

# **NEWPORT PAGNELL NEIGHBOURHOOD PLAN REVIEW: SECOND MODIFICATION**

## **BASIC CONDITIONS STATEMENT**

**February 2024**

## 1.INTRODUCTION

1.1 This statement has been prepared by Newport Pagnell Town Council (“the Town Council”) to accompany its submission of the Modified Neighbourhood Plan (“the Modified Plan”) to the local planning authority, Milton Keynes Council (MKC), under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) (“the Regulations”).

1.2 The Modified Plan has been prepared by the Town Council, a qualifying body, for the Neighbourhood Area, which coincides with the boundary of the Parish and which was designated by MKC in October 2013 (see Plan A below). The modification of the first Newport Pagnell Neighbourhood Plan (“the Made Plan”) was made by MKC in June 2021.



*Plan A: Newport Pagnell Designated Neighbourhood Area*

1.3 The Neighbourhood Planning Act 2017 contains provisions to amend Section 38 of the Planning & Compensation Act 2004 in relation to modifying a made neighbourhood plan. As a result, the Neighbourhood Planning (General) & Development Management Procedure (Amendment) Regulations 2017, which came into force on 31 January 2018, amended the Neighbourhood Planning (General) Regulations (as amended) 2012 for this purpose.

1.4 Those amendments enable a qualifying body to propose modifications to a made neighbourhood plan that, if considered not to be so significant or substantial as to change the nature of the neighbourhood development plan, requires only an independent examination and not another referendum. The 2017 Regulations amend Regulations 14 to 20 of the 2012 Regulations so that the process for preparing, consulting on, submitting, publicising and examining such modifications matches that for neighbourhood plans in general. However, Regulation 15 has been amended to require the qualifying body to publish a statement alongside the neighbourhood plan as proposed to be modified at the Submission stage thus:

*“setting out whether or not the qualifying body consider that the modifications contained in the modification proposal are so significant or substantial as to change the nature of the neighbourhood development plan which the modification proposal would modify, giving reasons for why the qualifying body is of this opinion”.*

1.5 The Town Council published its Modification Proposal and Modification Proposal Statement in September - November 2023 for the statutory consultation period in accordance with Regulation 14. The representations made on those documents have been analysed to inform some minor amendments to the submitted documentation. A full record of the consultation process and outcome is provided in the separate Consultation Statement, as per Regulation 15 (1)(b).

1.6 This Basic Conditions Statement, as per Regulation 15 (1)(d), sets out how the modification proposal meets the basic conditions requirements of how the neighbourhood development plan meets the requirements of paragraph 11 of Schedule A2 to the Planning & Compulsory Purchase Act 2004. Specifically, the Regulations state that the Modified Plan will be considered to have met the conditions if:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to modify the made Neighbourhood Development Plan,
- The modification of the made Neighbourhood Development Plan contributes to the achievement of sustainable development,
- The modification of the made Neighbourhood Development Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
- The modification of the made Neighbourhood Development Plan does not breach, and is otherwise compatible with retained EU obligations

1.7 The Modified Plan contains nine policies NP1 – NP9 and proposes to make material modifications to NP1 and introduce three new policies. But, in making those changes, the opportunity has been taken to make minor modifications to the other policies, primarily to update their content. All of the proposed changes are described and explained in the separate Modification Proposal Statement.

1.8 In which case, this Statement focuses on explaining how the policies NP1, NP3, NP4 and NP5 meet the basic conditions. The policies continue to relate to the development and use of land in the designated Neighbourhood Area. They do not relate to ‘excluded development’, as defined by the Regulations, and they will apply for the plan period up to 31 March 2031.

1.9 The submission documents comprise:

- The Modified Plan (incorporating the modified Policies Map)
- The Basic Conditions Statement
- The Strategic Environmental Assessment Report
- The Consultation Statement
- The Modification Proposal Statement

## 2.CONFORMITY WITH NATIONAL PLANNING POLICY

2.1 The Modified Plan has been prepared with full regard to national policies as set out in the National Planning Policy Framework (NPPF) of 2023. The review of the Made Plan has taken into account how that version modified the 2019 version of the NPPF, against which the Made Plan was assessed. Account has also been taken of the Planning Practice Guidance (PPG) where relevant.

