

Stantonbury Neighbourhood Plan Examination

23rd March 2019

**Request for Clarification from the Examiner to Stantonbury Parish Council
and Milton Keynes Council Council**

I have now completed my initial review of the Stantonbury Neighbourhood Plan and supporting information.

Further to this, I would be grateful for the assistance of both Stantonbury Parish Council and Milton Keynes Council in respect of clarifying a number of matters in writing. Questions 1 and 5 are for Milton Keynes Council and subsequent questions are for the Parish Council.

In responding to the matters where I seek clarification, set out in bold/italics below, please do not direct me to any evidence that is not already publicly available.

Please can all responses be provided by no later than 0830 on the 12th April. If responses can be provided sooner, this will support the timely conclusion of the Examination.

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Stantonbury Neighbourhood Plan**

1) European Obligations (Sweetman Judgement)
(for Milton Keynes Council)

National guidance establishes that the ultimate responsibility for determining whether a draft neighbourhood plan meets EU obligations lies with the local planning authority:

- *“It is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a neighbourhood plan proposal submitted to it have been met in order for the proposal to progress. The local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations”* (Planning Practice Guidance¹).

In April 2018, in the case *People Over Wind & Sweetman v Coillte Teoranta* (“People over Wind”), the Court of Justice of the European Union clarified that it is not appropriate to take account of mitigation measures when screening plans and projects for their effects on European protected habitats under the Habitats Directive. In practice this means if a likely significant effect is identified at the screening stage of a habitats assessment, an *Appropriate Assessment* of those effects must be undertaken.

In response to this judgement, the government made consequential changes to relevant regulations through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

The changes to regulations allow neighbourhood plans and development orders in areas where there could be likely significant effects on a European protected site to be subject to an *Appropriate Assessment* to demonstrate how impacts will be mitigated, in the same way as would happen for a draft Local Plan or planning application.

These changes came into force on 28th December 2018. This post-dated the submission of the Neighbourhood Plan. However, as the regulations are now in force, it is important to ensure that, where necessary, an *Appropriate Assessment* has been undertaken.

I note that Milton Keynes Council has not raised any concerns in the above regard. I also note that Milton Keynes Council prepared the HRA Screening Report, appended to the Basic Conditions Statement submitted for examination and that this concluded that “...*Appropriate Assessment of the plan is not required.*”

¹ Planning Practice Guidance Reference ID: 11-031-20150209.

Given this and taking the above post-submission changes to regulations into account, please can Milton Keynes Council confirm whether or not it is satisfied that the Neighbourhood Plan is compatible with European obligations.

**2) Comments on Regulation 16 Representations
*Optional Response from Parish Council***

Neighbourhood Planning Independent Referral Service (NPIERS) Guidance²
Paragraph 1.11.4 states that:

“The qualifying body will normally be given the opportunity to comment on the representations made by other parties...This may be particularly important where the matters concerned have not been raised at Regulation 14 stage. The opportunity for the qualifying body to comment on representations could be incorporated within an independent examiner’s clarification note...”

I would like to provide the Neighbourhood Forum with the opportunity to comment on any of the representations made during Regulation 16 consultation. I note that this is an opportunity and not a requirement.

The Parish Council has informed me that it has held meetings further to the closing of the Submission Consultation stage. For clarity, I am not seeking reports of meetings or general notes, but simply the Parish Council’s own comments with respect to the representations received. As above, in so doing, please do not direct me to any evidence that is not publicly available.

Please also consider the questions below, as some of these refer to representations made.

I note that the Parish Council has informed me that planning permission was recently granted for development at Oakridge Park for housing and commercial use. This is a different land use to that required by Policy SNP16 of the submission version of the Neighbourhood Plan and consequently, Oakridge Park Site A cannot now be subject to the requirements of that Policy.

² NPIERS “Guidance to Service Users and Examiners”

3) Policy SNP1

Figure 2 refers to a variety of things. The title of Policy 1 refers to Open Space and Leisure. The Policy then goes on to refer to parking and trees.

Is the Policy concerned with parking in open spaces only ?

Is the Policy concerned with (non TPO) trees in open spaces only ?

Please can you explain/direct me to evidence in relation to what “justified loss of trees” comprises and why justified loss would require replacement, as per the Policy ?

