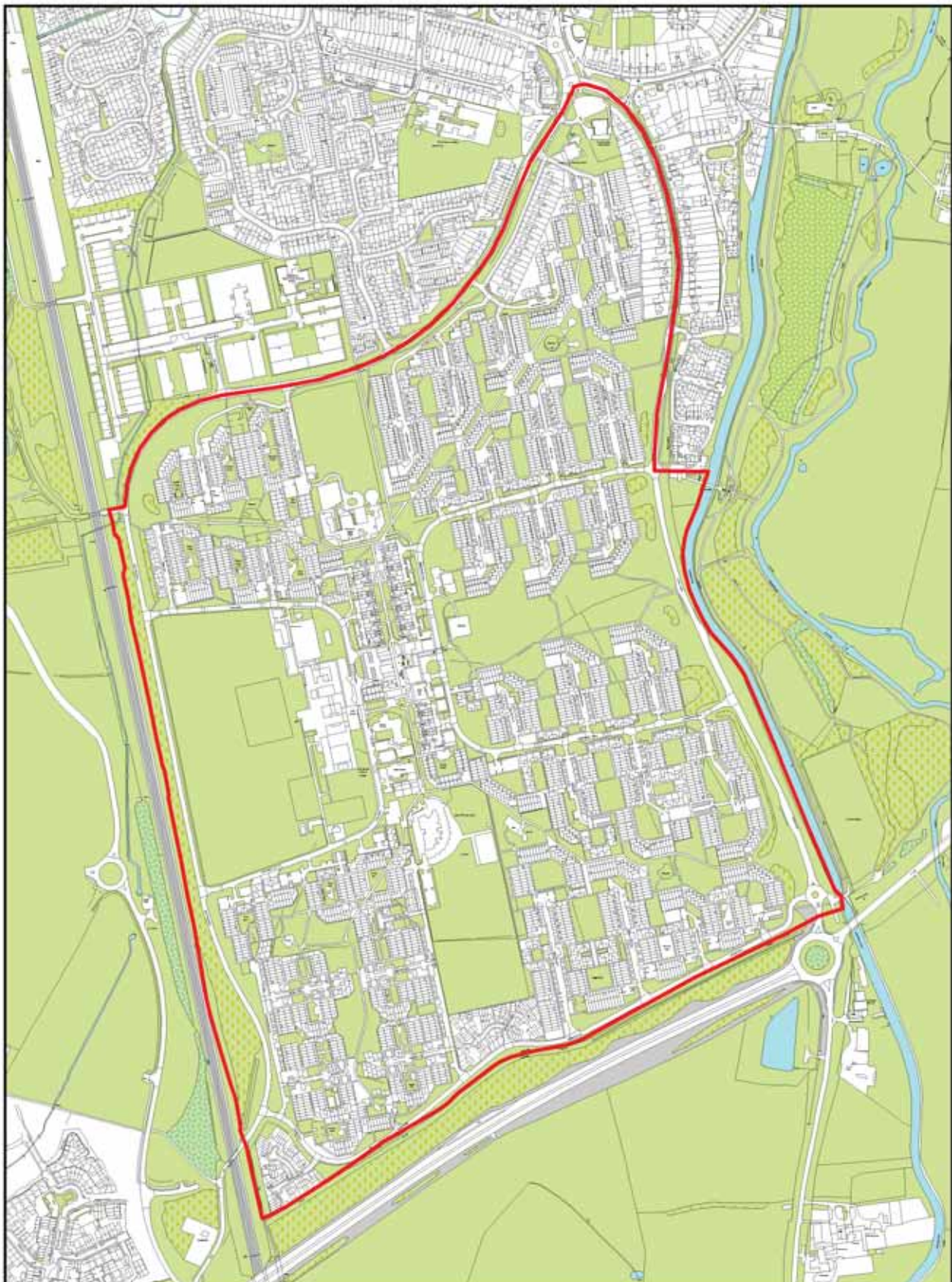


## Neighbourhood Development Plan Area

# Appendix 1







# **Lakes Estate, Bletchley, Milton Keynes**



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Milton Keynes Council - 100019593 - 2012

10/10/2012

Ref. 2084



Scale 1: 8,000

# Appendix 2







Michael Moore  
Development Plans  
Milton Keynes Council  
1 Saxon Gate East  
Milton Keynes  
MK9 3EJ

By Email and First Class Post  
4 April 2014

Our Ref: BFSC001

Dear Michael,

**THE LAKES ESTATE NEIGHBOURHOOD DEVELOPMENT PLAN:  
Request for an SEA Screening Opinion**

In accordance with the provisions of the European Directive 2001/42/EC and the Environmental Assessment of Plans and Programmes Regulations 2004, this letter constitutes a formal request for a screening opinion from the Council, informed by consultation with statutory bodies English Heritage, Natural England and the Environment Agency and more recently the review undertaken by the Neighbourhood Planning Independent Examiner Referral Service in respect of the preparation of a Neighbourhood Plan for the Lakes Estate, Bletchley, Milton Keynes.

To support our request, we submit a Screening Report, which we consider demonstrates that The Lakes Estate Neighbourhood Plan does not require a Strategic Environmental Assessment.

The Screening Report concludes that any impacts on the environment resulting from The Lakes Estate Neighbourhood Development Plan are likely to be local and small in scale. The Neighbourhood Development Plan will supplement the existing adopted and saved policies as set out in Milton Keynes Core Strategy, July 2013 and as such, any such significant impacts are likely to be covered in the Sustainability Appraisal for Milton Keynes Core Strategy.

We look forward to receiving the Council's formal scoping opinion in due course. If you have any queries, please do not hesitate to contact me.

Yours sincerely



ROBERT M PURTON  
Partner

E-mail: [rpurton@davidlock.com](mailto:rpurton@davidlock.com)

cc. Barbara Sullivan, Bletchley and Fenny Stratford Town Council  
Francesca Robinson, David Lock Associates

**THE LAKES NEIGHBOURHOOD PLAN**

# **Strategic Environmental Assessment Screening Report**

**Prepared by David Lock Associates Limited in conjunction  
with Integrated Transport Planning Limited**

**on behalf of**

**Bletchley & Fenny Stratford Town Council**

**April 2014**



# **The Lakes Neighbourhood Development Plan Strategic Environmental Assessment Screening Report**

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David Lock Associates Limited in conjunction with ITP Limited  
on behalf of  
Bletchley & Fenny Stratford Town Council

# **The Lakes Neighbourhood Development Plan Strategic Environmental Assessment Screening Report**

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## **Appendices**

Appendix 1 The Lakes Neighbourhood Plan Development Area

# **The Lakes Neighbourhood Development Plan Strategic Environmental Assessment Screening Report**

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## **1. Introduction**

- 1.1 Bletchley and Fenny Stratford Town Council and the occupiers of The Lakes Estate wish to prepare a Neighbourhood Development Plan.
- 1.2 Previously all statutory land use plans required a Sustainability Appraisal which incorporated the requirements for a Strategic Environmental Assessment. This was a requirement under UK Government legislation. However, paragraph 180(d) of the 2008 Planning Act and the Town and Country Planning (Local Planning) (England) Regulations 2012 removed the UK legislative requirement for the sustainability appraisal of Supplementary Planning Documents such as Neighbourhood Plans. Despite no longer requiring a sustainability appraisal, Neighbourhood Development Plans may, in some circumstances, still require a Strategic Environmental Assessment.
- 1.3 This screening report is designed to determine whether or not the contents of The Lakes Estate Neighbourhood Plan, 2013 requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004.
- 1.4 The purpose of the Neighbourhood Development Plan is to provide a tier of planning guidance beneath both the recently adopted Core Strategy and the emerging Plan: MK for the area of Milton Keynes known as The Lakes Estate. The study area for the Neighbourhood Development Plan is shown in Appendix 1.
- 1.5 In September 2013 a preliminary screening opinion was sought from Milton Keynes Council. This confirmed that the proposed Plan would merely relate to the identification of small areas of land which would only have very local effects it was unlikely that a SEA would be required.
- 1.6 In the light of this confirmation the community subsequently progressed the preparation of their draft Neighbourhood Development Plan. This included public consultation in accordance with the relevant legislation and Milton Keynes Council's own Statement of Community Involvement (SCI) prior to its adoption.