2.2 The 2023 NPPF changes of relevance include the need for increased density of brownfield sites to be in character with the surrounding area, changes to the ways in which 5 year housing land supply is demonstrated and a continued emphasis on beauty. In this respect the made policies which are not being materially modified continue to have full regard to the latest version of the NPPF.

2.3 Set out in Table A below is the analysis of how the materially modified policies of the Modified Plan have had regard to the NPPF:

Table A: Neighbourhood Plan & NPPF Conformity Summary			
No.	Policy Title	NPPF Ref.	Commentary
NP1	Settlement Boundary and New Housing	8, 16, 18, 124, 128, 167, 168, 169	This modified policy updates the settlement boundary previously defined in the Made Plan by incorporating the provisions of policy NP5 which allocates land for a visitor centre. The purpose of clearly defining the settlement boundary on the policies map, makes it clear how a decision maker should react to development proposals as per §16 (d). A new clause B in NP1 specifically encourages a ‘brownfield first’ approach to development, as per §124. The clause also reflects §128 (d) by establishing the desirability of maintaining the area’s prevailing character and setting (including residential gardens). By supporting a ‘brownfield first’ approach, this policy is supporting the objectives of sustainable development set out in §8. Clause C identifies sites which are considered non-strategic in nature and therefore in-line with §18, which encourages neighbourhood plans to include such policies. It also expects specific locations within the Town Centre to be able to provide a mix and types of homes that allow downsizing opportunities close to facilities and services in the Town Centre, in line with §63. Clause D seeks to rectify a historic oversight of satisfying the sequential test. The site has been allocated for residential development in a series of documents forming part of the Development Plan. It was only the recent refusal (22/00280/FUL) which highlighted that the test had not been met at the plan-making stage. The policy therefore continues to allocate the site for residential development and also supports a community use of the former Police Station building. The sequential test has been carried out in accordance with §167, §168, §169. The PPG states in Para: 015 Ref ID: 7-015-20220825 that NPs should steer development to areas of lower flood risk as far as possible. However, Para: 023 Ref ID: 7-023-2022082 states that this steer should be applied when it is compatible

			<p>with sustainable development objectives. Sites outside the settlement boundary have been discounted as they do not comply with the sustainability objective of locating development in a location that reduces the need to travel. The land availability situation in Newport Pagnell is such that the Police Station is the only site identified in MKCC's Brownfield Register September 2022 within the settlement boundary. Sites identified as part of policy NP3 have not been made available to the NP. There are therefore no other reasonably available sites within the settlement boundary. As such, the sequential test has been met in this location. The exception test is not required as the developable area of the site is considered to be limited to flood zones 1 and 2 and more vulnerable development in these flood zones does not require the exception test, as set out in the PPG.</p>
NP3	Living in the Town Centre	85, 108, 110, 134, 135, 167, 168, 169, 196	<p>This new policy adopts a criteria-based approach which seeks to improve the vitality of the Town Centre and conserve and enhance heritage assets. It also requires development proposals to retain ground floor Class E uses and active frontages within the Primary Shopping Area and as such, the policy is in conformity with §85 by taking into account local business needs. The Newport Pagnell Conservation Area Review 2010 and Design Study 2020 have informed this policy, in line with §134 and §135, recognising that buildings in the Town Centre are typically three to four storeys. In response, the policy at clause A supports proposals for three storey residential buildings at certain identified properties along the High Street and St John's Street which currently detracts from the character and appearance of the Conservation Area. By encouraging developments in specific locations which would have a beneficial impact on the character and appearance of the Conservation Area, this policy aligns with the aims of §196 (clause c), in respect of new developments. At clause B, the policy supports proposals to redevelop the library site for a mixed-use or retail development as part of comprehensive redevelopment to replace 20th century architectural styles. NPPF §97 states that the unnecessary loss of value facilities and services should be guarded against. NP3 has taken this into account by requiring the library to have been relocated and operational on a site elsewhere in or adjoining the Town Centre which will mitigate the loss of the library service and hopefully encourage its modernisation. At clause C, the policy supports redevelopment proposals at No.1 Station Road. The site is currently hardstanding and the policy provisions seeks better outcomes in respect of flood management measures. The policy also seeks to clarify the sequential test position in respect of the No.1 Station Road site, in line with §167, §168, §169. The PPG states in Para: 015 Ref ID: 7-015-20220825 that NPs should steer development to areas of lower flood risk as far as possible. However, Para: 023 Ref ID: 7-023-2022082 states that this steer should be applied when it is compatible with sustainable development objectives. In the case of No.1 Station Road, the site is being identified to secure and improve the vitality and viability of the town centre and conserve and enhance the historic town centre, rather than to deliver housing. The Planning Practice Guidance (PPG) makes it clear that the geographical area for the sequential test will be defined by local circumstances (PPG: 027 Reference ID: 7-027-20220825). The local circumstances here being supporting development that will lead to better outcomes in respect of the vitality of the Town Centre</p>

