

Paragraphs 12 and 13 of Schedule 4B of the Town and Country Planning Act, 1990 and

The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations, 2016

## Castlethorpe Neighbourhood Plan Decision Statement, October 2016

#### Summary

Following an independent examination and hearing, Milton Keynes Council has considered the report of the examiner on the Castlethorpe Neighbourhood Plan. Milton Keynes Council proposes to accept all but one of the Examiner's recommendations.

Under section 13 (1) of Schedule 4B of the Town and Country Planning Act 1990, Milton Keynes Council proposes to take a different decision to that recommended by the Examiner on one specific policy matter (the designation of Gobbey's Field as Local Green Space) as a result of new evidence provided by the parish council in support of the value that the local community places on this area of land.

As a result of this there will now follow a 6 week period during which people will be asked for their comments on the council's proposed decision on the Gobbey's Field Local Green space designation. A further examination on this specific matter might follow if Milton Keynes Council considers that it would be appropriate to do so.

### **Background**

On 28<sup>th</sup> May, 2013, Milton Keynes Council designated a neighbourhood area for Castlethorpe parish for the purpose of preparing a Neighbourhood Plan in accordance with Part Two of the Town and Country Planning (England), Neighbourhood Planning (General) Regulations 2012.

Following the submission of the Castlethorpe Neighbourhood Development Plan to the Council, the plan was publicised and representations were invited. The publicity period ended on 13<sup>th</sup> April 2016.

Milton Keynes Council appointed an independent examiner, Mr Peter Biggers, to review whether the Plan should proceed to referendum.

The examiner's report concludes that, subject to making the modifications recommended by the examiner, the Plan meets the basic conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum.

In respect of the Policy 5, Local Green Spaces, the Examiner has recommended that the Local Green Space designation be removed from Gobbey's Field for the following reasons: "In conclusion therefore in respect of Gobbey's Field I am not satisfied that it has been demonstrated that the field is demonstrably more special to the community than other areas of countryside outside the settlement boundary. The case for designation as Local Green Space in the context of the NPPF and PPG and therefore Basic Condition No 1 has not been sufficiently made and the proposed designation should be removed." (para 6.4.28)

#### **Decision and Reasons**

Table 1 below sets out the recommendations made by the Examiner and Milton Keynes Council's decision as to how to respond to each of them. Milton Keynes Council agrees with all of the Examiner's recommended modifications apart from that in respect of Gobbey's Field under Policy 5, Local Green Spaces.

Since the Examiner's report was received, Castlethorpe Parish Council has undertaken a survey of all residents in the parish to provide additional evidence as to the value that residents place on Gobbey's Field, in support of its proposed designation as a Local Green Space. In view of the new evidence provided by the survey, Milton Keynes Council proposes that Gobbey's Field should remain a Local Green Space in the Castlethorpe Neighbourhood Plan.

As Milton Keynes Council proposes to take a different decision from that recommended by the Examiner in respect of the designation of Gobbey's Field Milton Keynes Council will now notify the persons prescribed under the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations, 2016 and allow a 6 week period for comments. At the end of the consultation period, a further independent examination on the specific matter of Policy 5 and Gobbey's Field may be undertaken if appropriate.

Following the end of the consultation or, upon receipt of the Examiner's report from the examination, Milton Keynes Council will take a decision as to whether the Castlethorpe Neighbourhood Plan will proceed to a referendum.

Table 1 - Modifications to the Castlethorpe Neighbourhood Plan arising from the examination

Examiner's recommendations	MKC comments	Modifications made to the submission draft
Recommendation 1  1A – Move paragraph 5.10 up to follow 5.3 and reword as follows:  "5.4 Implementation of some of the Plan policies will require some planning obligations to be entered intoin order to make the scheme satisfactory in line with paragraphs 173 and 203-205 of the National Planning Policy Framework."  1B - Insert new Section 6 incorporating the remaining parts of the current section 5 entitled 'Community Projects' and with the following introductory paragraph:  "In approaching the issues which the community identified as important it was evident early on that achieving answers to some of them through the policies and proposals of the Neighbourhood Plan would not be possible. The Parish Council therefore has identified a number of community proposals which it will seek to achieve alongside the statutory neighbourhood plan." 6.1 Assets of Community Value	Agreed. These changes improve the clarity of the plan by making it clear that the community social and physical infrastructure projects which CPC wishes to achieve do not form part of the neighbourhood plan.	Move paragraph 5.10 up to follow 5.3 and reword as follows: "5.4 Implementation of some of the Plan policies will require some planning obligations to be entered intoin order to make the scheme satisfactory in line with paragraphs 173 and 203-205 of the National Planning Policy Framework."  Insert new Section 6 incorporating the remaining parts of the current section 5 entitled 'Community Projects' and with the following introductory paragraph: "In approaching the issues which the community identified as important it was evident early on that achieving answers to some of them through the policies and proposals of the Neighbourhood Plan would not be possible. The Parish Council therefore has identified a number of community proposals which it will seek to achieve alongside the statutory neighbourhood plan."  6.1 Assets of Community Value
Furniture		6.3 Infrastructure Projects

