

Stantonbury Neighbourhood Development Plan 2019-2031

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

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Executive Summary

- 1 I was appointed by Milton Keynes Council in January 2020 to carry out the independent examination of the Stantonbury Neighbourhood Development Plan. The examination is very specific. Its focus is on the way in which the Council and the Parish Council have responded to three modifications as recommended by the first independent examiner
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 20 January 2020.
- 3 The Plan as a whole includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. This examination was focused on an assessment of the way in which the Council's proposed revisions of Policies SNP14, 16 and 17 meet the basic conditions.
- 4 In reaching my conclusions I have taken account of the targeted consultation on the revisions to the policies concerned.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the three revised policies in the Stantonbury Neighbourhood Plan meet all the necessary legal requirements.
- 6 In this context I agree with the earlier examination findings that the Plan should proceed to referendum and that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
11 February 2020

1 Introduction

- 1.1 This report sets out the findings of the second independent examination of the Stantonbury Neighbourhood Development Plan 2019-2031 (the 'Plan').
- 1.2 The Plan was originally submitted to Milton Keynes Council (MKC) by Stantonbury 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. The focus of this examination is the two council's responses to the initial independent examiner's recommended modifications to three policies in the Plan (SNP 14, 16 and 17). In each case the examiner recommended the deletion of the policies from the Plan.
- 1.6 Within the context set out above this report assesses whether the Council's response to the initial recommended modifications 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 changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the Plan 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 recommend one of the following outcomes of the examination:
- (a) that the Plan is submitted to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 2.5 The outcome of the examination is set out in Sections 7 and 8 of this report.

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 three policies comply with these requirements in the rather limited context of this second examination of the Plan.

3 Procedural Matters

- 3.1 In undertaking this examination I have considered the following documents:
- the consultation statement on the proposed modifications;
 - the initial examination report;
 - the comments received to the Council's proposed modifications;
 - the submitted Neighbourhood Plan;
 - Plan:MK
 - the National Planning Policy Framework (February 2019);
 - Planning Practice Guidance (March 2014 and subsequent updates); and
 - relevant Ministerial Statements.
- 3.2 I carried out an unaccompanied visit to the neighbourhood area on 20 January 2020. I looked at those areas affected by the three policies in the Plan in particular. My visit is covered in more detail in paragraphs 5.9 to 5.13 of this report.
- 3.3 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 concluded that the Plan could be examined in this way.
- 3.4 In procedural terms this examination has a very limited remit. MKC has already accepted the majority of the recommended modifications recommended as an outcome of the first examination. As part of that process the examiner has already assessed the wider Plan against the basic conditions. However, for clarity I asked MKC to undertake a brief assessment of the extent to which its proposed revisions to the three policies would have any effect on the Habitats Regulations Assessment. Its conclusions on this matter are included in Section 6 of this report.

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 MKC has prepared a Consultation Statement which comments about how it proposes to take different decisions to those recommended by the initial independent examiner. This Statement sets out the background to the matter and then comments about the examiner's recommendations. It then proposes the Council's response to the three recommendations.

Representations Received

- 4.3 Consultation on the Council's proposed modifications to the three policies was undertaken by MKC for an eight-week period that ended on 15 January 2020. This exercise generated comments from the following organisations:
- Anglian Water
 - Historic England
 - Natural England
 - MKC (Housing)
- 4.4 The four comments support the Council's proposed modifications to the three policies.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area consists of the parish of Stantonbury. It was designated as a neighbourhood area on 16 June 2015. It is located in the northern part of Milton Keynes, and to the north of the A509 in particular. Monks Way (H3) forms a significant element of its southern boundary.
- 5.2 Policy SNP14 provides a context for the regeneration of the North Bradville area. It is located in the central part of the neighbourhood area. It was developed in the 1970s and was one of the first tranches of the development of the new town.
- 5.3 Policy SNP16 initially commented about three proposed community hubs. The proposed modifications have reduced their number from three to two and have altered their boundaries. The remaining hubs are located in Oakridge Park and in Bradville.
- 5.4 Policy SNP17 comments about the Stantonbury Campus. The site is the home of Stantonbury International School. The school caters for the educational needs of over 1,730 students and is managed by the Griffin Trust. Originally designated as a community facility, the educational facility is in close proximity to a church, dentist and a health centre. The athletics stadium on the campus is the home to Marshall Milton Keynes Athletics Club. The Griffin Trust now manage the leisure centre and theatre and are committed to the Sports, Arts and Performance agenda. The buildings and infrastructure were built in the early 1970s with the site also comprising numerous green areas within its boundary.