			and enhancing historic assets. The only other infill sites in the Town Centre with the ability to conserve and enhance historic assets is the Police Station site, which is the subject of NP1. The sequential test is therefore considered to have been met. The exception test is also required as the proposed use is more vulnerable development in flood zone 3. The exception test is considered to have been met as the beneficial re-use of the site will provide wider sustainability benefits that outweigh the flood risk of an area of the town that has effective flood defences. In its clause D, NP3 specifically requires proposals at the builders' yard on Union Street to provide a new pedestrian route that connects Union Street with Queens Avenue Car Park. By making provisions to improve the connectivity of the site, this policy is in conformity with NPPF §108 and §110 (clause d).
NP4	Green and Blue Infrastructure Network	102, 103, 158, 180, 185, 186	This new policy identifies the green infrastructure network as one means of ensuring the future resilience to climate change impacts and to support nature recovery, as per §158 and §180. The policy contributes to and enhances the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures through identifying, mapping, and safeguarding these components. It is therefore consistent with the aims of §180 and §185 in these respects. The policy also seeks to avoid the unnecessary loss of ancient woodland in accordance with the provisions of §186. The identification of amenity open space and a new proposed sports ground as part of this policy is consistent with §102 and §103.
NP5	Aston Martin Heritage Centre	16, 85, 103, 108, 110, 158, 173, 180, 185, 186	This new policy allocates land for the Aston Martin Heritage Centre and in doing so, modifies the settlement boundary of the Made Plan, therefore acting in line with §16. Part of the site is designated as a Wildlife Corridor and the policy therefore requires a detailed scheme to avoid harm to this function at this part of the site and accords with §158, 180, 185 and 186. Whilst part of the site is allotment land, it has not been used since 2022 and there are five other allotment sites serving the town, including Burgess Gardens Allotments opened in 2022. As the need for allotments is being met elsewhere in the town, policy NP5 is considered to be in conformity with §103. It is hoped that allocating land for an Aston Martin Heritage Centre will encourage more visitors to Newport Pagnell, once it has been built. By taking such an approach, policy NP5 is in conformity with §85 in its support of the local economy. As set out in the policy, proposals should not cause harm to the River Ouzel by way of surface water run-off from the buildings or car parking area, in accordance with NPPF §173. This will need to be demonstrated in the flood risk and water quality assessment. Policy NP5 also sets out that proposal designs must be capable of managing any additional traffic created, in line with §108, demonstrated in a transport assessment. A Redway link from Downs Field to Riverside Meadow will be provided which will increase connectivity, in line with §108 and §110 (clause d).

### 3.CONTRIBUTING TO ACHIEVING SUSTAINABLE DEVELOPMENT

3.1 The NPPF states that, “achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- Economic - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- Social - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and
- Environment - to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”

3.2 The separate SEA Report sets out the sustainability effects of the policies of the Modified Plan. The Report concludes:

Moderate positive effects are predicted under the community wellbeing topic as a result of NPNP policies seeking enhanced accessible, quality green space, active travel routes and the protection/ enhancement of community infrastructure.

Similarly, moderate positive effects are envisaged in relation to biodiversity through policies seeking expanded green infrastructure and biodiversity net gain.

The above positive effects largely stem from proposed new Policy NP4 (Green Infrastructure). However, it is important to note that MKCC questioned the evidential basis for green infrastructure designations through the consultation in 2023. The concern could feasibly be that designation leads to land being unduly identified as not suitable for development (or ‘sterilised’, potentially with implications for community-related objectives, e.g. in respect of meeting housing needs).

Moderate positive effects are also predicted under transport. Focusing on modifications only (as opposed to existing policies not proposed for significant modification), the key point to note is a new proposed Local Cycling & Walking Network (Policy NP8). MKCC raised a concern through the consultation in 2023, stating: “It is not clear from the wording as to what is required from development proposals.” However, the Town Council has sought to respond to this concern, recognising the importance of the policy not unduly hindering development proposals. The policy now includes greater clarity, as follows:

“Development proposals on land that lies within or adjacent to the Network should sustain, and where practicable enhance the functionality and connectivity of the Network by virtue of their layout and means of access and landscape treatment. Proposals that will harm the functioning or connectivity of the Network will not be supported.”

