

North Crawley Neighbourhood Plan 2018-2033

RESPONSES TO EXAMINER'S QUESTIONS (JUNE
2019)



Introduction

This document has been prepared by North Crawley Parish Council ('the Qualifying Body' or 'QB') in response to the Examiner's Questions issued by Independent Examiner, Rosemary Kidd, dated 28 May 2019. It should be read in conjunction with all previous submission documents and third-party representations received during consultation and publicity periods.

This document is distinct from the Qualifying Body's response to the Examiner's Procedural Note issued 24 May 2019.

The Examiner's queries are repeated in *italics* below with the Qualifying Body's answers in **bold** as follows:

Questions and Answers

- 1) *Has the LPA provided an indicative housing requirement for the NP area? If not, would they comment on the adequacy of the calculation derived from the Plan's Local Housing Needs Assessment. Has an assessment of the level of affordable housing need in the Plan area been prepared?*

No formal indicative housing requirement has been provided by the LPA. The QB have been of the view that 10% growth based on the existing village would be appropriate, a position that was supported by residents responding to the questionnaire circulated around the village.

The Plan's Housing Needs Assessment specifically states that it is not intended to be a definitive 'calculation' and is instead a discussion of the factors affecting local need and why 30 dwellings is considered an appropriate level of growth. In policy terms the 'requirement' may be notional or nil, but the QB feel this would make no meaningful contribution to sustainable development and that, in the literal sense of the term, 30 dwellings is a sustainable form of growth for the village.

Affordable housing need in the village is based on subjective feedback from local residents regarding the ability of young people to stay or return to the village. No data on household income was sought due to the sensitivities of collecting this, so an accurate quantitative analysis of affordability is not possible. Notwithstanding this, there is no evidence to suggest that North Crawley does not suffer from the same declining affordability occurring nationally. Moreover, the QB are of the view that there are no significant adverse impacts that might arise from 'over-providing' affordable housing considering the overall provision of proposed new housing is proportionate to the existing village.

- 2) *I shall be recommending that the housing requirement should be made explicit in a policy (rather than in the justification) and that this should include housing commitments and an estimate for windfall development as well as the three housing allocations. Would you provide me with data*

on current commitments and completions in the parish since 2018. Has an estimate of the level of windfall housing development been prepared?

The QB did not specify the overall requirement in the plan because of the difficulties in defining it and the potential for it to unnecessarily distort how allocations come forward – e.g. if the first two allocations to come forward ‘under-deliver’ against the plan requirement, this might place an emphasis on the final site to ‘over-deliver’. Should the Examiner consider that the requirement should be specified, the QB accept this but would prefer it to be expressed in ‘about’ terms.

Milton Keynes Council will provide accurate information in respect of existing commitments. Windfall development in general is negligible; across the entirety of the rural area of Milton Keynes (which also encompasses the three towns of Newport Pagnell, Woburn Sands, and Olney), the Local Plan windfall allowance is 35 dwellings per year. This is not disaggregated by parish but on a proportional basis North Crawley’s ‘contribution’ to the annual windfall allowance would be less than one dwelling per year.

- 3) *Would you provide me with a plan to show the distance of 15m from the foul pumping station adjacent to sites H3 and H4. I note that the wording has been proposed by Anglian Water. Would the QB/LPA comment on the suggestion by North Crawley Estates to measure the distance to the dwelling rather than the boundary of the curtilage. What would happen to the area of land within the 15m separation zone if it were to be measured to the plot boundary?*

The below plan shows a 15m radius of the pumping station from sites H3 and H4. The QB has no comment on whether the policy requirement suggested by Anglian Water should be measured to dwellings or their curtilage boundary and considers that the matter could be dealt with via the usual development management process. Without preparing a detailed layout it is unknown what would happen to the area of land within the 15m buffer if it is measured to plot boundaries. However, the buffer has been requested for amenity purposes rather than maintenance and therefore there would be nothing to prevent the area being used for attenuation, visitor parking, utilities, landscaping, or some other purpose ancillary to the wider development.