## **The Lakes Neighbourhood Development Plan Strategic Environmental Assessment Screening Report**

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- 1.7 As the preparation of the draft Neighbourhood Development Plan has now progressed the National Planning Independent Examiner Referral Service consider it best practice to seek clarification that Milton Keynes Council were now formally satisfied that the work undertaken by the residents of the Lakes Estate, the officers and Members of Bletchley and Fenny Stratford Town Council and their advisors had not required an SEA.
- 1.8 The legislative background set out below outlines the regulations that require the need for this screening exercise. Section 4, provides a screening assessment of the likely significant environmental effects of the Neighbourhood Plan and the possible need for a full SEA.
- 1.9 Section 5, provides a recommendation for Milton Keynes Council, should it wish, to reconsult upon with the three statutory bodies.

# **The Lakes Neighbourhood Development Plan Strategic Environmental Assessment Screening Report**

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## **2. Legislative Background**

- 2.1 The basis for Strategic Environmental Assessments and Sustainability Appraisal legislation is European Directive 2001/42/EC and was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations. Detailed Guidance of these regulations can be found in the Government publication 'A Practical Guide to the Strategic Environmental Assessment Directive' (ODPM 2005).
- 2.2 The Planning and Compulsory Purchase Act 2004 required Local Authorities to produce Sustainability Appraisals (SA) for all local development documents to meet the requirement of the EU Directive on SEA. It is considered best practice to incorporate requirements of the SEA Directive into an SA.
- 2.3 However, the 2008 Planning Act removed the requirement to undertake a Sustainability Appraisal for a Supplementary Planning Document, but not a Strategic Environmental Assessment. This, is because SPD's – which in certain circumstances also include Neighbourhood Development Plans - do not normally introduce new policies or proposals or modify planning documents which have already been subject to Sustainability Appraisal.
- 2.4 This report focuses on screening for SEA and the criteria for establishing whether a full assessment is needed.

**3. Criteria for Assessing the Effects of Supplementary Planning Documents**

3.1 Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC are set out below:

- 1. *The characteristics of plans and programmes, having regard, in particular, to:***
  - 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,*
  - the degree to which the plan or programme influences other plans and programmes including those in a hierarchy,*
  - the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,*
  - environmental problems relevant to the plan or programme,*
  - 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).*
  
- 2. *Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:***
  - the probability, duration, frequency and reversibility of the effects,*
  - the cumulative nature of the effects,*
  - the trans-boundary nature of the effects,*
  - the risks to human health or the environment (e.g. due to accidents),*



## **The Lakes Neighbourhood Development Plan Strategic Environmental Assessment Screening Report**

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- the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),***
- the value and vulnerability of the area likely to be affected due to:***
- special natural characteristics or cultural heritage,***
- exceeded environmental quality standards or limit values,***
- intensive land-use,***
- the effects on areas or landscapes which have a recognised national, Community or international protection status.***

Source: Annex II of SEA Directive 2001/42/EC

# **The Lakes Neighbourhood Development Plan Strategic Environmental Assessment Screening Report**

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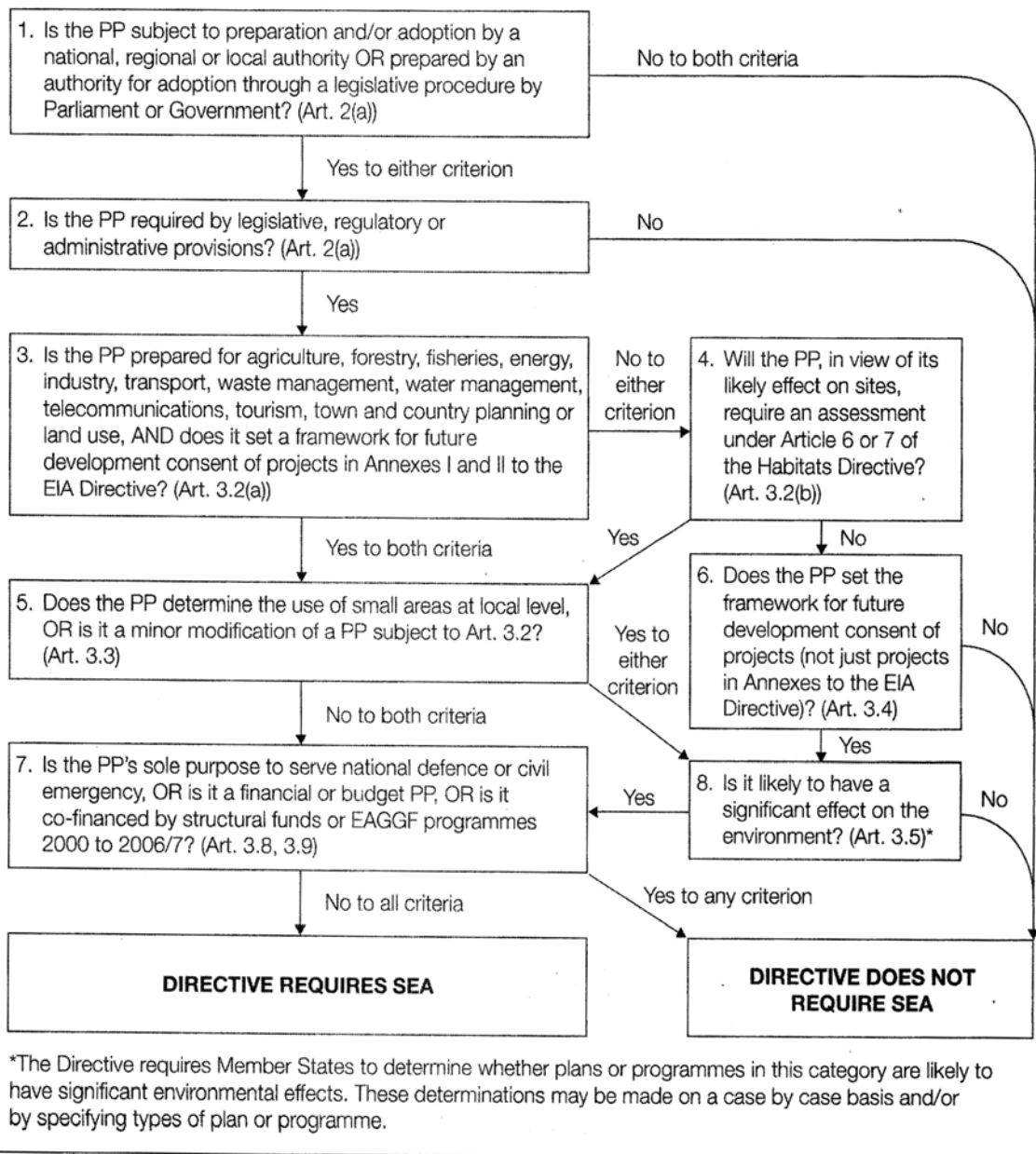
## **4. The Formal Assessment**

- 4.1 The Office of the Deputy Prime Minister's practical guidance provides a checklist approach based on the Strategic Environmental Assessment regulations to guide the determination of whether a SEA is required.
- 4.2 This guide has been used as the basis on which to assess the possible need for a SEA as set out below. The diagram below has been taken directly from the government guidance, entitled Figure 2 and this illustrates the process that has been undertaken.

