

LAVENDON NEIGHBOURHOOD PLAN

Submission Draft Version

**A report to Milton Keynes Council
into the examination of the
Lavendon Neighbourhood Plan
by Independent Examiner, Rosemary Kidd**

Rosemary Kidd, Dip TP, MRTPI

NPIERS Independent Examiner

23 October 2019

Contents:

	Page
1 Summary	3
2 Introduction	4
3 The Neighbourhood Plan - as a Whole	13
The Neighbourhood Plan - Policies	14
4 Referendum	24
5 Background Documents	25
6 Summary of Recommendation	26

1.0 Summary

- 1.1 The Lavendon Neighbourhood Plan has been prepared to set out the community's wishes to ensure that future development in the plan area is integrated into the village and respects the history of the parish, its rural landscape and unique village character. The parish contains the village of Lavendon and surrounding countryside.
- 1.2 The Plan sets out policies that support and complement those in the new Local Plan Plan:MK. I have made a number of recommendations in this report in order to make the wording of the policies and their application clearer including improvements to the mapping of sites referred to in policies to ensure that the Plan meets the Basic Conditions. Section 6 of the report sets out a schedule of the recommended modifications.
- 1.3 The main recommendations concern:
 - The deletion of Policies E4, HT3 and part of Policy CF2;
 - The addition of a new policy setting out the housing requirement and how it is to be delivered;
 - Clarification of the wording of policies and the supporting text; and
 - Improvements and corrections to the mapping of policies.
- 1.4 Subject to the recommended modifications being made to the Neighbourhood Plan, I am able to confirm that I am satisfied that the Lavendon Neighbourhood Plan satisfies the Basic Conditions and that the Plan should proceed to referendum.

2.0 Introduction

Background Context

- 2.1 This report sets out the findings of the examination into the Lavendon Neighbourhood Plan (referred to as the LNP throughout this report).
- 2.2 Lavendon parish lies about eight miles north west of Bedford, eight miles north east of Newport Pagnell within the boundary of Milton Keynes Council (MKC). It is a rural parish with the historic village of Lavendon at its core containing a conservation area, several listed buildings and scheduled ancient monuments. At 2011 there were 1250 people living in Lavendon in 571 households.

Appointment of the Independent Examiner

- 2.3 I was appointed as an independent examiner to conduct the examination on the LNP by MKC with the consent of Lavendon Parish Council in August 2019. I do not have any interest in any land that may be affected by the LNP nor do I have any professional commissions in the area currently and I possess appropriate qualifications and experience. I am a Member of the Royal Town Planning Institute with over 30 years' experience in local authorities preparing Local Plans and associated policies.

Role of the Independent Examiner

- 2.4 As an independent Examiner, I am required to determine, under paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether the legislative requirements are met:
- The Neighbourhood Plan has been prepared and submitted for examination by a qualifying body as defined in Section 61F of the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004;
 - The Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004;
 - The Neighbourhood 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 provisions relating to 'excluded development', and must not relate to more than one Neighbourhood Area); and
 - The policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of the Planning and Compulsory Purchase Act 2004 Section 38A.

- 2.5 An Independent Examiner must consider whether a neighbourhood plan meets the “Basic Conditions”. The Basic Conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The Basic Conditions are:
1. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
 2. the making of the neighbourhood plan contributes to the achievement of sustainable development;
 3. the making of the neighbourhood 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);
 4. the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
 5. prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan. The following prescribed condition relates to neighbourhood plans:
 - Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) sets out a further Basic Condition in addition to those set out in the primary legislation. That the making of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) (either alone or in combination with other plans or projects). (See Schedule 2 to the Neighbourhood Planning (General) Regulations 2012 (as amended)).
- 2.6 Under the terms of the neighbourhood planning legislation I am required to make one of three possible recommendations:
- That the plan should proceed to referendum on the basis that it meets all the legal requirements;
 - That the plan should proceed to referendum if modified; or
 - That the plan should not proceed to referendum on the basis that it does not meet all the legal requirements.
- 2.7 If recommending that the Neighbourhood Plan is submitted to referendum my report must also recommend whether the area for the referendum should extend beyond the neighbourhood area to which the Neighbourhood Plan relates, and if to be extended, the nature of that extension.
- 2.8 The role of an Independent Examiner of a neighbourhood plan is defined. I am not examining the test of soundness provided for in respect of examination of Local Plans. It is not within my role to comment on how the

plan could be improved but rather to focus on whether the submitted Neighbourhood Plan meets the Basic Conditions and Convention rights, and the other statutory requirements.

- 2.9 It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings. I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements.

The Examination Process

- 2.10 The presumption is that the neighbourhood plan will proceed by way of an examination of written evidence only. However the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or so that a person has a fair chance to put a case.
- 2.11 I have sought clarification on a number of factual matters from the qualifying body and/or the local planning authority in writing. I am satisfied that the responses received have enabled me to come to a conclusion on these matters without the need for a hearing.
- 2.12 I had before me background evidence to the plan which has assisted me in understanding the background to the matters raised in the Neighbourhood Plan. I have considered the documents set out in Section 5 of this report in addition to the Submission draft of the Lavendon Neighbourhood Plan 2019 – 2031 dated June 2019.
- 2.13 I have considered the Basic Conditions Statement and the Consultation Statement as well as the screening reports for the Strategic Environmental Assessment and Habitats Regulation Assessment. In my assessment of each policy I have commented on how the policy has had regard to national policies and advice and whether the policy is in general conformity with relevant strategic policies, as appropriate.
- 2.14 I have undertaken an unaccompanied visit to the Plan area and viewed the sites referred to under the policies in the plan.

