

**NEWPORT PAGNELL
NEIGHBOURHOOD PLAN REVIEW:
MODIFIED VERSION**

BASIC CONDITIONS STATEMENT

December 2020

1.INTRODUCTION

1.1 This statement has been prepared by Newport Pagnell Town Council (“the Town Council”) to accompany its submission of the Modified Version of the Newport Pagnell 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 Neighbourhood 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 Newport Pagnell Neighbourhood Plan (“the Made Plan”) was made by MKC in June 2016.



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/October 2020 for the statutory minimum six-week 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 EU obligations

1.7 The Made Plan contains eight policies NP1 – NP8. The Modified Plan proposes to make material modifications to policies NP4 and NP6 only. 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 NP4 and NP6 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 of the Made Plan, i.e. up to 31 March 2031.

1.8 The submission documents comprise:

- The Modified Plan (incorporating the modified Policies Map)
- The Basic Conditions Statement
- A statement from MKC on the re-screening of the Modified Plan in relation to EU obligations on Strategic Environmental Assessment
- 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 2019. The review of the Made Plan has taken into account how that version modified the 2012 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 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
NP4	Design Guidance	70 124 – 127 185 197	<p>This modified policy has unpacked and set out in five clauses the generic design guidance contained in the made version of the policy. This will improve its clarity and ease of implementation. Its clauses A and C encourage high design standards across the town, in line with the expectations of §124 - §127. The approach allows for flexibility in design responses within the key parameters identified in the new Design Study, which was not available at the time of the Made Plan. Clause A also reflects §70 in respect of showing that there is no precedent for plot subdivision to develop private gardens in the town.</p> <p>Clauses B, D and E relate to the town's heritage assets and promoting its local history. The Study sets out, alongside the Conservation Area Review, the significance of the Conservation Area to guide how proposals can sustain and enhance its special character and interest as per the aim of §185. Both also identify local heritage assets, using the Historic England method, to engage the provisions of §197.</p>
NP6	Cycle & Pedestrian Routes	91	<p>Although the policy wording has only minor modifications, the Policies Map shows an updated network of routes extending into other parts of the town than the original. The goal of extending the network and better connecting it to schools, sports and improved cycle track facilities is very much in accordance with the encouragement of §91 in promoting healthy and safe communities.</p>

3.CONTRIBUTING TO ACHIEVING SUSTAINABLE DEVELOPMENT

3.1 It was determined by MKC that the Made Plan did not have the potential for significant environmental effects and so a Strategic Environmental Assessment was not required. MKC has rescreened the Modified Plan and has reached the same conclusion (see Section 6 below and the separate report).

3.2 In the absence of an Assessment or Sustainability Appraisal, the sustainability performance of the materially modified policies is set out in Table B below, using a simple noting of positive (+), adverse (-) or neutral (0) effects:

Table B: Neighbourhood Plan & Sustainable Development					
Policy		Social	Economic	Environ	Commentary
NP4	Design Guidance	+	+	+	This modified policy will continue to have a full range of positive benefits in seeking to control the design of new proposals to suit their location in town. Maintaining the special historic character of the Conservation Area and its many listed buildings should have important economic and social benefits, as it covers the town centre. The retail offer is distinct in the wider MK area because of this character. The centre also provides a hub for community activity. More generally, securing high standards of design across the town will have a positive environmental effect.
NP6	Cycle & Pedestrian Routes	+	0	+	The modified (extended) route network will have positive social effects, in encouraging the local community to walk and cycle within the town for more journeys as part of healthier lifestyles. It will also have a positive environmental effect in contributing to a modal shift in some travel patterns, leading to improved air quality.

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

4.1 The Made Plan was prepared to ensure its general conformity with the development plan for Milton Keynes, that is strategic policies of the Core Strategy of 2013 but also with some saved policies of the Local Plan of 2005. In March 2019, MKC adopted the new Local Plan ('Plan:MK'), which has replaced both documents and has established a new strategic policy framework for the city and wider district. Table C below considers the general conformity with the relevant Plan:MK policies.

Table C: Neighbourhood Plan & Plan:MK Conformity Summary		
No.	Policy Title & Refs	Commentary
NP4	Design Guidance	This modified policy translates policies D1 – D3 into specific design guidance that acknowledges the different character areas that make up the town. It identifies those attributes that define local character and a sense of place. It also refines Policy HE1 by providing additional design guidance for the Conservation Area and by identifying those buildings in the town that meet the definition of (non-designated) heritage assets (i.e. a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest).
NP6	Cycle & Pedestrian Routes	The modified route network continues to align well with the overall sustainable travel goals of Policy CT1 as well as the specifics for promoting walking and cycling in line with Policy CT3. The policy and extended network may enable the town to make a major contribution to the wider ambitions of Plan:MK in this respect.

5.COMPATABILITY WITH EU 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 p6):

“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’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, concluded that the Newport Pagnell Neighbourhood Plan does not 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.”