# The Lakes Neighbourhood Development Plan Strategic Environmental Assessment Screening Report

**Figure 2 – Application of the SEA Directive to plans and programmes**

This diagram is intended as a guide to the criteria for application of the Directive to plans and programmes (PPs). It has no legal status.



4.3 The table below shows the assessment of whether the proposed Neighbourhood Development Plan will require a full SEA. The questions

## The Lakes Neighbourhood Development Plan Strategic Environmental Assessment Screening Report

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below are drawn from the diagram above which sets out best practice on how the SEA Directive should be applied.

Stage	Y/N	Reason
1. Is the Neighbourhood Plan (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 or Government? (Art. 2(a))	Yes	Following the collection of data, empirical evidence and consultation events the Plan will be submitted to Milton Keynes Council to a formal referendum can be undertaken before the document is formally adopted.
2. Is the NP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Yes	The Localism Act and the adopted plans facilitate the production of the Neighbourhood Plan.
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))	Yes	The document will be created for both town planning and land use purposes. It will set a framework for future development consent of projects which may, in exceptional circumstances include projects listed in Annexes 1 and 2 of the EIA Directive.



## The Lakes Neighbourhood Development Plan Strategic Environmental Assessment Screening Report

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4. Will the NP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2 (b))	N/A	The Neighbourhood Plan, in view of its likely effect on sites in The Lakes Estate has not been determined to require a Habitat Directive Assessment.
5. Does the NP Determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)	Yes	The Neighbourhood Plan identifies small areas of possible change which will only have very local impacts.
6. Does the NP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4)	N/A	N/A
7. Is the NP's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget NP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9)	N/A	N/A
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	No	The Directive does not require a SEA.

# **The Lakes Neighbourhood Development Plan Strategic Environmental Assessment Screening Report**

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## **5. Screening Outcome**

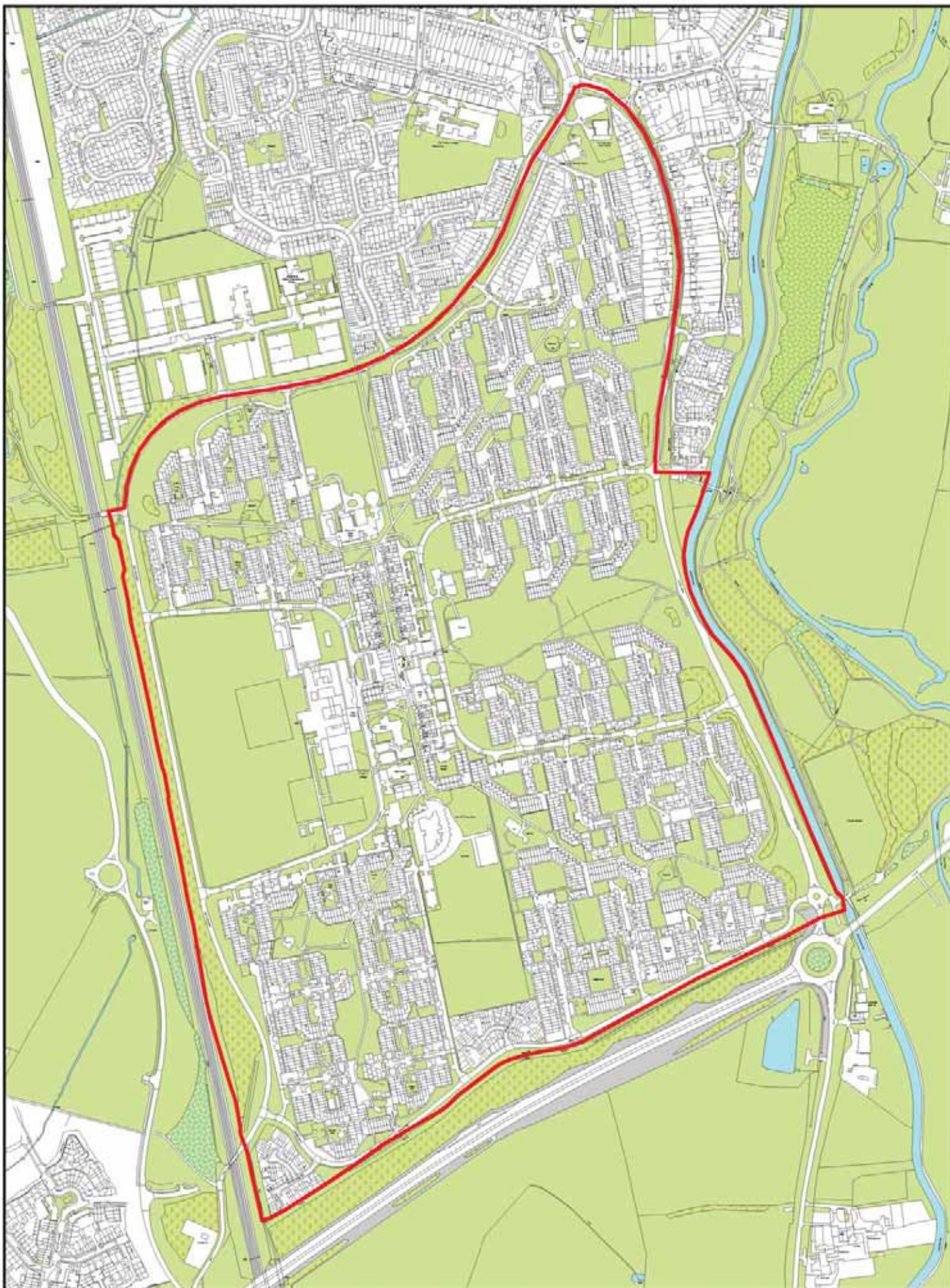
- 5.1 The proposed Neighbourhood Development Plan will supplement and provide further guidance on existing adopted and saved policies as set out in the recently adopted Milton Keynes Core Strategy, July 2013. Any impacts on the environment are likely to be local and small in scale.
- 5.2 The same quantity and scale of development would take place with or without the Neighbourhood Plan. It will simply provide guidance on material considerations relating to the design, siting and changes of land use.
- 5.3 It is considered that as a result of the assessment in section 4 of this report it is unlikely there will be any significant environmental effects arising from The Lakes Estate Neighbourhood Development Plan that were not covered in the Sustainability Appraisal of the Milton Keynes Core Strategy, July 2013. Therefore it is our professional opinion that The Lakes Neighbourhood Development Plan does not require a full Strategic Environmental Assessment to be undertaken.
- 5.4 By virtue of this report Milton Keynes Council are formally invited to, should they feel it to be appropriate, to reconsult with the three statutory environmental bodies, English Heritage, the Environment Agency and Natural England, over the recommendations of this screening exercise to formally confirm Bletchley and Fenny Stratford Town Council's understanding of the legislative context of the proposed Neighbourhood Development Plan.