Legislative Requirements

Qualifying Body

- 2.15 Paragraph 2.10 of the LNP confirms that the neighbourhood plan making process has been led by Lavendon Parish Council which is a “qualifying body” under the Neighbourhood Planning legislation which entitles them to lead the plan making process. The Plan was prepared by the Neighbourhood Plan Steering Group.
- 2.16 I am satisfied that the requirements set out in the Localism Act (2011) and in Section 61F(1) and (2) of the Town and Country Planning Act (as applied to

neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act) have been met.

The Plan Area

- 2.17 The Neighbourhood Plan area is co-terminus with the parish of Lavendon. Paragraph 2.11 of the LNP states that the area was designated by MKC on 10 October 2017 as a Neighbourhood Area. The Basic Conditions Statement confirms that there are no other neighbourhood plans relating to that area.
- 2.18 This satisfies the requirements of preparing a Neighbourhood Development Plan under section 61G (1) (2) and (3) of the Town and Country Planning Act 1990 (as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004) and regulations 5, 6 and 7 of the Neighbourhood Planning (General) Regulations 2012.

Plan Period

- 2.19 A neighbourhood plan must specify the period during which it is to have effect. The front cover of the Plan states that the lifespan of the Neighbourhood Plan is 2019 – 2031.

Excluded Development

- 2.20 The Plan does not include provision for any excluded development: county matters (mineral extraction and waste development), nationally significant infrastructure or any matters set out in Section 61K of the Town and Country Planning Act 1990.

Development and use of land

- 2.21 The Neighbourhood Development Plan should only contain policies relating to development and use of land. Subject to the modifications proposed, the LNP would be compliant with this requirement of Section 38B of the Planning and Compulsory Purchase Act 2004 as amended.
- 2.22 I am satisfied therefore that the Lavendon Neighbourhood Plan satisfies all the legal requirements set out in paragraph 2.4 above.

The Basic Conditions

Basic Condition 1 – Has regard to National Policy

- 2.23 The first Basic Condition is for the neighbourhood plan “to have regard to national policies and advice contained in guidance issued by the Secretary of State”. The requirement to determine whether it is appropriate that the plan is made includes the words “having regard to”. This is not the same as compliance, nor is it the same as part of the test of soundness provided for in respect of examinations of Local Plans which requires plans to be “consistent with national policy”.

- 2.24 The Planning Practice Guidance assists in understanding “appropriate”. In answer to the question “What does having regard to national policy mean?” the Guidance states a neighbourhood plan “must not constrain the delivery of important national policy objectives.”
- 2.25 In considering the policies contained in the Plan, I have been mindful of the guidance in the Planning Practice Guide (PPG) that:
“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like.”
- 2.26 In order to ensure that a neighbourhood plan can be an effective tool for the decision maker, the PPG advises that:
“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”
- 2.27 The NPPF of February 2019 is referred to in this examination in accordance with paragraph 214 of Appendix 1, as the plan was submitted to the Council in June 2019.
- 2.28 The Planning Practice Guidance on Neighbourhood Plans states that neighbourhood plans should *“support the strategic policies set out in the Local Plan or spatial development strategy and should shape and direct development that is outside of those strategic policies”* and further states that *“A neighbourhood plan should, however, contain policies for the development and use of land. This is because, if successful at examination and referendum, the neighbourhood plan becomes part of the statutory development plan.”*
- 2.29 The PPG on Housing Needs of Different Groups under Rural Housing states that *“a wide range of settlements can play a role in delivering sustainable development in rural areas, so blanket policies restricting housing development in some types of settlements will need to be supported by robust evidence of their appropriateness”*.
- 2.30 The Basic Conditions Statement briefly summarises how the national planning policies and guidance have been taken into account for each planning policy.
- 2.31 I consider the extent to which the policies of the plan meet this Basic Condition No 1 in Section 3 below.

Basic Condition 2 - Contributes to sustainable development

- 2.32 A qualifying body must demonstrate how a neighbourhood plan contributes to the achievement of sustainable development. The NPPF as a whole constitutes the Government's view of what sustainable development means in practice for planning. The NPPF explains that there are three dimensions to sustainable development: economic, social and environmental.
- 2.33 There is no legal requirement for a formal Sustainability Appraisal to be carried out in respect of neighbourhood plans. However good practice suggests that where neighbourhood plans are allocating land for development an appraisal should be carried out.
- 2.34 Paragraphs 3.3 to 3.7 of the Basic Conditions Statement considers how the LNP contributes to the delivery of sustainable development with regards to economic, social and environmental aspects. Taking account of the information presented, I am satisfied that the LNP contributes to the delivery of sustainable development.

Basic Condition 3 – is in general conformity with strategic policies in the development plan

- 2.35 The third Basic Condition is for the neighbourhood plan to be in general conformity with the strategic policies contained in the Development Plan for the area. The adopted strategic policies covering the Neighbourhood Plan area are contained in Plan:MK which was adopted in March 2019.
- 2.36 The Basic Conditions Statement identifies the strategic policies of the adopted Local Plan relevant to each policy of the LNP.
- 2.37 The Council raised no concern over general conformity with the strategic policies of the development plan. I consider in further detail in Section 3 below the matter of general conformity with the strategic policies of the plan.

