

Castlethorpe Neighbourhood Development Plan Review 2020-2031

**A report to Milton Keynes Council on the
Castlethorpe Neighbourhood Development Plan
Review**

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Executive Summary

- 1 I was appointed by Milton Keynes Council in June 2020 to carry out the independent examination of the review of the Castlethorpe Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 24 July 2020.
- 3 The examination is focused on an assessment of the way in which the Parish Council's proposed revisions of the existing made neighbourhood plan meet the basic conditions.
- 4 The Plan has been underpinned by community support and engagement. The community has been engaged in its preparation in a proportionate way.
- 5 I have assessed the submitted Modification Statement. In doing so I have concluded that the Plan includes material modifications which would change the nature of the Plan and require both an examination and a referendum. Subject to a series of recommended modifications set out in this report I have concluded that the revised policies in the Castlethorpe Neighbourhood Plan meet all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
7 January 2021

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the review of the Castlethorpe Neighbourhood Development Plan 2020-2031 (the 'Plan').
- 1.2 The Plan was submitted to Milton Keynes Council (MKC) by Castlethorpe Parish Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) 2012 and its updates in 2018 and 2019. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. This also applies to a review of a 'made' Plan. In this case the Parish Council has focused its activities on a very specific range of matters which are very distinctive to the parish in general, and to the evolution of the Plan in particular.
- 1.6 Within the context set out above this report assesses whether the submitted Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends modifications to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the review of the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the review of the Plan would then be used to determine planning applications within the neighbourhood area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by MKC, with the consent of the Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both MKC and the Parish Council. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral Service.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to reach a decision on the extent to which the modified policies meet the basic conditions. In the case of a review of a 'made' Plan I also need to reach a decision on the scale and the significance of the changes proposed.
- 2.5 I make a decision on the procedural matters relating to the Plan in Section 3 of this report. The outcome of the examination is set out in Sections 7 and 8.

Other examination matters

- 2.6 In examining the Plan I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
 - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.7 I have addressed the matters identified in paragraph 2.6 of this report. I am satisfied that the Plan complies with these requirements.

3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the submitted Neighbourhood Plan review;
- the submitted Basic Conditions Statement;
- the Modification Statement;
- the Modification Proposal;
- the Local Green Space Evidence Report;
- the Parish Council's response to the clarification note;
- MKC's response to the clarification note;
- the MKC briefing note on indicative housing requirements for neighbourhood plans;
- Plan:MK;
- the National Planning Policy Framework (February 2019);
- Planning Practice Guidance (March 2014 and subsequent updates); and
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 24 July 2020. I looked at those areas affected by the revised policies in the Plan in particular. My visit is covered in more detail in paragraphs 5.7 to 5.14 of this report.

3.3 The submitted Plan proposes the following principal changes to the made Castlethorpe Neighbourhood Development Plan:

Policy CAS1 – to remove inconsistencies between the made Plan and Plan:MK on the settlement boundary

Policy CAS2 (text) – to include revised text adding detail to assist in the successful development of the allocated site at Maltings Field in the made Plan.

Policy CAS3 – to reflect both Plan:MK and the MKC guidance notes to parish councils on assessing the new housing requirement in neighbourhood plans.

Policy CAS5 – to identify non-designated heritage assets

Policy CAS6 – to include a new policy on climate change

Policy CAS8 – to propose the designation of an additional local green space (LGS) at Gobbey's Field.

3.4 The Neighbourhood Planning Act 2017 identifies the circumstances that might arise as qualifying bodies seek to review made neighbourhood plans. It introduces a proportionate process for the modification of neighbourhood areas where a neighbourhood development order or plan has already been made in relation to that area.