**The Lakes Neighbourhood Development Plan  
Strategic Environmental Assessment Screening Report**

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**Appendix 1**





## Lakes Estate, Bletchley, Milton Keynes



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Milton Keynes Council - 100019593 - 2012

10/10/2012

Ref. 2084



Scale 1: 8,000



# Appendix 3



**LAKES ESTATE NEIGHBOURHOOD PLAN**  
**REQUEST FOR A STRATEGIC ENVIRONMENTAL ASSESSMENT**  
**SCREENING OPINION, APRIL 2014.**

**Introduction**

In a letter dated 4<sup>th</sup> April 2014 Milton Keynes Council has been formally requested by David Lock Associates (DLA) on behalf of their clients Bletchley and Fenny Stratford Town Council (BFSTC) to produce a screening opinion if the Lakes Estate Neighbourhood Plan requires a Strategic Environmental Assessment (SEA).

DLA are following up on a suggestion made on a Health check of the Lakes Estate Neighbourhood Plan that the SEA process should be rechecked.

This report has been produced to determine the need for an SEA in accordance with the provisions of European Directive 2001/42/EC and the Environmental Assessment of Plans and Programmes Regulations 2004.

The screening report from DLA has concluded that any impacts on the environment resulting from the Lakes Estate Neighbourhood Plan are likely to be local and small in scale. DLA has also concluded the Neighbourhood Plan (NP) will supplement the existing adopted and saved policies as set out in the Milton Keynes Core Strategy July 2013, and as such impacts are likely to be covered in the Sustainability Appraisal for the Milton Keynes Core Strategy.

**Details of the proposed development**

The Lakes Estate Neighbourhood Plan proposes new housing, commercial and community uses and crossing points on the estate together with improvements to community and recreational spaces, parking, footpaths etc.

**Response from Statutory Bodies**

When previously consulted on the plan the response from the statutory bodies was as follows.

1. Environment Agency: We agree that an SEA is not required for this Neighbourhood Plan.
2. Natural England: Concur with the conclusion that that the Lakes Estate Neighbourhood Plan does not require a full Strategic Environmental Assessment to be undertaken.
3. English Heritage: Comments refer to the one Grade II listed building (Sycamore Farmhouse) within the area covered by the proposed Neighbourhood Plan. They comment "*The Plan should, in due course,*

*make provision for the retention of this heritage asset and respect for its setting. There may also be non-designated assets within the area, and the relevant Historic Environment Record should be consulted.”* They go on to comment “Neither of the matters we identify above necessitate, in our view, a full Strategic Environmental Assessment of the Plan. English Heritage therefore concurs with the opinion expressed by David Lock Associates insofar, at least, as regards the historic environment, which is the extent of our remit. “

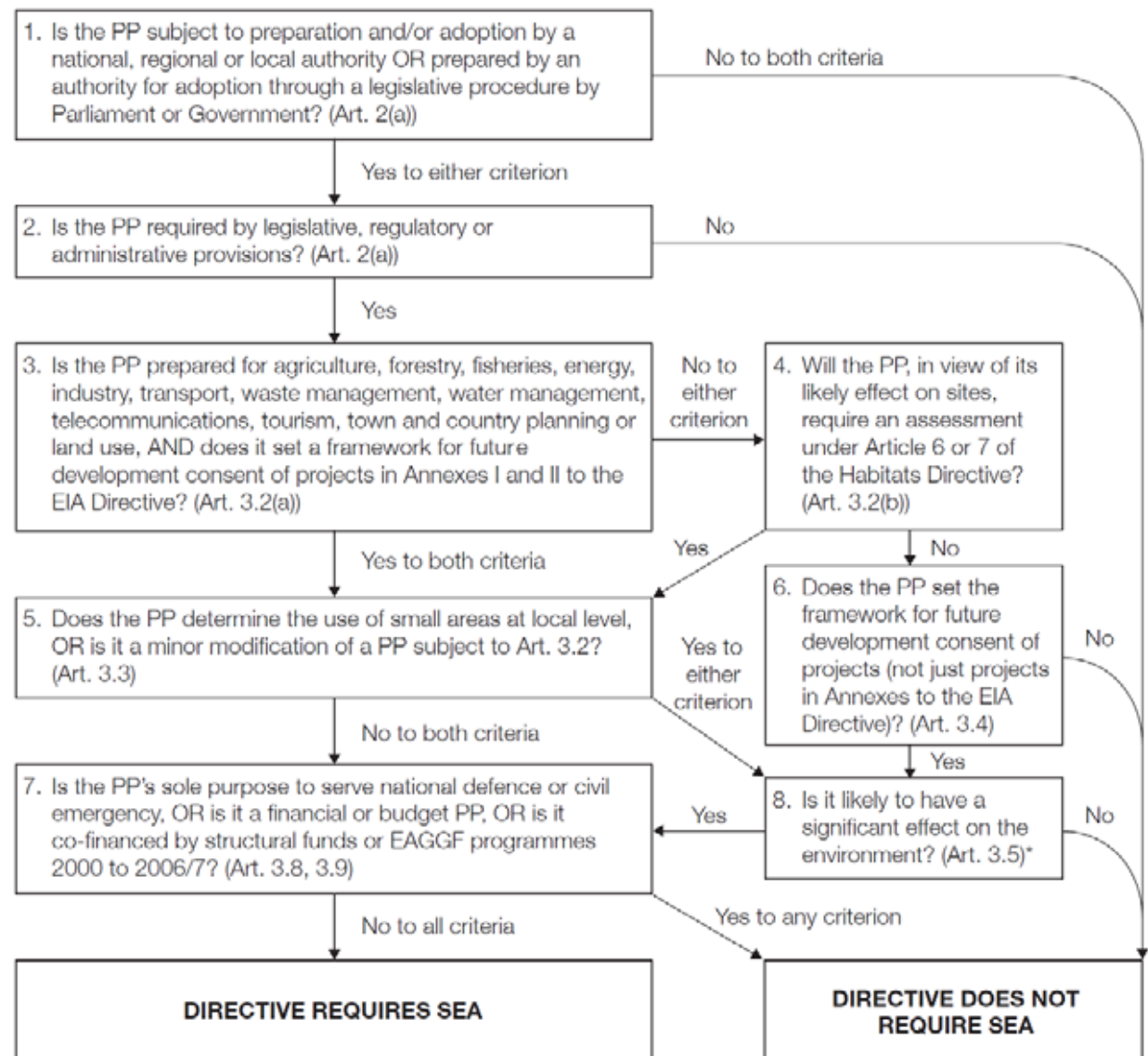
When the Neighbourhood Plan is resubmitted to the Council these Statutory bodies will be reconsulted on the Neighbourhood Plan.