Basic Condition 4 – Compatible with EU obligations and human rights requirements

- 2.38 A neighbourhood plan must be compatible with European Union obligations as incorporated into UK law, in order to be legally compliant. Key directives relate to the Strategic Environmental Assessment Directive and the Habitats and Wild Birds Directives. A neighbourhood plan should also take account of the requirements to consider human rights.
- 2.39 Regulation 15 of the Neighbourhood Planning Regulations as amended in 2015 requires either that a Strategic Environmental Assessment is submitted with a Neighbourhood Plan proposal or a determination from the responsible authority (MKC) that the plan is not likely to have “significant effects.”
- 2.40 A screening opinion was carried out on the draft LNP dated April 2019. The conclusions of the SEA for the Submission draft LNP indicate:

“The Plan’s effects are unlikely to have any significant impacts beyond the Neighbourhood Area and it is considered that overall the plan will not have significant effects on the environment. It is, therefore the opinion of Milton Keynes Council that the Lavendon Neighbourhood Plan does not need to be subject to Strategic Environmental Assessment.”

- 2.41 Habitat Regulations Assessment (HRA) screening for the LNP relies on the screening that has been carried out on Plan:MK. This considered the impact of the development in the Borough of Milton Keynes as a whole proposed in the Local Plan on the Ouse Washes SPA /SAC, Portholme SAC and the Upper Nene Valley Gravel Pits SPA.
- 2.42 It concluded that *“development in the Milton Keynes Local Plan will not have a likely significant effect on any internationally important wildlife sites either alone or in combination with other plans and projects. These conclusions are based on the findings of the AA screening which concludes that no Natura 2000 sites are located within the district and no impact pathways have been identified linking Natura 2000 sites outside of the district. Therefore an Appropriate Assessment is not required.”*
- 2.43 The HRA Screening on the submission draft LNP in April 2019 concluded that *“Given the role of Neighbourhood Plans and the scale of development likely to be proposed in the Lavendon Neighbourhood Plan, it is considered that Appropriate Assessment of the plan is not required”.*
- 2.44 No mitigation measures have been included within the screening of the policies of the LNP.
- 2.45 The statutory environmental bodies: Historic England, Natural England and the Environment Agency were consulted on the SEA and HRA Screening Reports in April 2019.
- 2.46 Historic England initially agreed with the Council’s provisional conclusion that the LNP did not need be subject to Strategic Environmental Assessment. However, they expressed concern about the potential impact of Policy H4 on the scheduled monument at Uphoe Manor Farm and on the appreciation of the significance of the monument. They reserved their position to revise their opinion when they had assessed the potential impact on the significance of the potential development of Land at Harrold Road. They have not raised any subsequent concerns to the proposal.
- 2.47 The Environment Agency confirmed that they agreed with the opinion. Natural England made no response to the screening on the SEA or HRA.
- 2.48 Paragraph 3.11 of the Basic Conditions Statement states that *“the Parish Council considers that the Lavendon Neighbourhood Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998. 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”.

- 2.49 From the evidence provided in this assessment and the Consultation Statement, I am satisfied that the plan makers have sought to consult the whole community and have taken their views into consideration in preparing the LNP. I am satisfied that the Plan has met the requirements of the Human Rights Act.
- 2.50 I am not aware of any other European Directives which apply to this particular Neighbourhood Plan and no representations at pre or post-submission stage have drawn any others to my attention. Taking all of the above into account, I am satisfied that the LNP is compatible with EU obligations and therefore with Basic Conditions Nos 4 and 5.

Consultation on the Neighbourhood Plan

- 2.51 I am required under The Localism Act 2011 to check the consultation process that has led to the production of the Plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012.
- 2.52 The Consultation Statement sets out an overview of the various stages of consultation that have been carried out during the preparation of the LNP.
- 2.53 The first event was an open day held in the Pavilion on the 16 September 2017. This was advertised by a flyer delivered to every household in the village, as well as village notice boards, the Parish Council website and through social media pages. The event was attended by 75 people and gathered points of view regarding the key issues. The outcome of this event was the formulation of the vision and objectives for the LNP.
- 2.54 The Village Survey was undertaken in November 2017. A survey questionnaire was circulated to every household in the parish with 1044 copies being distributed. Further copies were made available through the Parish Council website. Around 320 surveys were returned, a response rate of 30%.
- 2.55 In July 2018 the Steering Group issued a call for sites to determine housing and any other development options around the village. The call for sites was advertised on the Parish Council website, social media channels, village notice boards, and posters in the Post Office and shop.
- 2.56 Publicity on the first draft plan was undertaken in November – December 2018 for 8 weeks with an exhibition in the Pavilion on the 15 - 17 November. The draft plan was uploaded to the Parish Council website, advertised through social media channels and on the village notice boards. At this point in time, all of the housing options suggested by the call for sites were included within the plan and the views of the community were sought to narrow down which options would be preferred, as well as seeking general comments on the content of the plan.