- 3.5 There are three types of modification which can be made to a neighbourhood plan or order. The process will depend on the degree of change which the modification involves and as follows:
- minor (non-material) modifications to a neighbourhood plan or order which would not materially affect the policies in the plan or permission granted by the order. These may include correcting errors, such as a reference to a supporting document, and would not require examination or a referendum; or
 - material modifications which do not change the nature of the plan or order and which would require examination but not a referendum. This might, for example, entail the addition of a design code that builds on a pre-existing design policy, or the addition of a site or sites which, subject to the decision of the independent examiner, are not so significant or substantial as to change the nature of the plan; or
 - material modifications which do change the nature of the plan or order would require examination and a referendum. This might, for example, involve allocating significant new sites for development.
- 3.6 In the submitted Modification Statement both the Parish Council and MKC consider that the proposals represent material modifications to the 'made' Plan, but they are not considered so significant or substantial as to change the nature of the 'made' Plan.
- 3.7 I have considered the contents of the Modification Statement very carefully. I agree with MKC and the Parish Council that the majority of the changes to the 'made' Plan generate the need for an examination without a referendum. However, Policy CAS8 proposes the designation of an additional LGS. The designation of land as LGS has significant implications on the potential use of the land concerned within the Plan period. In addition, the proposed LGS is one which was included in the initial submitted Plan and was deleted following the earlier examinations. In these circumstances I have concluded that the submitted Plan includes material modifications which change the nature of the Plan and which require examination and a referendum.
- 3.8 I advised MKC and the Parish Council of this conclusion. The Parish Council subsequently confirmed that it wanted the examination of the Plan to proceed. In these circumstances I have examined the Plan in accordance under Schedule 4B of the Town and Country Planning Act 1990. The remainder of this report sets out the findings of the examination.
- 3.9 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the Plan could be examined without the need for a public hearing. I advised MKC of this decision once I had received the responses to the clarification note.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a Consultation Statement. The Statement reflects the neighbourhood area and its policies. It also provides specific details on the consultation process that took place on the pre-submission version of the Plan from January to March 2020.
- 4.3 The Statement sets out details of the consultation events that were carried out in relation to the initial stages of the Plan. Details are provided about the engagement with the statutory bodies and the public consultation events in the area. Specific events highlighted include:
- the inclusion of updates about the Plan in the Castlethorpe News (December 2018 to December 2019);
 - the delivery of leaflets to every household in the neighbourhood area (January 2020); and
 - the Open Day in the Village Hall (February 2020).
- 4.4 Section 3 of the Statement also sets out details of the responses received to the consultation process on the pre-submission version of the Plan. It also sets out how the Plan responded to those representations. It includes a specific note on the proposed local green space at Gobbey's Field.
- 4.5 The Statement is helpfully underpinned by an appendix listing the range of consultees.
- 4.6 From all the evidence provided to me as part of the examination, I conclude that the Plan has sought to develop an inclusive approach towards seeking the opinions of all concerned throughout the process. MKC has carried out its own assessment of this matter as part of the submission process and has concluded the consultation process has complied with the requirements of the Regulations.

Representations Received

- 4.7 Consultation on the Council's proposed modifications to the three policies was undertaken by MKC for an eight-week period that ended on 17 July 2020. This exercise generated comments from the following organisations:

- Natural England
- National Grid
- Canal and River Trust
- Network Rail
- Anglian Water
- Keynes Investments Limited

4.8 The Plan also generated comments from five local residents in four separate representations. Three of the four representations supported the Plan. The fourth promoted an additional housing site in the neighbourhood area (off Bullington End Road).

4.9 I have taken account of all the representations received. Where it is appropriate to do so I refer to specific representations on a policy-by-policy basis. I have not commented directly on the representation promoting a housing site off Bullington End Road. The review of the Plan does not set out to allocate additional sites for residential development and there is no strategic need for it to do so based on the contents of Plan: MK.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area consists of the parish of Castlethorpe. It was originally designated as a neighbourhood area on 28 May 2013. It is located in the countryside to the north of Milton Keynes.
- 5.2 The neighbourhood area is irregular in shape and runs along a north-west to south-east axis. The main London to Glasgow railway line runs through the neighbourhood area along this same axis and forms a significant element of the north eastern boundary of the parish.
- 5.3 Castlethorpe is the principal settlement in the neighbourhood area. It is an attractive village based around the Church of Saint Simon and Saint Jude and the remains of the Castle to its immediate north. The historic core of the village is a designated conservation area. It includes a range of retail and community facilities.