### **SEA Screening**

The requirement for an SEA is set out in the ‘Environmental Assessment of Plans and Programmes regulations 2004’ Practical guidance on applying European Directive 2001/42/EC is provided in ‘A practical guide to the Strategic Environmental Assessment Directive (2005) published by the ODPM.



## **KEY DIAGRAM TO ASSIST IN DETERMINING IF AN SEA IS REQUIRED.**



\*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.

**TABLE 1: ESTABLISHING THE NEED FOR AN SEA FOR THE LAKES ESTATE NEIGHBOURHOOD PLAN.**

STAGE	Y/ N	REASON
1. Is the Neighbourhood Plan (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 or Government? (Art.2(a))	YES	<p>DLA: Following the collection of data, empirical evidence and consultation events, the Plan will be submitted to Milton Keynes Council so a formal referendum can be undertaken before the document is formally adopted.</p> <p>MKC: The plan will be prepared by Bletchley and Fenny Stratford Town Council and adopted by Milton Keynes Council under the provisions of the Localism Act 2011 and the 2012 Neighbourhood Planning Regulations. When adopted the Neighbourhood Plan (NP) will form part of the development plan for the Lakes Estate.</p> <p><b><u>MKC agrees with DLA conclusions on this point.</u></b></p>
2. Is the NP required by legislative, regulatory or administrative provisions? (Art. 2(a))	YES	<p>DLA: The Localism Act and the adopted plans facilitate the production of the Neighbourhood Plan.</p> <p>MKC: 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'.</p> <p><b><u>MKC agrees with DLA conclusions on this point.</u></b></p>
3. Is the NP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism,	YES	<p>DLA: The document will be created for both town planning and land use purposes. It will set a framework for future development consent of projects which may, in exceptional circumstances,</p>

<p>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))</p>		<p>include projects listed in Annexes 1 and 2 of the EIA Directive.</p> <p>MKC: Circular 02/99: Environmental impact assessment Annex A: gives indicative Thresholds and criteria for Identification of Schedule 2 Development Requiring EIA. SEA is mandatory for schedule 1 projects.</p> <p><b><u>MKC agrees with DLA conclusions on this point.</u></b></p>
<p>4. Will the NP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2 (b))</p> <p>The Habitats Directive (Council Directive 92/43/EEC of 21 May 1992) requires EU Member States to create a network of protected wildlife areas, known as Natura 2000, across the European Union. This network consists of two types of site Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), established to protect wild birds under the Birds Directive (Council Directive 79/409/EEC of 2 April 1979).</p> <p><u>All terrestrial SACs in England are also Sites of Special Scientific Interest (SSSIs).</u></p>	<p>N/A</p>	<p>DLA: The Neighbourhood Plan, in view of its likely effect on sites in the Lakes Estate has not been determined to require a Habitat Directive Assessment.</p> <p>MKC- Although land along the railway line on the west side of the estate and land on the east side of the estate by the Grand Union canal is designated on the Local Plan (LP) Proposals map as wildlife corridor.</p> <p>There are no Special Areas of Conservation (SACs) under the Habitats Directive and Special Protection Areas (SPA) under the related EC Birds Directive located in or nearby the Lakes estate. The nearest SAC site to Milton Keynes is the Chiltern Beechwoods to the south of MK, which is unlikely to be affected due to its distance from the Lakes Estate and no obvious impact pathways.</p> <p>On the CMK Business Neighbourhood Plan three sites were identified that could potentially be affected due to the gateway between the Upper Nene and the River Great Ouse which feed into Natura 2000 sites.</p> <ul style="list-style-type: none"> <li>• The Upper Nene Valley</li> </ul>

		<p>Gravel Pits SPA</p> <ul style="list-style-type: none"> <li>• Ouse Washes SPA/SAC</li> <li>• Portholme SAC</li> </ul> <p>However, MKC pointed out to Natural England, the Upper Nene is around 35 km from the Lakes in a separate catchment area to MK. Ouse Washes is about 100 km upstream from the Lakes.</p> <p>Natural England concern about the impact of new development (resulting from the adoption of the NP) on water flow is not likely to be significant as MK has a comprehensive flood management system in place controlling water flows.</p> <p>In the case of this NP the Environment Agency (EA) responsible for water has agreed an SEA is not needed for this plan.</p> <p>Natural England has also agreed that an SEA for this plan is not required.</p> <p>The scale of development in the Lakes NP is therefore unlikely to be significant enough to require an assessment under the Habitats Directive.</p> <p><b><u>MKC agrees with DLA conclusions on this point.</u></b></p>
5. Does the NP determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)	YES	<p>DLA: The Neighbourhood Plan identifies small areas of possible change which will only have very local impacts.</p> <p>MKC: The NP identifies sites for development and the impacts of this development are comparatively localised.</p> <p><b><u>MKC agrees with DLA conclusions on this point.</u></b></p>



6. Does the NP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4)	N/A	DLA: N/A  MKC: Although the Neighbourhood Plan does provide a framework for consideration of future development proposals in the area as the NP is part of the development plan, planning permission will still have to be obtained for new development and planning applications will still have to go through the statutory process.
7. Is the NP's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget NP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9)	N/A	DLA: N/A  <b>MKC: MKC agrees this is not applicable.</b>
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	NO	DLA: The Directive does not require a SEA.  MKC: Based on the detail above the Council agrees an SEA is unlikely to be needed.

**Table 2: 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>✓/✗</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 Lakes NP provides a policy framework for the determination of planning applications for future development projects, in terms of location, nature and scale. Once the Neighbourhood Plan has passed examination and its referendums, it will become part of the Development Plan for the area.
<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 MK. It is influenced by the Core Strategy but it could influence the preparation of future local plans for the area such as Plan MK.
<b>1c) The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting</b>	✓	The achievement of sustainable development in one of the basic conditions that a Neighbourhood Plan must meet. The Neighbourhood Plan aims to deliver sustainable development

<b>sustainable development</b>		by balancing economic growth with environmental and social matters.
<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 Lakes 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 unlikely to be significant. 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	<p>The effects of the Neighbourhood Plan needs to be considered alongside the Core Strategy however it is not considered that the Neighbourhood Plan introduces significant additional effects over and above those already considered in the SA for the Core Strategy.</p> <p>While the NP covers an area and sets a framework for development, the NP itself will not result in this development; development of new housing, shops and facilities could come forward with or without the NP.</p> <p>Given that the whole Borough could potentially be covered by Neighbourhood Plans, each promoting policies and development, there could be a significant cumulative impact of multiple Neighbourhood Plans although as plans cannot overlap, their impact would be limited to the area that they cover.</p>
<b>2c) The trans-boundary nature of the effects</b>	✓	Any effects of the development are likely to be local and small scale
<b>2d) The risks to human health or the environment (e.g. due to accidents)</b>	x	The Neighbourhood Plan does not require development to take place; it encourages and sets out policies to guide development.

		Its impact on human health is considered to be limited and it is not likely to have a significant impact on the environment due to accidents. There may be scope to improve human health e.g. if old dwellings are replaced by new dwellings with better insulation.
<b>2e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)</b>	✓	The magnitude and spatial extent of the effects (geographical area and size of the population) are likely to be small
<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 one listed building, Sycamore Farmhouse a grade 2 listed building. Although nothing is proposed to this building, it may potentially be affected by development proposed within the plan affecting its setting. The area is valuable and vulnerable in this respect.  See subsequent e-mails from Senior Conservation Officer reproduced in the Appendix and views from English Heritage.
<b>2g) The effects on areas or landscapes which have a recognised national, Community or international protection status</b>	×	Milton Keynes has no areas or landscapes with these designations.