- 2.57 The event was attended by over 80 residents over the three days. Over 170 comments were received on the housing sites alone. The comments are summarised in the Consultation Statement.
- 2.58 The Regulation 14 consultation was undertaken between 28 February and 11 April 2019 when MKC and the Statutory Consultees were requested to provide comments. At the same time the revised Neighbourhood Plan was posted on the Parish Council website and any further comments were invited from residents.
- 2.59 Lavendon Parish Council submitted their Neighbourhood Plan to MKC on 12 June 2019. The Regulation 16 consultation ran from 24 June to 5 August 2019. Four responses were received within the consultation period.
- 2.60 This report is the outcome of my examination of the Submission Draft Version of the Lavendon Neighbourhood Plan 2019 - 2031. I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions. My report makes recommendations based on my findings on whether the Plan meets the Basic Conditions and provided the Plan is modified as recommended, I am satisfied that it is appropriate for the Neighbourhood Plan to be made. If the plan receives the support of over 50% of those voting, then the Plan will be made following approval by MKC.

3.0 Neighbourhood Plan – As a whole

- 3.1 The Neighbourhood Plan is considered against the Basic Conditions in this section of the Report following the structure and headings in the Plan. Given the findings in Section 2 above that the plan as a whole is compliant with Basic Conditions No 4 (EU obligations) and other prescribed conditions, this section largely focuses on Basic Conditions No 1 (Having regard to National Policy), No 2 (Contributing to the achievement of Sustainable Development) and No 3 (General conformity with strategic policies of the Development Plan).
- 3.2 Where modifications are recommended, they are presented and clearly marked as such and highlighted in bold print, with any proposed new wording in italics.
- 3.3 Basic Condition 1 requires that the examiner considers whether the plan as a whole has had regard to national policies and advice contained in guidance issued by the Secretary of State. Before considering the policies individually, I have considered whether the plan as a whole has had regard to national planning policies and supports the delivery of sustainable development.
- 3.4 The Plan is succinct and focused on the policies; it is well presented with policies relating to the environment, character and design, flood risk, highways and transport, community, housing, business and employment. A number of Community Projects are included under the various sections of the Plan. These are clearly headed as such and printed in italic font.
- 3.5 The Plan includes a map showing the boundary of the Plan area and a Proposals Map showing the sites referred to in policies within Lavendon village. It may be more appropriate to title the map as the Policies Map. The key should link the sites to the relevant policies. The map is clear although it would be helpful to enlarge it to enable plan users to identify the boundaries of sites referred to in policies. However the map does not include the community facilities listed in Policy CF1 and I have recommended under that policy that they should be shown on the Map.
- 3.6 It is difficult to identify the listed buildings from the Proposals Map; these should either be identified on a larger scale map or a weblink should be given from Annex A. The conservation area, listed buildings and ancient monuments are already designated and should be linked in the key to the appropriate policies. I have recommended under Policy H1 that the Settlement Boundary should be revised to include sites adjacent to Lavendon village of recently completed housing sites, sites with planning permission for housing development and the housing allocation.
- 3.7 Four site options were submitted in the call for sites. Of these, three adjacent to the boundary of Lavendon village have been assessed against clearly identified criteria as required by the NPPG for their suitability, deliverability and achievability and the evidence is presented in the Site Assessment

Summary. The other site had already received planning permission at the time of the assessment.

- 3.8 It would be helpful to plan users if the bullet points in the policies were referenced with a number or letter. This would ensure that the correct criterion was referred to in reports and planning applications.

Recommendation 1: Change the title of the Proposals Map to “Policies Map”. Show the relevant policies in the key to the map. Show the sites with planning permission on a separate map. Number or letter the criteria in policies for ease of reference.

The Neighbourhood Plan - Policies

Introduction

- 3.9 The Introductory sections set out a clear and comprehensive historical background to the village, the context for plan making and community engagement. However, no information is given about the nature of the community and village today. The issues facing the community are set out in paragraph 3.6 as the key findings from the consultation.

Vision and Objectives

- 3.10 The challenges facing the village are summarized in paragraph 4.2 and these are focused around integrating the sites that have received planning permission into the village, environmental enhancement and managing traffic. The Vision is set out in paragraph 4.3 and seeks *“to allow the integration of new housing into the existing village community and ensure that Lavendon Parish remains a desirable place to live and work, surrounded by attractive and accessible countryside, rich in environmental diversity and heritage”*.
- 3.11 There are a number of objectives and these are placed at the beginning of each section of the plan. They should be checked to ensure that they are relevant following the revisions to the plan in the light of my recommendations.

Environment

Policy E1: Access to the Countryside

- 3.12 This policy gives general support to new and improved off roads routes between Lavendon and surrounding villages. No proposals are made. I make no comments on the policy.

Policy E2: Biodiversity Offset and Development

- 3.13 The policy supports proposals to enhance the natural environment and contribute to biodiversity net gains. It refers to development being in compliance with other policies of the Neighbourhood Plan. To accord with national policy it should be more positively worded and should refer to the strategic policy on biodiversity in Plan:MK Policy NE3.
- 3.14 The clarity of the second paragraph could be improved to refer to development proposals including baseline information on the environmental value of the site.
- 3.15 Paragraphs 4 and 6 refer to liaison and discussion with the Parish Council. This is a procedural matter and should not be included in a planning policy. It is included under paragraph 5.4 in the Implementation section.
- 3.16 This policy and Policy E3 refer to the planting of high quality native trees and shrubs. I have asked the Qualifying Body how this is to be applied; they have responded: *“The expectation was to achieve landscaping that enhances the quality of the proposed development and surrounding area, using native species that benefit wildlife and biodiversity and uses plants of a size and planting density that create a reasonable level of positive impact from the outset. We were seeking to avoid planting schemes that use inappropriate planting species or have plants that are too young and small taking a long time to become established.”* To ensure that the policy can be applied consistently by decision makers I recommend that this explanation be included in the justification to the policies.