Development Plan Context

- 5.4 The new local plan for Milton Keynes, Plan:MK was adopted in March 2019. It covers the period to 2031.
- 5.5 The following policies in that Plan are particularly relevant to the three policies which are the subject of this examination:

Policy CC2	Location of Community Facilities
Policy CC3	Protection of Community Facilities
Policy CC4	New Community Facilities
Policy CC5	Childcare Facilities

Unaccompanied Visit

- 5.9 I visited those parts of the neighbourhood area covered by the three policies on 20 January 2020.
- 5.10 I looked initially at the Stantonbury Campus. I saw the interesting mix of buildings and the associated recreational uses.

- 5.11 Thereafter I looked at the North Bradville area. I saw its very distinctive layout and urban design features. This part of the visit was particularly helpful in my understanding of the very specific nature of Policy SNP14.
- 5.12 I then drove to Oakridge Park. I saw the close relationship between the new residential development and the proposed community hub. I also saw the interesting mix of a larger retail unit (Asda) together with the group of more local shops and other related service facilities.
- 5.13 I finished my visit by looking at the proposed Bradville Hub. I saw that it was a more traditional community hub with a concentrated collection of retail units and a public house.

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.

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 Stantonbury 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 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 Council's approach towards the three policies has had regard to national planning policies and guidance in general terms. They set out a positive vision for the future of the neighbourhood area in general, and its housing regeneration and the provision of community facilities in particular.
- 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 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 SNP14 addresses the economic and social needs associated with the regeneration and refurbishment of the North Bradville housing stock. Policies SNP 16 and 17 propose innovative solutions to promote and safeguard community facilities.

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 and 5.5 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. A Habitats Regulations Assessment (HRA) is also required.
- 6.15 The initial examiner was satisfied that these requirements were met. I asked MKC to assess whether its modification to the three policies would affect the HRA outcome. It advised that this was not the case.
- 6.16 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.
- 6.17 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 this specific stage of the preparation of 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

- 6.18 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 three policies in the Plan where the two councils have decided not to proceed with the initial independent examiner's recommended modifications. In particular, it makes a series of recommended modifications to ensure that they 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.
- 7.3 I have addressed the policies in the order that they appear in the Council's consultation statement on the modifications to the policies.
- 7.4 For clarity this section of the report comments on each of the affected policies whether or not I have recommended modifications in order to ensure that they meet the basic conditions. This report does not comment on any of the other policies in the Plan as originally submitted. MKC and the Parish Council have already agreed to the recommended modifications as included in the initial examiner's report.
- 7.5 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.

General Comments

- 7.6 An examination of this nature is unusual. It is not an opportunity for a different examiner to examine the same Plan for a second time. It is however an opportunity for a different examiner to test whether the response made by MKC and the Parish Council to the examiner's recommended modifications meet the basic conditions in their own right.
- 7.7 In this context MKC and the Parish Council have responded positively to the comments made by the initial examiner on a policy by policy basis. In particular the two councils have reconfigured the three policies to address those matters which caused the initial examiner to recommend their deletion from the submitted Plan. The modifications made to the three policies are of such a scale and significance that they would not naturally have been recommended as examination modifications by an examiner. This reflects the remit of an examiner as set out in paragraph 1.4 of this report.
- 7.8 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.3 to 7.5 of this report.