- 4) *Would you provide me a measurement of the developable areas of the three housing sites and approximate density of the development proposed.*

The developable areas and approximate densities of the allocations are as follows:

H3 is 0.21Ha with the allocation equating to an approximate gross density of up to 24dph

H4 is 0.72Ha with the allocation equating to an approximate gross density of 15-21dph

H5 is 0.37Ha with the allocation equating to an approximate gross density of 40dph

- 5) *How is it intended that site H4 should be accessed? Is it dependent on an access through site H3 or would it be possible to gain an access directly from Orchard Way? Should the means of access be stipulated in the policy requirements?*

The site is not dependent on access through site H3 and access is achievable directly from Orchard Way via land that is in control of the QB itself. The QB has no preference as to which means of access should be used provided other policy criteria are met. Therefore the QB sees no need to stipulate this within the policy and considers that the matter may be dealt with through the development management process.

- 6) *Would the QB explain what is intended by the term “enhanced affordable housing” in Policy H5. Is there any local evidence on the number and type of affordable housing required? If not would the QB agree that the criterion on affordable housing should state that it should be delivered in accordance with Plan:MK Policy HN2?*

“Enhanced affordable housing” was intended to refer to a higher proportion of dwellings being delivered in affordable tenures than normal policy would otherwise require. This was stipulated for site H5 as the landowner was understood to be prepared to provide an ‘enhanced’ offer for the benefit of the village. The questionnaire results indicated that local residents would like to see more affordable housing for young people but there is no specific data on the number and type that is applicable at a village scale. Nevertheless, in light of national affordability issues and local concerns about the availability of housing for young people, the QB do not consider that there any adverse impacts would arise from ‘overprovision’ of affordable housing on site H5 or elsewhere. The QB acknowledge that Plan:MK Policy HN2 strongly supports schemes that provide greater than 31% of homes as affordable housing, therefore Policy H5 could be amended to refer specifically to this particular clause in Policy HN2.

The QB wish to make the Examiner aware of some potentially useful context to the above, in that it had previously considered a form of local connections policy or establishing a form of community housing association to deliver part of site H5. A local connections policy was considered to be inconsistent with the Local Authority’s statutory housing duties whilst a community housing association would be administratively complex and certainly not established prior to the making of the Neighbourhood Plan. The policy requirements as specified in Policy H5 were therefore drafted as an alternative approach to securing the intended form of development on the site.

- 7) *Has there been any assessment or discussion with the Highways Officer about how access to Site H5 is to be achieved? Is it usual to request tracking diagrams for small residential developments such as this?*

Milton Keynes Council can advise in respect of the views of its Highway Engineer. The QB were mindful that the proposed development would need to be laid out differently to existing adjoining dwellings and the LPA would be unlikely to support on-street parking. Therefore, without the ability to formally design and ‘test’ how the allocation might look, it was considered that specifying tracking diagrams as a requirement would help ensure an appropriate development could be delivered, particularly in respect of refuse vehicles etc. The QB accept that this is not a conventional policy approach, but nor would it would be unusual for applications to be supported by such information. The QB would accept this criterion being deleted if the Examiner considers it unnecessary.

- 8) *Would the QB/ LPA comment on suggested revisions to Policy H5*

The QB would support all of the suggested revisions with the exception of (d); as outlined in the answers to question 6, the QB consider that specific acknowledgement of the support in Policy HN2 for schemes of greater than 31% affordable housing should be provided.

- 9) *Representations from AAH Planning and Ken Graham have challenged the adequacy of the Housing Site Assessment Document. Would the QB respond to the comments made.*

The site assessment document provides a comprehensive background to how the process of site selection was carried out. In summary any assessment involves subjective judgements that are both liable to change according to consultation feedback and dependent upon various assumptions. The assessment process is also a comparative exercise and the exclusion of any particular site now does not necessarily mean that it is inherently unsuitable for development at a point beyond the 15-year plan period, but rather that other sites are preferable. In particular, it is noted that some parties consider that a site on Folly Lane would be a more appropriate allocation, however, the site assessment process took into account numerous comments received during the questionnaire process that Folly Lane is already suffering from traffic issues, which is ultimately one of the reasons it was discounted in favour of alternative locations.