Recommendation 2: Revise Policy E2 as follows:

Revise the first paragraph to read: “Development proposals *should* enhance the natural environment and contribute to biodiversity net gains within the Parish *in line with Plan:MK Policy NE3*. Biodiversity improvements will help”

Revise the second paragraph to read: “*Development proposals should include* baseline information on the environmental value of the site.....”

Delete “in close liaison with the Parish Council” from paragraph 4.

Delete paragraph 6.

Add the following to the justification: “*Landscaping schemes should enhance the quality of the proposed development and surrounding area, using native species that benefit wildlife and biodiversity and using plants of a size and planting density that create a reasonable level of positive impact from the outset. Planting schemes that use inappropriate planting species or have plants that are too young and small taking a long time to become established should be avoided.*”

Policy E3: Trees and Hedgerows

- 3.17 The policy seeks to safeguard significant trees affected by development proposals and proposes mitigation measures where loss cannot be avoided.
- 3.18 Natural England has commented that there are several woods in the parish that are classified as ancient woodlands. Impacts on them should be considered in line with paragraph 175 of the NPPF. However as Plan:MK Policy NE1 provides protection to ancient woodland I consider that it is not necessary to repeat this in the neighbourhood plan policy.
- 3.19 The policy accords with national and strategic policies to safeguard landscape character and enhance biodiversity. To improve the clarity of the policy it is suggested that paragraph 2 should be revised to state that “mitigation and protection schemes *must* be implemented”.

Recommendation 3: Revise Policy E3 as follows:

Revise paragraph 2 to state that “mitigation and protection schemes *must* be implemented....”.

Policy E4: Renewable and Low Carbon Energy

- 3.20 Policy E4 repeats parts of Plan:MK Policy SC3 and adds no locally specific details or proposals. It is recommended therefore that the Policy should be deleted. The plan may be revised to include a paragraph in the justification to set out that such proposals will be supported where they meet the criteria of Policy SC3.

Recommendation 4: Delete Policy E4.

Character and Design

Policy CD1: Conservation and Heritage

- 3.21 This is a generic policy that repeats parts of Plan:MK Policy HE1; it does not include any locally specific policies or proposals on conservation and heritage. However, it has been included at the request of Historic England in view of the significant heritage assets in the parish. I make no recommendations to modify the policy. It may be helpful to plan users to state in the justification that any development proposals affecting heritage assets will also be considered against Plan:MK Policy HE1.

Recommendation 5: Add the following at the beginning of paragraph 6.6:

“Development proposals affecting heritage assets will also be considered against Plan:MK Policy HE1”.

Policy CD2: High Quality Design

- 3.22 Policy CD2 sets out detailed criteria to promote high quality design. There is a degree of overlap between this policy and the design policies in Plan:MK (D1-D3 and D5) on certain general principles. However Policy CD2 includes design details on a number of aspects that are locally specific. I therefore consider that it is acceptable and accords with national and strategic policies.
- 3.23 The first bullet point is not clear how developers should demonstrate that design should support local facilities. I have recommended a modification to improve its clarity.

Recommendation 6: Revise the first bullet point of Policy CD2 to read:

“Demonstrate how proposals achieve sustainable development and are integrated into the village to promote social inclusion and support of village facilities.”

Policy FR1: Development and Flood Risk

- 3.24 There is a degree of overlap between this policy and Plan:MK Policy FR2 on Sustainable Drainage Systems (SUDS) and Integrated Flood Risk Management. However Policy FR1 includes details that are locally specific. I therefore consider that it is acceptable and accords with national and strategic policies. To assist plan users it would be helpful to include a statement in the justification that development proposals should take account of the strategic policy requirements in addition to those set out in this policy.
- 3.25 Anglian Water has commented that the policy should apply to all development rather than “all new housing”. A revision is recommended accordingly.

Recommendation 7: Revise Policy FR1 as follows:

Revise the first paragraph to read: “all *development* in the Parish will be expected...”

Add the following at the end of paragraph 7.3 “*Development proposals should take account of the policies in Plan:MK on Managing and Reducing Flood Risk in addition.*”

Policy FR2: Delivery of New Flood Storage Ponds

- 3.26 This policy proposes the development of a series of up-catchment flood storage ponds. It is considered that this accords with the principles established in Plan:MK Policy FR2. The Qualifying Body has informed me that potential locations for flood storage ponds have been identified in a study commissioned by MKC.

- 3.27 The final paragraph of the policy is not a planning policy. It is a Community Aspiration and should be included in that section.

Recommendation 8: Delete the final paragraph from Policy FR2 and place it in the section on Community Projects.

Policy HT1: Transport, Highways and New Development

- 3.28 The policy sets out details for the provision of safe and satisfactory access points and the need to demonstrate how pedestrian access to village facilities is to be achieved. This provides details to support the implementation of strategic Policies CT1 and CT2.
- 3.29 The policy expects developers to provide information to first occupiers to help them make sustainable non-car based transport choices. MKC has confirmed that this is deliverable through a condition requiring a travel plan. I propose no modifications to the policy.