A representation has been received in respect of Stantonbury Wharf. In the light of this, is Figure 2 incorrect ?

The representation goes on to state that Stantonbury Wharf is covered by Policy SNP2 – do you agree with this statement ?

4) Policy SNP3

Why does the Policy list 5 areas (whilst the related Figure refers to more than 5 areas) ?

Please can you direct me to evidence in respect of how much additional parking is required; and in respect of what is unsatisfactory and unsafe, and why additional parking would address this ?

Would this Policy result in the reduction of grass verges at Hadrians Drive to provide for car parking ? If so, please can you point to evidence in support of this ?

5) **Policy SNP7**

The Policy protects Grid Road Corridors and the supporting text refers to potential for road-widening.

Milton Keynes Council has not expressed any concerns in respect of this Policy. ***Can Milton Keynes Council confirm its support, or otherwise, for the Policy ?***

6) **Policy SNP10**

Why does the supporting text to the Policy refer to the site being suitable for “Council housing” when the Policy places no restriction on the tenure of housing ?

Elsewhere, the Neighbourhood Plan seeks to protect open space and local green space. The Neighbourhood Plan states that there is no requirement for any housing allocations.

Please can you point me to evidence in support of changing the use of this site from designated Recreation and Open Space to housing ?

7) **Policy SNP12**

There is some local opposition to this proposal. ***Please can you direct me to evidence of engagement with local residents, including those living at Naseby Court, adjacent to the site, in respect of the proposed allocation at Stanton School ?***

Elsewhere, the Neighbourhood Plan seeks to protect open space, local green space and trees. The Neighbourhood Plan states that there is no requirement for housing land allocations. ***Please can you direct me to evidence in support of allocating this site for residential development ?***

One of the representations received refers to Local Green Space and sets out why it might meet the national policy test for designation as such. ***Was this site considered for inclusion as Local Green Space and if not, why ?***

8) Policy SNP14

The Policy requires 50% of the area to “*remain undeveloped*” excluding open space, roads and paths. More than 50% of the area is already developed excluding open space, roads and paths.

In plain English, what does Policy SBP14 c) seek to achieve ?

9) Policy SNP16

The Policy limits development to community uses.

Please can you provide any clarity in respect of the direct conflict between Policies SNP16 and SNP17, re: potential new land uses ?

10) Policy SNP17

The Policy refers explicitly to “*the masterplan.*” ***The Neighbourhood Plan does not contain a masterplan - what is the Policy referring to ?***

The supporting text states that the aim of Policy SNP17 “*is to provide guidelines.*” Rather than guidelines, the Policy sets out prescriptive requirements. ***Is the Policy meant to provide guidelines, or is it meant to be prescriptive, as set out ?***

If the medical centre was not expanded, along with associated parking, would there be no support for other forms of development at Stantonbury Campus (this is what the Policy states) ?

Is it the Policy intention that every proposal be subject to all of the criteria set out ? Would development be supported if it met one, two, three...all but one of the criteria ?

Marshall Milton Keynes AC has raised concerns in respect of the sites identified for a community facility/civic office. ***Please can you respond to the concerns raised ?***

11) Policy SNP18

The Policy title refers to garages and the supporting text infers that the site only includes garages. The sites identified include maisonette housing.

The Policy prevents residential development unless replacement parking is provided for garage owners displaced “*on the identified amenity land.*” Whilst I note that, elsewhere, the Neighbourhood Plan refers to the site as amenity land and that the sites include various areas of green space, the figure associated with the Policy simply shows two red line areas and does not provide any distinction in this regard.

The Policy also requires provision of a Local Equipped Area of play and refers to “*remaining amenity green space*” although the Policy does not require any amenity green space to remain.

Why does the Policy and supporting text only refer to garages, whilst the site areas include maisonettes ?

Please refer me to the amenity land identified for replacement parking.

Is it the intention of the Neighbourhood Plan for all existing amenity green space within the red line areas to be developed ?

Please refer me to the land available for a Local Equipped Area of play.

Representations have been received which promote the expansion of the red line area. This would include additional areas of open space.

Is there any evidence of community support – for example from neighbouring occupiers adjacent to, but outside the proposed allocations - for areas of open space to form part of the redevelopment area ?