10) *I shall be recommending that Policies T1 and T2 should be included in the Plan as Community Projects as they do not set out planning policy. Would the QB explain what the second sentence of Policy T2 refers to and how it is to be applied.*

The QB accept that Policy T2 does not set out planning policy but consider that Policy T1 does concern planning policy. Traffic calming may require planning permission in its own right or be proposed as mitigation for other development proposals. The QB therefore wish local support for this to be a material consideration and reflected in the Neighbourhood Plan's policies, subject to any necessary rewording. The second sentence of Policy T2 is intended to ensure that any Transport Assessments prepared in support of applications in North Crawley Parish do not disregard significant developments elsewhere just because they are within a different local authority area.

11) *It is considered that Policy T3 does not accord with NPPF paragraph 28 which supports the development of the rural economy. Would the QB comment on the following proposed revision: "Proposals for new employment development will be supported provided that they demonstrate that traffic generated will not result in an unacceptable adverse impact on the local highway network and that adequate on site parking can be provided"*

The QB does not wish to actively support new employment development, in accordance with local concerns regarding how such developments have come forward in recent years. Therefore, if the Examiner considers it does not meet the Basic Conditions, we would prefer Policy T3 to be deleted and the NPPF and Local Plan Policy relied upon when such applications are determined.

12) *It is considered that the first part of Policy HD3 is overly prescriptive and does not take account of national guidance on advertisement control. I shall be recommending that it be deleted.*

Noted.

13) *The Local Green Space Assessment indicates that Kilpin Green and Nixey's Walk are designated as village greens. If this is correct, is there any need to protect the areas further by designating them as LGS? The map for Nixey's Walk proposes that only the area to the east of footpath to be designated. Why is the land to the west of the footpath not included?*

The QB has investigated this matter and can confirm that whilst North Crawley Parish Council has registered the titles for Kilpin Green and Nixey's walk, they are not in fact formally registered as village greens. An LGS designation is therefore appropriate and not a duplication. The LGS documentation may be amended accordingly. Similarly, the omission of the western parcel of Nixey's Walk is an error that can be corrected in an amended Policy Map.

14) *I shall be recommending the following revision to Policy L1 so that it reflects national guidance in NPPF 78. "New development in these areas will be supported to enhance the recreational use of the area. Inappropriate development will not be supported except in very special circumstances."*

Noted.

15) *The first part of Policy L2 is overly prescriptive. I shall recommend the following revisions to the wording of the Policy: "New development affecting a right of way should make provision for the right of way as part of the development or for its diversion on a convenient alternative route. Improvements to the standard of accessibility will be supported."*

Noted.

16) *Policy C1 as worded does not accord with national planning guidance as NP policies cannot stipulate when permission will be refused. Many other NPs include a policy that sets out the conditions that have to be met when changes of use that would result in the loss of a community facility are proposed eg marketing for a given period, business no longer viable, or alternative premises being provided. Unless the QB can propose an alternative form of wording along these lines, I will have no option but to recommend that the policy is deleted. It should be noted that planning permissions relate to the use of a building and cannot stipulate which groups may or may not use a building.*

Suggested amended wording as follows:

"Proposals that would result in the loss of any existing community facility will only be granted permission if:

- a) **Two years of marketing for the existing use has been undertaken with no realistic offer received. Evidence and details of this exercise should be provided as part of a planning application; or**
- b) **Alternative premises have or will be provided.**

For the purposes of this plan, community facilities in the village means Public Houses, shops, sports facilities, the school, meeting halls, and the Church.”

17) Does Policy C2 refer to the use of any contribution to be made to the Parish Council through CIL? Has or is it intended to introduce CIL in the Council’s area? Has the QB undertaken any work to identify the type of improvements that are required as a consequence of the new development proposed in the Plan?

There is no CIL in place or emerging in Milton Keynes. The QB foresee no specific improvements that are required as a consequence of new development other than those specified in individual sites’ policy requirements. Policy C2 has been included for clarity for the general public over how funds will be spent should any be received by the Parish Council. Should the Examiner consider this unnecessary then the QB would be happy for the policy to be included in a ‘projects’ section as per Policies T1 and T2.