Policy HT2: Village Highway Enhancement

- 3.30 This policy provides general support for proposals that include measures to reduce the impact of traffic, improve the highway environment in the plan area and increase the use of non-car modes of transport provided that the proposals comply with the policies of the Development Plan and the Neighbourhood Plan.
- 3.31 As the Development Plan includes the Neighbourhood Plan there is no need to refer to it explicitly in the policy.

Recommendation 9: Delete “and this Neighbourhood Plan” from Policy HT2.

Policy HT3: Parking

- 3.32 The policy sets out the requirement that development proposals will be expected to provide on site car parking to meet the requirements of the Milton Keynes Parking Standards SPD as a minimum. This repeats the requirement set out in strategic Policy CT2 point 5 without adding any locally specific details. The second paragraph refers to the location of parking spaces in new development which is set out in Policy CD2. The text could be added to the penultimate paragraph of that policy.
- 3.33 It is recommended therefore that the policy should be deleted. Reference may be included in the supporting text in the Highways and Transportation section to parking being made in accordance with the minimum standards set out in the Milton Keynes Parking Standards SPD.

Recommendation 10: Delete Policy HT3.

Move the second paragraph of Policy HT3 to the penultimate paragraph of Policy CD2 before “Parking should be designed so that....”

Add the following to paragraph 8.8: “*Parking standards are set out in the Milton Keynes Parking Standards SPD.*”

Community

Policy CF1: Community Facilities

- 3.34 The policy seeks to safeguard existing community facilities and open spaces which are listed in the policy. It would be helpful to plan users for the boundaries of these facilities and sites to be shown on the Policies Map. The facilities should be numbered in the Policy and referenced on the map. It may be necessary to show them on an Inset Map to ensure that the boundaries of the sites are clearly shown.
- 3.35 I make no comment on the wording of the policy other than to suggest that it would be helpful to plan users to include details in the supporting text of the evidence that will be required to justify the loss of the community facility.

Recommendation 11: Number the community facilities in Policy CF1 and show the boundaries of the sites on the Policies Map.

Policy CF2: Community Open Space

- 3.36 The policy designates land at Harrold Road as community open space and includes suggestions for the type of open space uses that would be acceptable. Policy H4 states that the site is to be secured through a legal agreement or statutory undertaking as part of the development proposal for the adjacent housing site.
- 3.37 The final paragraph of the policy refers to the Parish Council formulating a management plan for the open space. This is not a planning policy and should be included in the supporting text as a Community Aspiration.

Recommendation 12: Delete the final paragraph from Policy CF2 and include it as a Community Aspiration.

Housing

- 3.38 The NPPG states that when neighbourhood plans contain policies relevant to housing supply, these policies should take account of the latest and up-to-date evidence of housing need. It further states that where neighbourhood planning bodies have decided to make provision for housing in their plan, the

housing requirement figure and its origin are expected to be set out in the neighbourhood plan as a basis for their housing policies and any allocations that they wish to make.

- 3.39 Paragraph 104 of the NPPG on Neighbourhood Planning states that “.....*However, there is an expectation that housing requirement figures will be set in strategic policies, or an indicative figure provided on request. Where the figure is set in strategic policies, this figure will not need retesting at examination of the neighbourhood plan. Where it is set as an indicative figure, it will need to be tested at examination*”.
- 3.40 The approach to delivering new development in villages and other rural settlements in Plan:MK places the emphasis on neighbourhood plans. Policy DS1 of the Plan:MK states that “new development will occur within villages and other rural settlements at locations identified in made neighbourhood plans”. Plan:MK Policy DS2 criterion 8 makes provision for small to medium scale development within rural and key settlements, appropriate to the size, function and role of each settlement to be delivered through allocations in neighbourhood plans currently being prepared.
- 3.41 Due to the large number of homes already committed within rural settlements (both through allocations in made neighbourhood plans and through sites granted planning permission or won at appeal) it was determined that sufficient growth was already planned for within the rural area of the Borough and as such a requirement for additional dwellings would not be set in Plan:MK.
- 3.42 MKC has confirmed that this approach does not seek to restrict further growth within rural communities and Plan:MK does support the delivery of further housing through the preparation of new neighbourhood plans such as Lavendon.
- 3.43 The recently adopted Plan:MK does not set out a figure for the number of dwellings to be provided for in their neighbourhood plans. Following the publication of the revised NPPF, MKC published guidance in December 2018 for parish councils preparing neighbourhood plans in relation to an indicative housing number. In accordance with the requirement in NPPF paragraph 66, the Council has set an indicative figure of 1 dwelling for all neighbourhood plans, although the Council encourages neighbourhood plans to plan for more houses.
- 3.44 The Council has confirmed that at the time of submitting the neighbourhood plan, a total of 120 homes were committed in Lavendon representing a 21% increase in the dwelling stock of the parish. Given the substantial increase in dwelling stock already committed in Lavendon, and that the neighbourhood plan seeks to meet the indicative housing requirement set by MKC through the allocation of a further site for 8 dwellings, MKC has confirmed that they consider that the provision set out in the LNP is suitable.