### SEA Conclusions

The Lakes Estate Neighbourhood Plan proposes new housing commercial and community uses and crossing points on the estate together with improvements to community and recreational spaces, parking, footpaths etc.

The Lakes Estate Neighbourhood Plan will when adopted form part of the Development Plan for Milton Keynes and planning applications for development on the Lakes Estate will be assessed against Neighbourhood Plan policies and other relevant policies in the Development Plan.

Based on the work set out above it is considered that the plan will not have a significant effect on the environment. I therefore, conclude that Lakes Estate Neighbourhood Plan does not need to be subject to a Strategic Environmental Assessment.

M Moore 17.4.2014

# Appendix 4

# **Lakes Estate Neighbourhood Development Plan**

## **‘Health Check’ Review Report for Bletchley and Fenny Stratford Town Council**

**Report prepared by Christopher Edward Collison BA (Hons) MBA MRTPI MIED MCMI IHBC**

**10 March 2014**

### **Context**

Under the Supporting Communities in Neighbourhood Planning Programme 2013-2015 RTPI/Planning Aid is using NPIERS to source suitably qualified and experienced reviewers to undertake ‘health checks’ on emerging Neighbourhood Development Plans or Orders that are eligible for the government funding under this programme. The ‘health check’ is an independent desk based review designed to help both the qualifying body and the local planning authority to identify issues that may cause delay or rejection of Plans or Orders at the submission or independent examination stages.

The ‘health check’ considers whether there are any obvious problems in meeting the basic conditions and other legal requirements. A ‘health check’ imitates a formal examination but is less comprehensive and only deals with the Plan or Order, and where requested, the Basic Conditions and Consultation Statements, but not including background documentation or processes. A ‘health check’ does not involve re-writing the Plan or Order but provides general advice on what changes need to be made. The ‘health check’ is advisory only and has no legal status.



Work is underway to achieve a Neighbourhood Development Plan for the Lakes Estate in Bletchley Milton Keynes. Progress has been made to the point where a Proposed Submission Draft Plan has been prepared on behalf of Bletchley and Fenny Stratford Town Council (the Town Council) in February 2014. The Town Council has requested a 'health check' review at this stage before proceeding to submission of the Neighbourhood Development Plan to Milton Keynes Council.

## **Findings**

From my review of the documentation it is evident that a great deal of effort has been put into working on the Lakes Estate Neighbourhood Development Plan and that much good practice has been established. Bletchley and Fenny Stratford Town Council appointed the Lakes Estate Regeneration Steering Group to prepare a Neighbourhood Development Plan for the area. The Lakes Estate Neighbourhood Plan Task and Finish Group, is a working group that has delegated responsibility for preparation of the Plan. The working group is made up of a number of volunteers, residents, Milton Keynes Council Planning and Regeneration Officers, and Councillors who have helped to facilitate consultation events, engage with residents and drafted the Plan. The Plan has been developed through wide consultation with residents, landowners and businesses in the estate. This inclusive approach to engaging key stakeholders has clearly been most successful.

This 'health check' review has found the Lakes Estate NDP to be competently prepared to a high standard and that the Plan is almost ready for submission for Independent Examination. The findings of this review have led to the making of a number of recommendations on matters to be addressed and these are set out below. Paragraph references relate to the Proposed Submission Draft NDP document unless otherwise indicated.

## **Summary of Recommendations**

### **Recommendation 1:**

**Paragraph 1.8 should be reworded to clarify the Town Council is the qualifying body, and the Town Council resolution to submit the plan proposal to Milton Keynes Council should include:**

- the proposed NDP (that includes a map or statement identifying the plan area);**
- the consultation statement;**
- the basic conditions statement;**

**- and, although not required by the Regulations, any other statement submitted, for example, the Delivery Strategy and High Level Viability Assessment.**

**Recommendation 2: The SEA process should be re-checked.**

**Recommendation 3: Policy GP1: The Presumption in Favour of Sustainable Development should be reworded as solutions will not seek to approve proposals; and it is unclear which Council is referred to.**

**Recommendation 4: Policy GP3: The Physical Integration of New Development should be reworded. “Where additional land comes forward...” is ambiguous and the policy is not self contained. An alternative approach would be “Proposals for land outside the Development Opportunity Sites must clearly demonstrate...”**

**Recommendation 5: Policy GP5: Local Commercial Opportunities should be reworded as it is unclear in referring to “criteria in the development plan”; and “meet the differing needs of the local community” does not offer a clear basis for development management decision making.**

**Recommendation 6: Policy GP6: Protecting the Quality of Landscape and Open Space should be reworded.**

- **The basis of designation as Local Green Space should be set out in respect of each of the two listed facilities.**
- **Future designation as envisaged does not comply with the requirements for identification.**
- **The mechanism for replacement of policies described in paragraph 5.14 should be clarified.**

**Recommendation 7: Policy GP7: Improving Community and Recreation Facilities should be reworded to specify enhancements; and should be reviewed to check the intention that a combination will always apply.**

**Recommendation 8: Policy GP8: Communication and Continued Community Engagement should be reworded as not all development proposals will require these statements.**

**Recommendation 9: A consistent approach should be adopted in describing the nature of the site specific policies.**

**Recommendation 10: The wording of the site specific policies could be reworded to adequately deal with proposed land use.**

**Recommendation 11: Paragraph 6.2 should be reworded to clarify the issue of priority.**

**Recommendation 12: A consistent description of non-NDP components positioned in Appendix 2 should be adopted.**

**Recommendation 13: Justification for identification of development opportunities in relation to open space land should be clarified.**

**Recommendation 14: The explanation of the ways the NDP contributes to the achievement of sustainable development could be extended.**

**Recommendation 15: A statement could be included in the Basic Conditions Statement to confirm that the European Convention on Human Rights has been considered and state the conclusions of that consideration.**

**Recommendation 16: Typographical errors and inconsistencies should be corrected and a check should be made that language is user friendly.**

## **Detailed Comments**

### **Part 1 – Process**

	Criteria	Comment
1.1	Have the necessary statutory requirements been met in terms of the designation of the neighbourhood area?	Yes - The NDP relates to a properly designated area. Bletchley and Fenny Stratford Town Council applied to Milton Keynes Council on 23 October 2012 to designate a revised Lakes Estate Neighbourhood Plan area. Following a six week consultation between Monday 29 October and Monday 10 December 2012 Milton Keynes Council designated the Lakes Estate Neighbourhood Development Plan area on 22 January 2013. The Proposed Submission Draft Plan includes a map of the area at Figure 1.1.