In terms of climate change the NPNP is considered to have moderate positive effects overall, given policies seeking enhanced GI provision which will help reduce the potential flood risk to the Tickford Fields site. Also, policies promoting sustainable travel and the provision of local services are also likely to be helpful in facilitating modal shift, reducing car journeys and associated emissions.

However, it is recognised that one of the sites identified in Policy NP3 is subject to flood risk (a key climate change adaptation issue), as discussed above. Also, the Police Station site, which is an existing allocation under Policy NP1, is subject to flood risk. The site is an existing allocation for 14 homes, but the new proposal is for: “residential and community use” to include delivery of “retirement living and downsizing opportunities as part of the mix of homes.” Flood risk affecting the site potentially lends a degree of support for flexibility. However, on the other hand, without commitment to delivering a specific number of homes there may be a need to find additional land for housing in order to ensure that housing needs are met.

Finally, with regards to the historic environment topic, it is considered that the policy framework set out in the draft NPNP provides a robust framework for the protection and enhancement of the historic environment. However, given the sensitivity of the historic environment to development, effects are neutral overall.



## 4. GENERAL CONFORMITY WITH THE STRATEGIC POLICIES OF THE DEVELOPMENT PLAN

4.1 The Modified Plan was prepared to ensure its general conformity with the development plan for Milton Keynes, that is the Local Plan ('Plan: MK'), which established a strategic policy framework for the city and wider district. There has been no changes to strategic policy since the Made Plan. Table C below therefore focusses on general conformity of materially modified policies in the Modified Plan, with the relevant Plan:MK policies. All other policies (NP2, NP6, NP7 and NP8) remain in conformity with the development plan.

Table C: Neighbourhood Plan & Plan:MK Conformity Summary		
No.	Policy Title	Commentary
NP1	Settlement Boundary and New Housing	Policy DS1 (Settlement Hierarchy) of Plan: MK directs the majority of development to the urban area of Milton Keynes and concentrates development in the rural area of the borough within its key settlement, which includes Newport Pagnell. The housing strategy of policy DS2 (Housing Strategy) recognises that the delivery of sites identifies in made NPs forms part of this strategy. As such, this modified policy makes housing allocations in appropriate locations, including brownfield sites. This housing will be delivered in line with the provisions of policy D1 (Designing a High Quality Place), particularly its requirement for development proposals to respond appropriately to the site and surrounding context which is noted in clause B and C of NP1. Similar to the NPPF, Plan: MK steers development towards areas with the lowest probability of flooding and applies the sequential test through policy FR1 (Managing Flood Risk). The supporting text of the policy explains how the relevant sites have passed the sequential test. Therefore, policy NP1 is considered to be in general conformity with the policies of Plan: MK.
NP3	Living in the Town Centre	Plan: MK states that the objective of policy D1 (Designing a High Quality Place) paragraph 15.15 is to ensure that all new development has an identifiable character or sense of place. This aligns with the objectives of policy NP3 which supports proposals for three storey residential buildings at certain identified properties along the High Street and St John's Street which currently detracts from the character and appearance of the Conservation Area. These objectives are also in-line with Plan: MK policy D2 (Creating a Positive Character), particularly in relation to clause 2 which states that the character of development should be locally inspired in Conservation Areas and policy HE1 (Heritage and Development), particularly in relation to clause A which states that development should sustain, and where possible, enhance the significance of heritage assets including Conservation Areas. Similarly, the policy aligns with Plan: MK policy D3 (Design of Buildings) in respect of new developments contributing to the enhancement of the character of the Conservation Area. The policy demonstrates further compliance with Plan: MK policy D1 through the requirement for pedestrian access through the builders' yard site which aligns with clause 7 of policy D1

