

8<sup>th</sup> March 2019

Neighbourhood Planning,  
c/o UDLA,  
Milton Keynes Council,  
Civic Offices,  
1 Saxon Gate East,  
Milton Keynes,  
MK9 3EJ

2 Bar Lane  
York  
YO1 6JU  
+44 (0)1904 629258

27 Old Gloucester Street  
London  
WC1N 3AX  
+44 (0)207 419 5113

info@aahplanning.com  
www.aahplanning.com

Dear Sir or Madam,

**Re: Regulation 16 Consultation on North Crawley Neighbourhood Plan**

I refer to the above document and the consultation upon its contents. Please accept this letter as our response to the Regulation 16 consultation.

The North Crawley Neighbourhood Plan is accompanied by Basic Conditions Statement, Consultation Statement, Site Assessment Summary, Local Green Space Assessment, Housing Needs Assessment and SEA Statement.

Generally, with regard to Plan Making including Neighbourhood Plans the NPPF states at paragraph 18 that: *'Policies to address non-strategic matters should be included in local plans that contain both strategic and non-strategic policies, and/or in local or neighbourhood plans that contain just non-strategic policies.'*

Paragraph 28 of the NPPF states that: *'Non-strategic policies should be used by local planning authorities and communities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies.'*

Paragraph 29 of the NPPF states that: *'Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic*

*policies.’* Footnote 16 clarifies with regard to this paragraph that *‘Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.’*

Paragraph 37 of the NPPF 2019 states that: *‘Neighbourhood plans must meet certain ‘basic conditions’ and other legal requirements before they can come into force. These are tested through an independent examination before the neighbourhood plan may proceed to referendum.’* Footnote 21 to this paragraph defines other legal requirements as those *‘set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).’*

Paragraph 8 Schedule 4B to the Town and Country Planning Act 1990 (as amended) sub paragraph 2 provides for the Basic Conditions to which a Neighbourhood Plan are to be tested against which can be summarised as:

- Is the Plan appropriate having ‘regard to’ national policies and advice contained in guidance issued by the Secretary of State?
- Does the Plan contribute to the achievement of sustainable development?
- Is the Plan in general conformity with the strategic policies contained in the development plan for the Milton Keynes Council area?
- The plan should not breach, and should otherwise be compatible with, EU obligations

The Basic Conditions Statement submitted with the North Crawley Neighbourhood Plan details how North Crawley Parish Council consider they have met the above tests; however, we have the following comments to make to the contrary:

There are a number of policies within the Neighbourhood Plan that simple do not comply with the principles of the sustainable development and run contrary to the NPPF to such an extent that as currently drafted the Neighbourhood Plan cannot meet the first two basic conditions as follows:

### **Policies**

*Policy H1 Settlement Boundary* provides a list of development types that *‘will only be granted’* outside of the settlement boundary this directly conflicts with paragraphs 77 and 78 of NPPF 2019 as well as the presumption itself. It also perpetuates the theme of protection of the open countryside for its own sake and its limitations are contrary to the balanced approach of the NPPF 2019. The NPPF has never and still does not provide for a restrictive approach to development outside settlements in this manner. It does not protect the countryside for its own sake or prescribe the types of development that might be acceptable. The policy as worded opposes the balancing exercise and precludes otherwise sustainable development by default and thereby defeats the presumption in its favour.

Policy T3 specifically states that *'proposals for new employment uses in North Crawley will not generally be supported'* contrary to the NPPF, such a restrictive approach to development does not form part of the NPPF. Similarly, Policy HD3 Advertisements and signage specifically states that *'no new signage or advertisements will be supported'* contrary to the NPPF and again such a restrictive approach to development does not form part of the NPPF. In fact, Economic Development is central to the NPPF. Paragraph 80 of the NPPF states: *'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.'* These policies as written are contrary to the paragraph 80 of the NPPF.

We also consider that policies H1, T3 and HD3 are specifically contrary to the above stated paragraphs of the NPPF but also generally contrary to the spirit of paragraph 29 of the NPPF particularly with regard to promoting less development and undermining policies.

### **Allocations**

Policies H3 to H5 cumulatively allocate housing sites for up to 35 dwellings. We have the following comments to make for each site:

Site H3 already has planning permission for 2 dwellings under planning application reference numbers 18/01849/OUT and 18/01850/OUT. Application reference 18/01849/OUT for the erection of one dwelling and application reference 18/001850/OUT for a replacement dwelling. There is no evidence provided that the landowner is actively seeking to increase the overall scale of development here and even whether the site could accommodate 5 dwellings. We also question the suitability of the vehicular access to the site for the additional dwellings particularly when the above referenced planning permissions have been granted with individual accesses and there is no other road frontage included within the allocation.