		No other NDP has been made for the neighbourhood area and the NDP does not relate to more than one neighbourhood area and therefore complies with those restrictions.
1.2	Have the requirements been met in terms of the designation of a neighbourhood forum?	<p>N/A – Milton Keynes is parished. Bletchley and Fenny Stratford Town Council is a qualifying body for the purposes of preparation of a NDP. Plan preparation has been progressed by the Lakes Estate Task and Finish Group established by the Lakes Estate Steering Group. Paragraph 1.8 should be reworded to clarify the Town Council is the qualifying body. It is anticipated the NDP will be discussed at the Town Council Full Council meeting on 25 March 2014 with a decision on agreement of the NDP for submission to Milton Keynes Council. The necessary supporting associated documents should similarly be approved for submission by the Full Town Council as the qualifying body.</p> <p><b>Recommendation 1:</b>  <b>Paragraph 1.8 should be reworded to clarify the Town Council is the qualifying body, and the Town Council resolution to submit the plan proposal to Milton Keynes Council should include:</b>  <b>-the proposed NDP (that includes a map or statement identifying the plan area);</b>  <b>-the consultation statement;</b>  <b>-the basic conditions statement;</b>  <b>- and, although not required by the Regulations, any other statement submitted, for example, the Delivery Strategy and High Level Viability Assessment</b></p>
1.3	Has the NDP been the subject of appropriate pre-submission consultation and publicity?	Yes – Statutory Consultation in respect of Section 14 of the Neighbourhood Planning (General) Regulations 2012 (the Regulations) has been undertaken between Monday 25 November 2013 and Monday 6 January 2014. This followed an 18 month period during which focussed consultation has occurred utilising a broad range of techniques including events, workshops, exhibitions, questionnaires and drop-in sessions. The Consultation Statement sets out the main issues and concerns made in submissions and includes a response, including NDP changes resulting.

1.4	Has there been a programme of community engagement proportionate to the scale and complexity of the NDP and has a consultation statement been prepared?	Yes - A Consultation Statement dated February 2014 has been prepared. This demonstrates that community engagement and publicity has been extensive and proportionate to the scale and complexity of the NDP. The Consultation Statement provides detailed information relating to the intensive community engagement that has occurred over a period of several years.
1.5	Are arrangements in place for an independent examiner to be appointed?	Yes – Milton Keynes Council is empowered to appoint an examiner, but only with the agreement of Bletchley and Fenny Stratford Town Council. The LPA is in contact with NPIERS who will be able to put forward independent persons who do not have interests in the land affected and who are suitably qualified and experienced.
1.6	Is there a clear project plan for bringing the NDP into force and does it take account of local authority committee cycles?	Yes - The Town Council website sets out a public explanation of the next steps and currently indicates that the date of a referendum is likely to be September 2014. The Town Council hope to run events over the summer supporting people to join in the referendum.
1.7	Has an SEA screening been carried out by the LPA?	Yes – Page 11 of the Basic Conditions Statement states that “the Lakes Estate NDP has been subject to a Strategic Environmental Assessment Screening Report”. Page 27 of the Basic Conditions Statement confirms that a formal request for a screening opinion was made to Milton Keynes Council in respect of the NDP on 19 September 2013 supported by a Screening Report. Milton Keynes Council formally confirmed, following consultation with the three statutory bodies, namely Environment Agency, English Heritage and Natural England, the NDP does not require a full SEA to be undertaken. The Council’s formal SEA Screening Opinion presented at Appendix 2 to the Basic Conditions Statement includes document dates that do not appear to follow a



		proper sequence.  <b>Recommendation 2: The SEA process should be re-checked.</b>
1.8	Has an assessment been made regarding likely significant effect on a European site	Yes – Page 27 of the Basic Conditions Statement confirms that a Habitats Regulations Assessment (HRA) undertaken in connection with preparation of the Milton Keynes Core Strategy confirms there are no European sites that would be affected by the proposals as identified within the NDP and therefore the plan is considered to not require a HRA. Page 11 of the Basic Conditions Statement states that “the screening exercise for the Lakes Estate NDP concluded that there are no European sites that would be affected by the proposals and as such it was considered that a Habitat Directive Assessment was not required.”

## Part 2 – Content

	Criteria	Comment
2.1	Are the policies clear, unambiguous and appropriately justified?	<p>Appropriately justified – Yes. Clear and unambiguous – modification required.</p> <p>The construction and presentation of the Proposed Submission Draft NDP is of a high quality. Section 2 Location and Character, Section 3 Identification of Issues, and Section 4 Vision and Objectives together provide a very clear picture of how current circumstances have evolved and combine to explain the intended nature and direction of change. It is evident that the publicity and consultation undertaken both during plan preparation and previously (as detailed in the Consultation Statement) has been extensive, thorough, and most importantly effective in ensuring that the NDP is shaped by local opinion.</p> <p>The Vision Statement and 12 Core Objectives are appropriate for an NDP and sit</p>

	<p>comfortably with, and have regard to, the National Planning Policy Framework (the Framework). The background presented in Sections 2, 3 and 4 contributes to the justification of the general and site specific policies that follow. The linking of policies to core objectives represents good practice.</p> <p>The requirement to specify the plan period is met.</p> <p><u>General Policies</u></p> <p>These 8 policies meet the requirement to relate to the development and use of land and are appropriate in seeking to direct development and influence its form and scale. For policies to fulfil their function of being used in the determination of planning applications and appeals they must be clear and unambiguous.</p> <p><b>Recommendation 3: Policy GP1: The Presumption in Favour of Sustainable Development should be reworded as solutions will not seek to approve proposals; and it is unclear which Council is referred to.</b></p> <p><b>Recommendation 4: Policy GP3: The Physical Integration of New Development should be reworded. “Where additional land comes forward...” is ambiguous and the policy is not self contained. An alternative approach would be “Proposals for land outside the Development Opportunity Sites must clearly demonstrate...”</b></p> <p><b>Recommendation 5: Policy GP5: Local Commercial Opportunities should be reworded as it is unclear in referring to “criteria in the development plan”; and “meet the differing needs of the local community” does not offer a clear basis for development management decision making.</b></p> <p><b>Recommendation 6: Policy GP6: Protecting the Quality of Landscape and Open Space should be reworded.</b></p> <ul style="list-style-type: none"> <li>• <b>The basis of designation as Local Green Space should be set out in respect of each of the two listed facilities.</b></li> </ul>
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- **Future designation as envisaged does not comply with the requirements for identification.**
- **The mechanism for replacement of policies described in paragraph 5.14 should be clarified.**

**Recommendation 7: Policy GP7: Improving Community and Recreation Facilities should be reworded to specify enhancements; and should be reviewed to check the intention that a combination will always apply.**

**Recommendation 8: Policy GP8: Communication and Continued Community Engagement should be reworded as not all development proposals will require these statements.**

#### Site Specific Policies

It would appear that the 8 site specific policies identify development opportunities and set out guidance as to how those sites could be developed. Proposals emerging would be assessed against those policies. Paragraph 7.3 states “The Vision Plan (Figure 4.1) illustrates the location of the proposed areas of change, enhancement and preservation unless there is special justification” although the meaning of this is unclear. The Basic Conditions Statement however refers to allocations. An example is paragraph 3.8 which states that” Policy SSP7 allocates a mix of land uses...” The Consultation Statement shows that the term “allocations” has been used in plan preparation. Ultimately it is not clear whether the site specific policies are identifying development opportunities or are allocating sites. There is a need to clarify this point for development management purposes. The clarification could also have a bearing on SEA decision processes as in some local authority areas the view has been taken that a SEA is required where NDP’s allocate sites for development.