- 3.45 Three sites have recently been competed in Lavendon for 12 dwellings and a further 5 sites have the benefit of planning permission. This means that there are outstanding commitments at July 2019 for a total of 133 dwellings. No information has been provided of the potential number of infill dwellings either from recent trends or an assessment of available sites.
- 3.46 A Housing Needs Assessment has not been prepared to consider the local need for affordable housing. The consultation on the Plan sought the opinion of residents of the number of houses to be developed in the village. However, this only provides an opinion and does not provide evidence of local housing need in terms of the number or type of housing that may be required.
- 3.47 To ensure that the LNP conforms to national policy requirements, it is recommended that the Plan's housing requirement should be made explicit in a policy which should also include housing commitments and an estimate of the level of windfall development that may be expected.

Recommendation 13: Include a new policy as follows:

“The LNP will provide for about 140 new homes to meet the housing needs of the parish over the plan period 2019 – 2031.

New housing will be supported on sites that lie within the Settlement Boundary of Lavendon as shown on the Policies Map in accordance with other relevant policies of the development plan.

New housing will be delivered through:

- ***Dwellings which have planning consent at July 2019 as shown on the Policies Map;***
- ***Windfall opportunities in accordance with Policy H2 and Plan:MK Policy DS5 and the NPPF;***
- ***The housing allocation for about 8 dwellings at Harrold Road under Policy H4.”***

Policy H1 Development Strategy

- 3.48 The policy defines the settlement boundary for Lavendon village and makes provision for sustainable development within the settlement boundary. It also sets out the approach to development in the countryside outside the settlement boundary. The settlement boundary shown on the Proposals Map excludes the housing sites that have planning permission. The settlement boundary is shown in blue, the same as the sites with planning permission and is difficult to interpret. To improve the clarity of the map it is recommended that the settlement boundary should be more clearly marked and shown in an alternative colour.

- 3.49 The first paragraph of Policy H1 explains the role of the settlement boundary and should be placed in the justification. The second paragraph should be revised as a consequence to refer to the Policies Map.
- 3.50 In response to my question on the matter, MKC has commented that the settlement boundary should be amended to reflect that of Plan:MK. A number of new additions to the settlement boundary that were made through the Plan:MK process are not included in the Lavendon settlement boundary. It is recommended that the settlement boundary should be revised to include sites with planning permission, sites that have been completed and other sites that meet the criteria outlined in the Settlement Boundary Study 2018 prepared as part of the evidence for Plan:MK.

Recommendation 14: Revise Policy H1 as follows:

Place the first paragraph in the justification.

Revise the second paragraph to read: “....within the settlement boundary shown on the Policies Map, provided that....”

Revise the settlement boundary to include the housing site allocation, sites adjacent to Lavendon village with planning permission for housing and those that have been completed and other sites that meet the criteria outlined in the Settlement Boundary Study 2018.

Show the settlement boundary on the Policies Map more clearly and in an alternative colour.

Policy H2 Windfall Development

- 3.51 The policy provides guidance on the development of sites within the settlement boundary and replacement dwellings throughout the plan area. I make no comments on the policy.

Policy H3: Integration of New Housing

- 3.52 The policy sets out requirements for new housing development to ensure that it is well integrated into the village. The policy includes “details for sites with outline planning permission”.
- 3.53 The final paragraph of the policy states that developers should demonstrate how the policy can be achieved and engage with the Parish Council to determine suitable options to integrate their proposals. This is a Community Aspiration and not a planning policy and should be included in a separate section of the Plan as such.

Recommendation 15: Revise Policy H3 as follows:

Delete the final paragraph of the policy. Include a paragraph in the justification to the policy to state that developers will be expected to demonstrate through their design and access statements how the policy requirements are to be delivered and that consultation with the Parish Council will be welcomed.

**Include the following in a new section headed Community Project with an explanation that the section does not constitute planning policy:
“The Parish Council will encourage the engagement of developers with the Parish Council to consider the options for the layout and design of new housing development.”**

Policy H4 Harrold Way New Housing Allocation

- 3.54 The policy allocates the site with an area of 0.75 hectares for about 8 dwellings and sets out detailed requirements for the layout and design of the development. It also includes an expectation that community open space will be provided in accordance with the allocation under Policy CF2.
- 3.55 Paragraph 10.16 refers to the site being developed as a sports field, although it is noted that Policy CF2 refers to informal recreation and does not propose any sports pitches. It is suggested that a consistent form of wording should be used.

Recommendation 16: Revise paragraph 10.16 to read: “...to provide an area of community open space.....”

Business and Employment

Policy BE1: Business and Employment

- 3.56 I make no comments on the wording of Policy BE1.

4.0 Referendum

- 4.1 The Lavendon Neighbourhood Plan reflects the views held by the community as demonstrated through the consultations and, subject to the modifications proposed, sets out a realistic and achievable vision to support the future improvement of the community.
- 4.2 I am satisfied that the Neighbourhood Plan meets all the statutory requirements, in particular those set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990 and, subject to the modifications I have identified, meets the Basic Conditions namely:
- has regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contributes to the achievement of sustainable development;
 - is in general conformity with the strategic policies contained in the Development Plan for the area;
 - does not breach, and is otherwise compatible with, EU obligations and human rights requirements
- 4.3 **I am pleased to recommend to Milton Keynes Council that the Lavendon Neighbourhood Plan should, subject to the modifications I have put forward, proceed to referendum.**
- 4.4 I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. In all the matters I have considered I have not seen anything that suggests the referendum area should be extended beyond the boundaries of the plan area as they are currently defined. I recommend that the Neighbourhood Plan should proceed to a referendum based on the neighbourhood area designated by the Milton Keynes Council on 10 October 2017.