Site H4 is further away from the village centre compared to other sites that have been discounted (particularly Site N1 Land at Moat Farm). This is hard to reconcile particularly when the Neighbourhood Plan promotes walkability to and from the village as a key component. The selection of sites for this allocation does not therefore take account of the key character of the village that the Plan seeks to retain i.e. 'walkability'.

We also question the level of infrastructure required in terms of highways particularly how the site would be accessed. Site H4 has no road frontage and therefore is reliant upon land assembly or access through site H3. We are surprised that there is no mention of access or transport or land assembly in the policy. Particularly when considered in the context of the aforementioned planning permissions which do not allow access to H4

from H3. It is hard to foresee that this site can be delivered for between 11 and 15 dwellings without additional land assembly outside of the allocation to allow vehicular access it.

With regard to site H5 and heritage no conservation area statement or appraisal as to what the special character of North Crawley is and therefore what is its significance, has been carried out. There is also little reference to heritage assets in village. Whilst Historic England accept that H5 may contribute to the conservation area, or at least not harm it, they still state some form of appraisal should be key evidence to underpin the plan *“We still believe that a Character Appraisal for the Conservation Area should be an essential component of the evidence base underpinning the Plan, and that this could be a project undertaken by the local community.”* (SEA). We therefore do not consider that the allocation of this site within the North Crawley Neighbourhood Plan complies with the NPPF with regard to the understanding and assessment of Heritage Assets.

With regard to the supporting documents we wish to comments as follows:

#### **Site Assessment Document**

We have concerns over how the sites have been considered and the consistency within the overall assessment of the sites and those that have been discounted.

The Site Assessment document does not provide specific evidence from landowners to establish that the sites are available for development. The Neighbourhood Plan states that only those who responded to a letter are included and highlights where they are available, but there is only a sample letter provided identifying the land potentially owned by the landowner, but no evidence on suitability, availability and deliverability of the sites at the scale that they are proposed to be allocated for.

Not all of the proposed sites (NC3, Maslins Property) (NC7, Land South of the Slipe) (NC9, Land West of Folly Land) were included in the questionnaire, so we therefore question whether they have they been properly consulted upon. The Settlement boundary has been altered to include the proposed allocations (H3, H4 and H5) however the proposed allocations and the alteration of the settlement boundary have not been considered in the context of the Character Assessment.

We do not consider that the Neighbourhood Plan provides sufficient evidence to establish that the proposed allocations are:

- available i.e. that the site owner is willing for their site to come forward at the proposed scale of development.
- suitable i.e. – that constraints information has been considered and tested, e.g. flooding, archaeology, and that a detailed assessment of the infrastructure needed to support development and access it

- deliverable – i.e. that the site is viable for development.

We do not consider that the Neighbourhood Plan has consistently considered all the reasonable alternative sites or the appropriate considerations for development being deemed suitable such as the character of conservation areas or landscape characters.

We therefore consider the overall site assessments have not been carried out in accordance with the requirements of the NPPF.

### **Green Space Assessment**

It is not clear why only three areas were considered for LGS designation and why the Slupe included in first draft as a LGS designation was not brought forward and now replaced by H5 allocation. The assessment seeks to identify what is present in terms of Green Infrastructure but does not seek to establish links to the Green Infrastructure and/or their enhancement and protection contrary to paragraph 28 of the NPPF.

### **Conclusion**

We consider that policies H1, T3 and HD3 do not comply with the requirements of the NPPF or indeed the presumption in favour of sustainable development at least two of the allocation are not realistic or even achievable in their current form. Despite Historic England comments no conservation area statement or appraisal as to what the special character or significance of North Crawley and how this would relate to site H5 has been carried out. There are also series question makes over the 'Site Assessment Document', the site selection process and the 'Green Space Assessment Document'.

In the context of the above commentary we do not consider that North Crawley Neighbourhood Plan meets the basic conditions and we urge the Council and/or the Independent Examiner to reconsider the compliance with the NPPF and therefore the basic conditions test of the North Crawley Neighbourhood Plan.

If you need any further information or wish to discuss matters further, then please don't hesitate to contact me at this office.

Yours Sincerely,



**Senior Planning Consultant**