**Recommendation 9: A consistent approach should be adopted in describing the nature of the site specific policies.**

	<p>Policy GP2 establishes a reference for the site specific policies but does not differentiate between housing, commercial and community uses in terms of development to occur on each of the sites. On this basis there is a reliance on each site specific policy to specify the type of development envisaged however the site specific policies are largely silent in this respect. Whilst the relevant rationale paragraphs state land uses the policies generally do not.</p> <p>If to any extent a policy set out in a NDP conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. As the policies have this special status (referred to in 38b (3) The Planning and Compulsory Purchase Act 2004) I consider it advisable to refer to intended land uses in the site specific policies.</p> <p>Policy SS1 DS 1 - Land South of Water Hall School could be reworded. Whilst the rationale states the intention of the policy is to promote residential development the policy does not state that, apart from a reference to dwelling density.</p> <p>Policy SS2 DS 2 - Triangle Land South of Phelps Road adjacent to the Canal and Policy SS4 IN2 – Land at Northern Access Windermere Drive and Policy SS5 IN3 - Land at Southern Access Windermere Drive and Policy SS6 IN4 - Land at Skene Open Space could be reworded to include reference to preferred land use.</p> <p>Policy SS3 IN1 – North Western Verge, Drayton Road could be reworded. Whilst reference is made to the inclusion of bungalows in the dwelling mix the overall land use is unclear.</p> <p>Policy SS7 SC1 – Serpentine Court could be reworded. The policy wording and illustrative plan are not consistent, for example the illustrative plan at Figure 6.15 includes opportunity for live work units however these are not specifically referred to in the wording of the policy.</p> <p>Policy SS8 CG1 – Canal Gateway could be reworded as the final bullet point does not</p>
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		<p>adequately deal with proposed land use.</p> <p><b>Recommendation 10: The wording of the site specific policies could be reworded to adequately deal with proposed land use.</b></p> <p>The statement at paragraph 6.2 (by not precluding as yet unidentified sustainable development) is important in aligning the NDP with the Framework. It is however unclear who will be giving priority and in what way the priority will be given.</p> <p><b>Recommendation 11: Paragraph 6.2 should be reworded to clarify the issue of priority.</b></p>
2.2	Is it clear which parts of the draft plan form the 'neighbourhood development plan proposal' subject to the independent examination, and which parts do not form part of the NDO proposal, and would not be tested by the independent examination?	<p>The Proposed Submission Draft exhibits good practice by maintaining a clear separation of NDP and non-NDP components with the latter positioned in Appendix 2. There is however a lack of consistency in the way that this non-NDP material is described including Neighbourhood Action Plan Evidence in the contents page, The Lakes Estate Community Action Plan in the title page to Appendix 2, Neighbourhood Development Action Plan at 7.18, Neighbourhood Action Plan at 7.19 and reference to non-spatial elements included in the Community Action Plan at 2.7. Most likely to cause confusion is the reference to the "Neighbourhood Plan that is agreed annually" at the second paragraph of Appendix 2.</p> <p><b>Recommendation 12: A consistent description of non-NDP components positioned in Appendix 2 should be adopted.</b></p>
2.3	Are there any obvious conflicts with the NPPF and guidance?	<p>YES – The NDP identifies development opportunities in relation to open space land. It is important that the criteria to be met before open space is built on, as set out in Paragraph 74 of the Framework (surplus to requirement or equivalent replacement or alternative provision), are demonstrably met.</p>



		<p>Otherwise the Basic Conditions Statement demonstrates alignment of the NDP to the Framework. The table demonstrating alignment to the 12 core planning principles is an example of good practice.</p> <p><b>Recommendation 13: Justification for identification of development opportunities in relation to open space land should be clarified.</b></p>
2.4	Is there a clear explanation of the ways the NDP contributes to the achievement of sustainable development?	<p>Yes – Given the considerable volume of total documentation the explanation amounting to less than one page of text in the Basic Conditions Statement could be developed further.</p> <p><b>Recommendation 14: The explanation of the ways the NDP contributes to the achievement of sustainable development could be extended.</b></p>
2.5	Are there any issues around compatibility with human rights?	<p>No –The Independent Examiner will consider whether the NDP is compatible with the Convention rights. ‘The Convention rights’ has the same meaning as the Human Rights Act 1998. I have seen nothing in the current suite of proposed submission documents that indicates any breach of the Convention. It would however be helpful to the Independent Examiner for there to be some evidence of consideration of Human Rights issues through inclusion of a statement in the Basic Conditions Statement in particular relating to Article 8 (privacy); Article 14 (discrimination); and Article 1 of the first Protocol (property) of the European Convention on Human Rights.</p> <p><b>Recommendation 15: A statement could be included in the Basic Conditions Statement to confirm that the European Convention on Human Rights has been considered and state the conclusions of that consideration.</b></p>
2.6	Does the NDP avoid dealing with excluded development	<p>Yes - The NDP does not deal with any excluded development.</p>

	including nationally significant infrastructure, waste and minerals?	
2.7	Is there consensus between the local planning authority and the qualifying body over whether the NDP meets the basic conditions including conformity with strategic development plan policy and, if not, what are the areas of disagreement?	<p>Yes - Milton Keynes Council has lodged formal representations in a letter to the Town Council dated 3 January 2014. The representations were approved by way of delegated decision on 17 December 2013. The representations made are extensively supportive of the NDP. The Town Council will no doubt consider the points made in detail and make any modifications to the NDP that are felt appropriate.</p> <p>The question of development height restriction is one that requires particular consideration.</p> <p>The Basic Conditions Statement confirms at paragraph 3.14 that Milton Keynes Council is not reliant on delivery of new homes in the Lakes Estate area to meet wider area housing targets.</p>
2.9	Are there any obvious errors or other matters that require further consideration in the NDP?	<p>There are a number of typographical errors and inconsistencies that should be corrected. These include:</p> <ul style="list-style-type: none"> <li>• The second bullet point of paragraph 1.6 requires adjustment as currently written it relates more to NDO's rather than NDP's.</li> <li>• Correct the spelling of footpath in policy GP6.</li> <li>• Check the intention to show all frontages as active on a central block in Fig 6.3</li> <li>• It is unclear what the GP period referred to in paragraph 6.5 actually is</li> <li>• 5.7 second bullet point after "designed" add " to"</li> <li>• CO4 delete repeat "that"</li> <li>• Paragraph numbering requires adjustment in Section 7.</li> <li>• The 10 line sentence in the first paragraph 7.6 would benefit from splitting.</li> <li>• Paragraph 2.2 (g) of the Basic Conditions Statement refers to "the order".</li> </ul>

		<ul style="list-style-type: none"> <li>• Page 23 of the Basic Conditions Statement should refer to Policy GP5.</li> </ul> <p>Public consultation material used throughout the stages of plan preparation has been of a very high quality and well designed to be fully user friendly. However, although difficult to avoid, in places the language used in the Proposed Submission Draft NDP may be unfamiliar to non-technical readers, for example “Serve to animate the built form and generate activity in the public realm” (page 60)</p> <p><b>Recommendation 16: Typographical errors and inconsistencies should be corrected and a check should be made that language is user friendly.</b></p>
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## Document List

The following NDP documents have been accessed in undertaking this review:

- Lakes Estate Neighbourhood Plan Proposed Submission Draft February 2014
- Lakes Estate Neighbourhood Plan Consultation Statement February 2014
- Lakes Estate Neighbourhood Plan Basic Conditions Statement February 2014

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10 March 2014

Report Ends.



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