Development Plan Context

- 5.4 The development plan for the Milton Keynes administrative area is Plan: MK. It was adopted in March 2019 and covers the period to 2031.
- 5.5 Policies DS1 and DS2 in that Plan are particularly relevant to the formulation of the submitted review of the neighbourhood plan. In the context of Policy DS1 Castlethorpe is identified as one of a series of villages and rural settlements in the Milton Keynes administrative area. Policy DS2 comments that part of the strategic requirement for 26,500 homes up to 2031 will be delivered in small to medium scale development within rural and key settlements, appropriate to the size, function and role of each settlement. It is anticipated that delivery will be through allocations in neighbourhood plans.
- 5.6 In addition Policy HE1(Heritage and Development) and Policy SC1(Sustainable Construction) have had an important role in the formulation of the review of the neighbourhood plan.

Unaccompanied Visit

- 5.7 I visited the neighbourhood area on 24 July 2020. It was a warm, dry and pleasant day. I approached the neighbourhood area from the A508 and Station Road to the south and west. This allowed me to understand it in its wider landscape setting in general, and in relation both to the River Tove and the Grand Union Canal in particular.
- 5.8 I looked initially at the proposed local green space at Gobbey's Field. I saw its open character and the way in which it related to residential development to its east and its west. I saw several persons walking along the footpath which runs through the proposed local green space.

- 5.9 Thereafter I walked into the village centre over the railway bridge. I saw the very distinctive layout of the village and its urban design features. I looked at the Church and the remains of the former motte and bailey castle. I also saw the various stone vernacular buildings and several groups of Victorian houses in the centre of the village.
- 5.10 I then returned to the proposed Gobbey's Field local green space so that I could see its recreational use at a different time during the day.
- 5.11 I then returned to the village centre. I looked at the proposed housing allocation off Maltings Field. I saw its relationship to the adjacent houses and how its development would sit within the wider context of the village. I saw both the vehicular access off Fox Covert Lane to the north and from the pedestrian access from Maltings Field to the west. I then walked to the recreation ground at the northern end of the village. I saw its impressive range of facilities and its high standards of maintenance and upkeep.
- 5.12 I then returned to the proposed Gobbey's Field local green space so that I could see its recreational use at a different time during the day. I walked along the path to the south up to the River Tove.
- 5.13 I then drove along Wolverton Road to the Lodge Farm Business Centre. I saw the way in which it contributed to the economic well-being of the parish.
- 5.14 Thereafter I drove to Cosgrove so that I could see the relationship between the two settlements. In doing so I saw the significance of the Grand Union Canal in the wider landscape and the popularity of both the Navigation Inn and the Thrupp Wharf Marina on a sunny afternoon in Summer.

6 The Neighbourhood Plan and the Basic Conditions

6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented and informative document. It is also proportionate to the review of the Plan itself.

6.2 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan in the area;
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations; and
- not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (7).

6.3 I assess the Plan against the basic conditions under the following headings.

National Planning Policies and Guidance

6.4 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in February 2019. This approach is reflected in the submitted Basic Conditions Statement.

6.5 The NPPF sets out a range of core land-use planning issues to underpin both plan-making and decision-taking. The following are of particular relevance to the Castlethorpe Neighbourhood Plan:

- a plan led system– in this case the relationship between the neighbourhood plan and the adopted Plan: MK;
- delivering a sufficient supply of homes;
- building a strong, competitive economy;
- recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
- taking account of the different roles and characters of different areas;
- highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and

- conserving heritage assets in a manner appropriate to their significance.

- 6.6 Neighbourhood plans, including reviews of 'made' plans, sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.
- 6.7 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.
- 6.8 Having considered all the evidence and representations available as part of the examination I am satisfied that the revised Castlethorpe Plan has had regard to national planning policies and guidance subject to the recommended modifications in this report. It continues to set out a positive vision for the future of the neighbourhood area.
- 6.9 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This was reinforced with the publication of Planning Practice Guidance in March 2014. Paragraph ID:41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.10 As submitted the Council's modifications do not fully accord with this range of practical issues. My recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the review of the Plan fully accords with national policy.

