

## Newport Pagnell Neighbourhood Development Plan Review

### Examiner's Clarification Note

This Note sets out my initial comments on the submitted Plan. It also sets out areas where it would be helpful to have some further clarification.

For the avoidance of any doubt matters of clarification are entirely normal at this early stage of the examination process.

### Initial Comments

The Town Council's ambition to review the Plan responds positively to national guidance and associated best practice. The Plan continues to provide a clear vision for the neighbourhood area. The review addresses a balanced range of issues. It is underpinned by an appropriate evidence base and properly takes account of the elements of the Plan which have been implemented since it was 'made'.

The presentation of the Plan is very good. The package of submission documents is proportionate to the neighbourhood area in general, and to the review of the Plan in particular. In combination the documents helpfully identify the aspects of the Plan which have been updated.

### Points for Clarification

I have read the submitted documents and the representations made to the Plan. I have also visited the neighbourhood area. I am now in a position to raise issues for clarification with the Town Council.

The comments made on the points in this Note will be used to assist in the preparation of my report and in recommending any modifications that may be necessary to the review of the Plan to ensure that it meets the basic conditions. I set out specific clarification points below in the order in which the policies concerned appear in the submitted Plan.

#### *Policy NP4*

In part E of the policy how important is the accreditation issue? In any event is a technical accreditation a material planning consideration?

In this context how would the proposed development of a museum which did not meet the identified technical accreditation standards be considered?

This wording was recommended as a modification to the draft policy by the LPA at the Reg 14 stage. It noted that the Arts Council requires S106 financial contributions to be invested only in formally accredited museum facilities. This must therefore be regarded as a valid material planning consideration as it will form part of such a S106 agreement. Given the purpose of clause E, we supported the LPA's recommendation and modified the policy accordingly.

It is known that the Aston Martin Heritage Trust (AMHT) is keen to re-establish its extensive Aston Martin Museum in Newport Pagnell and the Town Council has been working towards this for a number of years. The Town has a long history with the Aston Martin brand, and custom-built, top-of-the-range Aston Martin vehicles are still built in Newport Pagnell today.

### *Policy NP7*

In part A of the policy has the element about viability in the 'made' version of the Plan been removed on the basis that Plan:MK has been recently examined and met the tests of soundness? **Your understanding is correct.**

In part B how would judgements be made on a clear and consistent basis about the extent to which smaller sites could have incorporated eleven or more homes?

**The LPA has adopted a series of Supplementary Planning Documents relating to the operation of planning obligations. The provisions of all of them apply to one extent or another to housing schemes of 10 or more dwellings. There have been cases in Newport Pagnell and other areas, where developers have submitted consecutive planning applications for schemes of less than 10 dwellings on land that clearly forms part of a larger developable site, approximately a year apart, in order to avoid the planning obligation requirements for the site.**

**The Town Council understands that this minor modification to the made policy will allow Milton Keynes Council to add into an initial s106 agreement wording to the effect that if more homes are developed on this site, thereby forming what would have been a 'major development', the developer will be subject to s106 payments for all the homes on the site collectively. No s106 agreement will come into force until a second planning application has been approved.**

**The Town Council notes that the proposed modified policy incorrectly refers to 'eleven or more' dwellings, which has been derived from the separate Local Plan Policy HN1 on housing mix. It will therefore support a recommendation made to correct this reference to 'ten or more'.**

### *General*

The Plan's policies are clear in their intentions. However, they use different language for similar purposes. For example:

Where they 'support' identified development, they use:

- permitted (Policy 4A);
- encouraged (Policy 4E); and
- both permitted and encouraged (Policy 3).

Where they do 'not support' identified development, they use:

- refused (Policy 1);
- not supported (Policy 4A); and
- resisted (Policy 4D).

Where they make requirements of a developer, they use:

- shall be/will be (Policy 5A);
- will be/will be expected (Policy 5B);
- both must and should (Policy 6A);
- shall (Policy 7A); and
- will be required to (Policy 7B).

I acknowledge that in several cases the wording has been carried forward from the 'made' Plan. Nevertheless:

- are the different wordings used for particular purposes on a policy-by-policy basis?

- would there be merit in using the review of the Plan to introduce a degree of consistency in the three types of policy approaches listed above where the effect of the policy would not be altered?

The Town Council accepts that the made Plan and the proposed modified version inadvertently use a variety of phrasing to reflect the policy intent. It notes that the Local Plan is also prone to such variety but tends to use the following phrases most often – “required to”, “only permitted if”, “will be permitted”. It will therefore welcome recommendations to modify the policy wording to achieve a greater consistency with the Local Plan.

### **Representations**

Clarification notes provide an opportunity for qualifying bodies (here the Town Council) to comment on the representations made to the Plan. Given the nature of the comments received on the Plan this opportunity does not naturally arise. Indeed, the comments further highlight the professional way in which the Plan has been reviewed.

### **Protocol for responses**

I would be grateful for responses to the questions by 22 April 2021. Please let me know if this timetable may be challenging to achieve.

In the event that certain responses are available before others I am happy to receive the information on a piecemeal basis. Irrespective of how the information is assembled please could it all come to me directly from the Milton Keynes Council. In addition, please can all responses make direct reference to the policy or the matter concerned.

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Newport Pagnell Neighbourhood Development Plan Review

8 April 2021