5.0 Background Documents

5.1 In undertaking this examination, I have considered the following documents

- Lavendon Neighbourhood Plan Submission Draft Version 2019 – 2031 dated June 2019;
- Lavendon Neighbourhood Plan Basic Conditions Statement;
- Lavendon Neighbourhood Plan Strategic Environmental Assessment Screening Statement and Appropriate Assessment Screening April 2019;
- Lavendon Neighbourhood Plan Consultation Statement;
- Lavendon Neighbourhood Plan Site Assessment Annex B of Neighbourhood Plan;
- National Planning Policy Framework February 2019;
- Planning Practice Guidance March 2014 (as amended);
- The Town and Country Planning Act 1990 (as amended);
- The Localism Act 2011;
- The Neighbourhood Planning (General) Regulations 2012;
- Milton Keynes Plan:MK 2019;
- Parking Standards, Milton Keynes Council January 2016.

6.0 Summary of Recommendations

Recommendation 1: Change the title of the Proposals Map to “Policies Map”. Show the relevant policies in the key to the map. Show the sites with planning permission on a separate map. Number or letter the criteria in policies for ease of reference.

Recommendation 2: Revise Policy E2 as follows:

Revise the first paragraph to read: “Development proposals *should* enhance the natural environment and contribute to biodiversity net gains within the Parish *in line with Plan:MK Policy NE3*. Biodiversity improvements will help”

Revise the second paragraph to read: “*Development proposals should include* baseline information on the environmental value of the site.....”

Delete “in close liaison with the Parish Council” from paragraph 4.

Delete paragraph 6.

Add the following to the justification: “*Landscaping schemes should enhance the quality of the proposed development and surrounding area, using native species that benefit wildlife and biodiversity and using plants of a size and planting density that create a reasonable level of positive impact from the outset. Planting schemes that use inappropriate planting species or have plants that are too young and small taking a long time to become established should be avoided.*”

Recommendation 3: Revise Policy E3 as follows:

Revise paragraph 2 to state that “mitigation and protection schemes *must* be implemented....”.

Recommendation 4: Delete Policy E4.

Recommendation 5: Add the following at the beginning of paragraph 6.6:

“*Development proposals affecting heritage assets will also be considered against Plan:MK Policy HE1*”.

Recommendation 6: Revise the first bullet point of Policy CD2 to read:

“*Demonstrate how proposals achieve sustainable development and are integrated into the village to promote social inclusion and support of village facilities.*”

Recommendation 7: Revise Policy FR1 as follows:

Revise the first paragraph to read: “all *development* in the Parish will be expected...”

Add the following at the end of paragraph 7.3 “*Development proposals should take account of the policies in Plan:MK on Managing and Reducing Flood Risk in addition.*”

Recommendation 8: Delete the final paragraph from Policy FR2 and place it in the section on Community Projects.

Recommendation 9: Delete “and this Neighbourhood Plan” from Policy HT2.

Recommendation 10: Delete Policy HT3.

Move the second paragraph of the policy to the penultimate paragraph of Policy CD2 before “Parking should be designed so that....”

Add the following to paragraph 8.8: “*Parking standards are set out in the Milton Keynes Parking Standards SPD.*”

Recommendation 11: Number the community facilities in Policy CF1 and show the boundaries of the sites on the Policies Map.

Recommendation 12: Delete the final paragraph from Policy CF2 and include it as a Community Aspiration.

Recommendation 13: Include a new policy as follows:

“The LNP will provide for about 140 new homes to meet the housing needs of the parish over the plan period 2019 – 2031.

New housing will be supported on sites that lie within the Settlement Boundary of Lavendon as shown on the Policies Map in accordance with other relevant policies of the development plan.

New housing will be delivered through:

- Dwellings which have planning consent at July 2019 as shown on the Policies Map;***
- Windfall opportunities in accordance with Policy H2 and Plan:MK Policy DS5 and the NPPF;***
- The housing allocation for about 8 dwellings at Harrold Road under Policy H4.”***

Recommendation 14: Revise Policy H1 as follows:

Place the first paragraph in the justification.

Revise the second paragraph to read: “....within the settlement boundary *shown on the Policies Map*, provided that....”

Revise the settlement boundary to include the housing site allocation, sites adjacent to Lavendon village with planning permission for housing and those that have been completed and other sites that meet the criteria outlined in the Settlement Boundary Study 2018.

Show the settlement boundary on the Policies Map more clearly and in an alternative colour.

Recommendation 15: Revise Policy H3 as follows:

Delete the final paragraph of the policy. Include a paragraph in the justification to the policy to state that developers will be expected to demonstrate through their design and access statements how the policy requirements are to be delivered and that consultation with the Parish Council will be welcomed.

Include the following in a new section headed **Community Project** with an explanation that the section does not constitute planning policy:
“The Parish Council will encourage the engagement of developers with the Parish Council to consider the options for the layout and design of new housing development.”

Recommendation 16: Revise paragraph 10.16 to read: “...to provide an area of community open space.....”