Contributing to sustainable development

- 6.11 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. Policy CAS3 seeks to update the economic and social needs in Castlethorpe following the adoption of Plan: MK. In addition, Policy CAS6 seeks to respond positively to the climate change agenda.

General conformity with the strategic policies in the development plan

- 6.12 I have already commented in detail on the development plan context in Milton Keynes in paragraphs 5.4 to 5.6 of this report.

- 6.13 I consider that the submitted Plan delivers a local dimension to this strategic context. I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

European Legislation and Habitat Regulations

- 6.14 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.15 In order to comply with this requirement MKC published screening report on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. As a result of this process it concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require SEA.
- 6.16 The screening report includes a separate Habitats Regulations Assessment (HRA) of the Plan. It takes account of the likely effects of development in the neighbourhood area on protected sites. It concludes that the Plan is not considered to have the potential to cause a likely significant adverse effect on this or another other European protected site. It also concludes that there will be no likely significant in-combination effects. Its level of detail provides assurance that this important matter has been comprehensively addressed.
- 6.17 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.
- 6.18 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. In addition, there has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On the basis of all the evidence available to me, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Summary

- 6.19 On the basis of my assessment of the Plan in this section of my report I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the revised policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the review of the Plan is fit for purpose. It is distinctive and proportionate to the neighbourhood area. The wider community and the Parish Council have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda. In addition, the submitted Plan has taken an exemplary approach towards the review of a 'made' neighbourhood plan. The combination of the general approach taken, the Modification Statement and the Modification Proposal provide an ideal template for other qualifying bodies in the Milton Keynes administrative area which may wish to review their own plans.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (Section 41-004-20190509) which indicates that neighbourhood plans must address the development and use of land.
- 7.5 I have addressed the policies in the order that they appear in the submitted Plan
- 7.6 The format of the submitted Plan has been designed to present a consolidated version of the neighbourhood plan in the event that the review of the existing Plan is 'made'. For the purpose of this examination, I comment in detail only on those policies which are affected by the submitted review. The structure of this report highlights the policies which are affected by the review of the Plan and those which are unaffected.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print. The recommended modifications are highlighted in this section of the report on a policy-by-policy basis.

The initial section of the Plan (Sections 1-3)

- 7.8 These introductory parts of the Plan set the scene for the range of policies. They do so in a proportionate way. The Plan is presented in a professional way. It makes a very effective use of well-selected photographs and maps. A very clear distinction is made between its policies and the supporting text. It also highlights the links between the Plan's objectives and its resultant policies.
- 7.9 The Introduction and Background (Section 1) comments about the need for a review of the existing 'made' Plan. It provides a wider context to the neighbourhood plan agenda and the implications of the adoption of Plan: MK in 2019. It sets the scene for the Plan.

- 7.10 The Community Views chapter (Section 2) comments about a range of views and ambitions of residents in the neighbourhood area.
- 7.11 The Vision and Objectives chapter (Section 3) sets out an extensive vision for the neighbourhood area. It is underpinned by five objectives.
- 7.12 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

Policy CAS1 Settlement Boundary

- 7.13 The modification proposed to the Development Boundary corrects an error on the Policies Map and removes the inconsistency between the policy and the Policies Map of the adopted Plan: MK.
- 7.14 Otherwise the policy is unaffected by the review of the Plan. It meets the basic conditions

Policy CAS2 Housing Development – Maltings Field

- 7.15 The equivalent policy in the made neighbourhood plan allocated land at Maltings Field for residential development.
- 7.16 There is active developer interest in the site. At the time of the examination outline planning permission has been granted for the development of the site. A subsequent reserved matters application (submitted in 2019 for 31 dwellings) is now at appeal for non-determination.
- 7.17 The proposed revision of the 'made' Plan is to the supporting text at paragraph 4.2.3. It draws attention to the recently-completed residential scheme at Paddock Close. It requires that the details of housing on the Maltings Field are similar to that development, including the window detailing.
- 7.18 In general terms I am satisfied that this revision to the supporting text is appropriate. It takes account of changing circumstances in the neighbourhood area since the Plan was originally made. I recommend a modification to the supporting text so that it is less prescriptive. Whilst a design which reflected the Paddock Close development would be an appropriate and attractive outcome other potential layouts and designs may also be appropriate. The recommended modification takes account of the Parish Council's response to the clarification note.