Policy SNP14 – North Bradville Regeneration

- 7.9 The initial examiner's report recommended the deletion of the policy.
- 7.10 The MKC and the Parish Council proposed modified policy responds directly to the areas where the initial examiner considered that the policy did not meet the basic conditions. In particular the proposed revised policy:

- qualifies the policy so that proposals for refurbishment will only be considered where planning permission is required;
- removes the requirement for 50% of the area to remain undeveloped and replaces it with a requirement to retain the same amount of open space as is lost through redevelopment;
- requires that retention of all existing social rented homes will be subject to viability;
- requires that the housing mix should be in accordance with the latest evidence of housing need; and
- requires that affordable housing should be in accordance with Policy HN2 of Plan:MK

7.11 I am satisfied that the proposed modifications to the policy have both addressed the areas identified by the first independent examiner and meet the basic conditions in their own right. The revised policy provides a positive and robust approach towards the future redevelopment and improvement of this part of the neighbourhood area. In this context I have taken account of the supporting comments of the MKC Housing Team.

Policy SNP16 – Community Hubs

7.12 The initial examiner's report recommended the deletion of the policy.

7.13 The proposed revised policy:

- amends boundaries of Bradville and Oakridge Park hubs to remove existing and proposed residential uses;
- removes the Stantonbury hub plan to avoid conflict with policy SNP17;
- removes reference to Oakridge Park Community Hub in text to reflect recent planning decision on parcel A; and
- amends the wording to clarify role of community hubs.

7.14 I am satisfied that the proposed modifications to the policy have both addressed the areas identified by the first independent examiner and meet the basic conditions in their own right. The revised policy will provide a positive and robust approach towards the determination of future planning applications in the two defined hub areas.

7.15 In coming to this judgement, I have taken account of the comments of the Parish Council and MKC to the questions that I raised during the examination. I am satisfied that the proposed Bradville Hub has sufficient critical mass to warrant its identification as a community hub. In addition, in the case of both hubs I am satisfied that the Plan has properly taken account of the potential of an A2 use (bank/professional/financial services) to contribute to the overall attractiveness and vitality of the proposed hubs. Whilst this does not require a modification to the revised policy itself, I recommend a modification to the supporting text to clarify this matter.

- 7.16 I also recommend that MKC and the Parish Council make consequential modifications to the supporting text in paragraphs 128-130 to reflect the deletion of the Stantonbury Hub.

MKC and the Parish Council should make consequential modifications to the supporting text in paragraphs 128-130 to reflect the deletion of the Stantonbury Hub.

At the end of the final paragraph of the supporting text add:

'The definition of convenience/retail/service facilities has not specifically been included in the policy. This acknowledges that different uses have the ability to contribute towards the effectiveness and attractiveness of the two hubs. This may include banks and other financial services'

Policy SNP17 – Stantonbury Campus

- 7.17 The examiner's report recommended the deletion of the policy

- 7.18 The proposed revised policy:

- removes reference to a masterplan;
- reorganises the policy, to separate proposals for different types of development;
- removes some requirements which may be difficult to interpret by decision makers in assessing development proposals;
- emphasises mix of housing should be tied to evidence of housing need;
- transposes sites B and C to correct an error;
- clarifies that residential development will only be supported within the land identified for future redevelopment.

- 7.19 The proposed revised policy comments about the opportunities that exist for the development of bungalows on Site C within the wider site in the event that community facilities are provided elsewhere on the wider site. The Parish Council has responded positively to a suggested modification that brings absolute clarity to this matter. I recommend accordingly. Otherwise the revised policy meets the basic conditions.

In the paragraph beginning 'Development of a community facility...' replace the second sentence with:

'In the event that development has commenced on the provision of a community facility on either sites A, B or D as shown on Map SNP17, proposals for the development of residential bungalows on Site C would be supported'

8 Summary and Conclusions

Summary

- 8.1 The two councils have responded positively to the outcome of the initial examination. The three policies concerned have been extensively configured. The proposed revised policies provide distinctive approaches to matters of importance to the local community.
- 8.2 Following my independent examination of this matter I have concluded that the three modified policies proposed by Milton Keynes Council and the Parish Council in the Stantonbury Neighbourhood Development Plan meet the basic conditions for the preparation of a neighbourhood plan subject to recommended modifications that have arisen directly from this second examination process.

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 Stantonbury Neighbourhood Development Plan 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 originally approved by Milton Keynes Council on 16 June 2015.
- 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
11 February 2020