		in terms of creating places that are permeable and well connected. The proposal to redevelop the library site as part of NP3 relates to Plan: MK policy CC3 (Protection of Community Facility) which states that the loss of an existing facility should not be supported unless an acceptable facility can be provided elsewhere. Policy NP3 safeguards the provision of library services in Newport Pagnell by making it a requirement of library site development that the service is already operational in a replacement location. Similar to the NPPF, Plan: MK steers development towards areas with the lowest probability of flooding and applies the sequential test through policy FR1 (Managing Flood Risk). The supporting text of the policy explains how the relevant sites have passed the sequential test. Therefore, policy NP3 is considered to be in general conformity with the policies of Plan: MK.
NP4	Green and Blue Infrastructure Network	This new policy refines Plan: MK policy NE4 (Green Infrastructure) by identifying and defining the Newport Pagnell green infrastructure network on the policies map. Similarly, this policy is supported by Plan: MK policy NE3 (Biodiversity and Geological Enhancement) which states that development proposals will be required to maintain and protect biodiversity and geological resources. Policy NP4 adds clarity by defining where the green infrastructure assets are on the policies map. This policy is also in conformity with Plan: MK policy NE2 (Protected Species and Priority Species and Habitats) as it incorporates priority habitats into the green infrastructure network. Policy NP4 is in conformity with Plan: MK policy L2 (Protection of Open Space and Existing Facilities) through its identification of open space in the form of 'Amenity Open Space' and by not supporting developments on such locations. Plan: MK policy DS6 (Linear Parks) outlines the existing Linear Parks within the Borough. Policy NP4 extends the existing Linear Park to complete an important, multi-functional green infrastructure link. The Local Investment Plan at MKCC includes this project and it is recommended that land is taken into public ownership if not secure for biodiversity net gain. Development proposals which will cause damage to the network will be resisted. Therefore, policy NP4 is considered to be in general conformity with the policies of Plan: MK.
NP5	Aston Martin Heritage Centre	This new policy includes requirements for proposals to avoid harm to the Wildlife Corridor and existing woodland. In this light, the policy is in-line with Plan: MK policy NE1 (Protection of Sites), specifically clause c which refers to harm to biodiversity value. The policy has also taken into consideration Plan MK: policy FR1 (Managing Flood Risk) and policy FR3 (Protecting and Enhancing Watercourses) by restricting development to the non-flood risk areas of the site and requiring proposals to avoid harm to the River Ouzel from surface water run-off, through their design. The policy demonstrates compliance with Plan: MK policy D1 (Designing a High Quality Place) through the requirement for land to be made available to the Local Authority for the provision of a redway link through from Downs Field to Riverside Meadow. Policy NP5 is in-line with Plan: MK policy CC1 (Public Art) by allocating land for the Aston Martin Heritage Centre which will help to raise the profile of and attract visitors to Newport Pagnell. Plan: MK Policy ER17 (Tourism, Visitor and Cultural Destinations) supports culture and tourism developments, with a preference for location first within town centres, then on the edge of town centres, and then at other accessible out of centre locations. The only land available adjacent to the Settlement Boundary and in close proximity to the original Aston Martin production centre, which still repairs Aston Martin vehicles to this date, was the site identified on the policies

		map. Alternative sites to deliver the Centre had been considered, but none was found to be suitable due to viability issues in bringing the scheme forward. Therefore, policy NP5 is considered to be in general conformity with the policies of Plan: MK.
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## 5.COMPATABILITY WITH EU-DERIVED LEGISLATIONS

5.1 The Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act. The Plan has been subject to extensive engagement with those people local to the area who could be affected by its policies and their views have been taken into account in finalising the Plan.

5.2 A screening opinion was issued by MKC for the Made Plan, which confirmed that the Neighbourhood Plan would not have any significant environmental effects and that an SEA would not be required for the Neighbourhood Plan to be in accordance with EU Directive 2001/42. MKC also determined that no Habitats Regulation Assessment was required of the Neighbourhood Plan under the EU Habitats Regulations.

5.3 MKC has now undertaken a re-screening of the Modified Plan for submission, appended to this document. It concludes (in its Section 5 on p7):

*“Having screened the Newport Pagnell Neighbourhood Plan and consulted with Historic England, Natural England and the Environment Agency, it is the view of Milton Keynes Council that the Plan is likely to have significant effects on the historic environment. It is, therefore, concluded that the Newport Pagnell Neighbourhood Plan does need to be subject to Strategic Environmental Assessment.”*

5.4 In respect of the Habitats regulations, the MKC re-screening concludes:

*“Given the role of Neighbourhood Plans and the scale of development being proposed in the Newport Pagnell Neighbourhood Plan, it is considered that Appropriate Assessment of the plan is not required.”*