Replace the revised text in paragraph 4.2.3 with:

'The recent housing scheme at Paddock Close is regarded as a successfully designed scheme and could act as a clear cue for the design of this scheme. It has an Edwardian style reflecting the growth of Castlethorpe following the advent of the railway, including bay windows, sash windows, stone window lintels and recessed front porches.'

Policy CAS3 Housing Need

- 7.19 The modification proposed seeks to take account of the adoption of Plan:MK since the neighbourhood plan was 'made'.
- 7.20 Plan:MK does not outline a housing requirement for each neighbourhood area. However, MKC has published a briefing note as an interim position to provide an indicative housing figure to inform new neighbourhood plans (in accordance with paragraph 66 of the NPPF). The figure for this and other neighbourhood plan areas is one dwelling, although it encourages plans to allocate land for more than one dwelling if they have not already done so in any review of a 'made' Plan.
- 7.21 In the case of the neighbourhood area Policy 2 of the 'made' Plan allocated the site at Maltings Field for 30 homes (which remains in the Modified Plan as Policy CAS2) and, as of January 2020, there were planning permissions for another 10 dwellings in the neighbourhood plan area. The new policy does not therefore change the housing supply provisions of the 'made' Plan. The policy meets the basic conditions.

Policy CAS4 Design Guidance

- 7.22 Policy CAS4 is a modified version of former Policy 3. The proposed modification identifies a number of design details in the policy that are intended to bring clarity to the design aspirations of the Plan and to assist the understanding of how the policy should be applied. The details do not alter the design strategy or approach of the 'made' Plan.
- 7.23 The policy is otherwise unaffected by the review of the Plan. It meets the basic conditions.

Policy CAS5 Buildings of Local Interest

- 7.24 This is a proposed new policy. It identifies buildings of local interest.
- 7.25 The Modification Proposal comments that work on the Conservation Area Appraisal has identified the buildings concerned as of local interest. Details are provided in the new Annex D.
- 7.26 I am satisfied that such an approach will not change the nature of the Plan. In effect it serves to bring clarity to those properties which has been identified as such in the Annex. The policy meets the basic conditions

Policy CAS6 Climate Change

- 7.27 This is a proposed new policy. It signals support for actions that will mitigate the impact of climate change. It reflects support for existing development plan policies.
- 7.28 I am satisfied that such an approach will not change the nature of the Plan. In effect it serves to bring a local iteration of Policies SC1-3 in Plan: MK. In this context it meets the basic conditions.

Policy CAS7 Community Facilities

7.29 This policy is unaffected by the review of the Plan

Policy CAS8 Local Green Space

7.30 The review of the Plan does not propose to change the basis of the policy itself or its approach to the safeguarding of local green spaces (LGS). Nevertheless, it proposes to designate Gobbey's Field as an additional LGS.

7.31 Gobbey's Field is a parcel of open grassland to the south of the village and the railway line. It is bounded by The Chequers and Shepperton Close to the west and by Prospect Place to the north-east. A public footpath runs along the eastern boundary of the northern part of the proposed LGS and then diagonally through its southern part. I looked carefully at the proposed additional LGS when I visited the neighbourhood area.

7.32 The community's promotion of Gobbey's Field as LGS within the neighbourhood plan has significant history. It was proposed as LGS in the initial plan. The examination of what is now the 'made' Plan recommended that the proposal to designate Gobbey's Field as LGS should be deleted from the Plan (July 2016). Following the examination MKC considered the examiner's report and resolved to accept all the recommendations except for the one in relation to the proposed designation of Gobbey's Field as LGS.

7.33 MKC proposed to take a different decision on this issue as a result of new evidence provided by the Parish Council in support of the value that the local community placed on this area of land. The subsequent examination (June 2017) on this specific issue reaffirmed the findings of the original examiner.

7.34 For the purposes of the review of the Plan the Parish Council has submitted additional information and evidence on the use of the proposed LGS. It is set out in Annex B of the Plan. The additional information addresses the following matters:

- the historic significance of its northern part;
- the presence of protected species within the proposed LGS;
- the results from a CCTV survey of use of the proposed LGS over 20 days between April and August 2019;
- the difference between the proposed LGS and adjacent parcels of agricultural land; and
- the size of the space when compared with other LGSs in made neighbourhood plans elsewhere (both in England and specifically in Milton Keynes).

7.35 The proposed inclusion of Gobbey's Field in the Plan has attracted a substantial representation from the site owner. In summary the representation contends that:

- the historic significance of the site is limited simply to the north west part of the site adjacent to the children’s play area;
- the land has been in agricultural use for over forty years and it does not include any formal recreational facilities. It is a field with a public right of way running along its length from north to south;
- whilst the field has existing biodiversity value this does not elevate it above the commonplace. The site is not of primary ecological importance and does not benefit from any special ecological designations. Therefore, the ecological value of the land is not remotely sufficient to designate it as LGS;
- the CCTV survey was not undertaken in an agreed fashion, and, in any event, its results do not in themselves demonstrate that Gobbey’s Field is appropriate to be designated as LGS on the basis of its recreational use;
- on the size issue each LGS should be assessed on its merits (rather than in comparison with other LGSs elsewhere); and
- the proposed LGS is not substantially different to other fields surrounding the village and activities such as dog walking and informal recreation can just as easily be carried out on the other fields.

7.36 I looked at the proposed LGS very carefully. Within the broader context of the visit (5.8-5.16) I looked at the site three times during the day. In doing so I made my own observations of the public’s use of the site. On the third visit I walked to the south as far as the River Tove.

7.37 It was clear that the proposed LGS was an accessible parcel of open grassland. The visit highlighted its relationship with the footbridge over the railway line and the children’s play area to the north of Chequers Way. I also saw the close relationship between the open grassland and the rear of the houses on the eastern side of The Chequers. The proposed LGS has two related parts that are separated by a line of small trees running across the site in an east-west direction. The footpath running through the site was clear.

7.38 During my three separate visits to Gobbey’s Field I saw a variety of people using the proposed LGS. They included dog walkers, a group of walkers and several family groups. The most frequent activity was persons walking along the footpath from The Chequers into the north-west part of the site and then over the railway bridge into the village centre (or vice versa). Other groups of people came over the railway bridge to gain access to the playground.

7.39 I walked through Gobbey’s Field and continued to the south up to the River Tove. I saw that the parcels of land on this route (and in adjacent fields) were open grassland and/or grazing land. Sheep were grazing in several of the fields. I saw a group of young people swimming in the River Tove. Otherwise, I encountered no other persons on the walk to and from the River Tove.

7.40 Any proposed designation of LGS needs to meet both three specific criteria as set out in paragraph 100 of the NPPF. They also need to satisfy a more general test on the wider promotion of sustainable development in paragraph 99 of the NPPF.

- 7.41 Any proposed LGS needs to be in close proximity to the community it serves. This point is accepted by all concerned. The proposed LGS is bounded by The Chequers and Shepperton Close to the west and by Prospect Road in its north eastern corner.
- 7.42 Secondly any proposed LGS needs to be demonstrably special to the local community and hold a particular local significance. In this context the Parish Council contends that the north western part of the proposed LGS has historic significance, that the site has ecological significance and that there is significant use of the Field in general, and the footpath in particular, for recreational purposes.
- 7.43 Amongst other things the Parish Council has sought to provide evidence to support its view that the recreational use of Gobbey's Field is sufficient to warrant that it is demonstrably special to the local community. In particular the evidence seeks to address some of the issues raised by the two previous examiners.
- 7.44 The CCTV survey highlights the nature and the type of recreational use of the wider Field and the footpath over a period of days and at different times. The findings of the survey overlapped with my own observations of activity within the proposed LGS. In particular I saw the range of activity as already described in paragraph 7.38 of this report.
- 7.45 I have considered this matter very carefully. In my judgement the informal recreational use of Gobbey's Field is not dissimilar to many other areas of countryside adjoining villages. In particular I have concluded that the evidence supplied does not justify that the proposed LGS is demonstrably special to the local community. This conclusion aligns with my observations on the use of the site. In any event the footpath which runs through Gobbey's Field is already safeguarded through the Highways Acts.
- 7.46 The Parish Council also contend that the northern part of the proposed LGS is demonstrably special given that it is part of the wider scheduled monument associated with the former Norman Castle. Plainly this element of the proposed LGS is an important component of its overall character and attractiveness. However, it occupies a modest part of the wider space (approximately 10% of the site area). In any event the scheduled monument is already protected under separate legislation. In this context Planning Practice Guidance (37-011-20140306) advises that 'different types of designations are intended to achieve different purposes. If land is already protected by designation, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space'. No such additional benefit is suggested in the Plan.
- 7.47 Finally the Parish Council contend that the proposed LGS has ecological significance. In particular it comments that 'the copse bordering Gobbey's to the east is the only substantial woodland in the village and is home to a wide variety of birds and bats which, for practical reasons, are active and are seen mostly in Gobbey's and its immediately surrounding area'. Whilst I accept that this is the case there is no detailed evidence to suggest that the proposed LGS has particular ecological significance beyond that which might be found in an open parcel of land on the edge of a rural village in a countryside location.

- 7.48 Taking account of all the available information I conclude that the proposed LGS does not meet the 'demonstrably special' test in paragraph 100 of the NPPF.
- 7.49 The third test in the NPPF is that any proposed LGS should be 'local in scale and not an extensive tract of land' This matter inevitably requires a degree of judgement as national policy does not provide any hard and fast guidelines on this matter. The national approach acknowledges that places are different and that it would be impractical to apply guidelines on this matter.
- 7.50 The proposed LGS is 4.8 hectares in size. By way of comparison in its response to the clarification note the Parish Council advised me about the size of the two larger LGS in the made Plan. Castle Field is approximately 4 hectares and the recreation ground is approximately 3 hectares in size.
- 7.51 Based on my observations of the proposed LGS and my experience of examining other neighbourhood plans I have concluded, on balance, that it is not local in scale. In contrast it is an extensive tract of agricultural land that is located on the southern edge of the village. Its association is as much to the surrounding agricultural landscape to the south and east as it is to the built-up element of the village to the north.
- 7.52 In this broader context PPG (31-015-20140306) advises that 'blanket designation of open countryside adjacent to settlements will not be appropriate. In particular, designation should not be proposed as a 'back door' way to try to achieve what would amount to a new area of Green Belt by another name'. Whilst I am satisfied that the Parish Council has not set out to achieve a blanket designation of open countryside in this or earlier versions of the Plan the designation of Gobbey's Field as LGS would have the potential to achieve an effect which is not supported by national policy.
- 7.53 In a broader context the assessment of the proposed LGS against the wider sustainability objectives of the Plan is not required given that I have concluded that Gobbey's Field meets only one of the three criteria for LGS designation in the NPPF.

Delete iv Gobbey's Field from the policy.

Delete Gobbey's Field from Plan J.

Delete the photograph of Gobbey's Field from Plan K.

Policy CAS9 Lodge Farm Business Centre

- 7.54 This policy is unaffected by the review of the Plan.

Policy CAS10 Cosgrove Leisure Park Access

- 7.55 This policy is unaffected by the review of the Plan.

Policy CAS11 Countryside and Landscape

- 7.56 This policy is unaffected by the review of the Plan.

Community Projects

- 7.57 The various Projects are unaffected by the review of the Plan.

Other matters - General

- 7.58 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for MKC and the Parish Council to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

8 Summary and Conclusions

Summary

- 8.1 The review of the Plan sets out a range of policies to guide and direct development proposals in the period up to 2031. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan I have concluded that the Castlethorpe Neighbourhood Development Plan Review meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

Conclusion

- 8.3 On the basis of the findings in this report I recommend to Milton Keynes Council that subject to the incorporation of the modifications set out in this report that the Castlethorpe Neighbourhood Development Plan Review should proceed to referendum.

Referendum Area

- 8.4 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by Milton Keynes Council on 28 May 2013.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner.

Andrew Ashcroft
Independent Examiner
7 January 2021