6.3 Infrastructure Projects		
Recommendation 2	Agreed, the recommended changes will	Make the following modifications to the Policies
Make the following modifications to the Policies Map:	ensure that the Policies Map is clear and capable to meeting the NPPF requirement	Map: Split the Policies map as follows:
Split the Policies map as follows:	that plans provide a practical basis within which decisions on planning applications	Main map showing Plan Area and
Main map showing Plan Area and location of the village inset plus Balney Grounds and Lodge Farm plus Policies 8 and 9.	can be made.	location of the village inset plus Balney Grounds and Lodge Farm plus Policies 8 and 9.
With Policy 9 show this as a pale coloured shading outside the Castlethorpe inset area.		<ul> <li>With Policy 9 show this as a pale coloured shading outside the Castlethorpe inset area.</li> </ul>
<ul> <li>Ensure the key has both the policy number and what it is showing eg Policy 8 - Cosgrove Leisure Park Access</li> </ul>		<ul> <li>Ensure the key has both the policy number and what it is showing eg Policy</li> <li>Cosgrove Leisure Park Access</li> </ul>
(See also Recommendation 11B regarding the extent and notation for Balney Grounds and Lodge Farm).		<ul> <li>(See also Recommendation 11B regarding the extent and notation for Balney Grounds and Lodge Farm).</li> </ul>
<ul> <li>Prepare an enlarged Castlethorpe village inset on a separate sheet so that it can be read at full A4 size.</li> </ul>		<ul> <li>Prepare an enlarged Castlethorpe village inset on a separate sheet so that it can be read at full A4 size.</li> </ul>
<ul> <li>Ensure that where there is a spatial dimension to any policy it is mapped including the settlement boundary at Policy 1 and the separate character areas at Policy 3 as these are needed to operate the</li> </ul>		<ul> <li>Ensure that where there is a spatial dimension to any policy it is mapped including the settlement boundary at Policy 1 and the separate character areas at Policy 3 as these are needed to</li> </ul>

policies.

- Apply a Policy 9 shading to the area outside the settlement boundary to the edge of the inset box in the same way as on the Main Policies Map
- Add the Castlethorpe Conservation Area boundary to the Castlethorpe inset.
- Change the colour coding so that notations show up well and there is no ambiguity as to which area is involved.
- Ensure the key has both the policy number and what it is showing eg Policy 1 – Castlethorpe development boundary

operate the policies.

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- Add the Castlethorpe Conservation Area boundary to the Castlethorpe inset.
- Change the colour coding so that notations show up well and there is no ambiguity as to which area is involved.
- Ensure the key has both the policy number and what it is showing eg Policy 1 – Castlethorpe development boundary.

#### **Recommendation 3**

3A – Replace the bullet points at paragraph 1.4 with the following:

- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan.
- the making of the neighbourhood plan contributes to the achievement of sustainable development.
- the making of the neighbourhood plan is in general conformity with the strategic

Agreed.

The Examiner's recommended changes remove the potential in confusion over the wording used, for example with regard to the basic conditions and the relationship between the plan and the NPPF.

The modifications correct the wording of the plan with regard to its references to the strategic policies in the Milton Keynes Local Plan. The modifications to paragraph 1.24 ensures that the Plan now correctly expresses the objectives of designating a conservation area.

Replace the bullet points at paragraph 1.4 with the following:

- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan.
- the making of the neighbourhood plan contributes to the achievement of sustainable development.
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for

policies contained in the development plan for the area of the authority.

- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.
- the making of the Neighbourhood Plan is not likely to have a significant effect on a European Site either alone or in combination with other plans or projects.

3B – Revise Paragraph 1.20 bullets to remove Policy S1 and S9 these are not saved.

- Revise paragraph 1.21 to read

"All of the strategic policies of the Local Plan other than S10 above have been superseded by the adopted 2013 Core Strategy......"

3C - Amend paragraph 1.23 3rd sentence to read: "The Parish Council has looked to the evidence informing the emerging Plan:MK in preparing the Neighbourhood Plan"

3D – Amend paragraph 1.24 second sentence to read: "Designation of a conservation area carries with it the responsibility to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

1.25...."

the area of the authority.

- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.
- the making of the Neighbourhood Plan is not likely to have a significant effect on a European Site either alone or in combination with other plans or projects.

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Amend paragraph 1.23 3rd sentence to read: "The Parish Council has looked to the evidence informing the emerging Plan:MK in preparing the Neighbourhood Plan"

Amend paragraph 1.24 second sentence to read: "Designation of a conservation area carries with it the responsibility to pay special attention to the desirability of preserving or enhancing the character or appearance of that

Recommendation 4 Reword the 11th bullet point at paragraph 2.3 to read: "A large majority of residents was hostile to commercial development within the	Agreed. The Examiner sought clarification from the Parish Council and Milton Keynes Council on this matter during the examination and his recommended	area. 1.25"  Reword the 11th bullet point at paragraph 2.3 to read: "A large majority of residents was hostile to commercial development within the settlement boundary."
settlement boundary."	changes ensure that the Plan wording correctly presents the results of the survey.	
Recommendation 5	Agreed.	Reword line 5 of paragraph 5 in the vision to
Reword line 5 of paragraph 5 in the vision to	The modifications ensures that the Plan uses the correct terminology from the	read: "Local Green Spaces for the enjoyment of residents and visitors alike."
read: "Local Green Spaces for the	NPPF.	
enjoyment of residents and visitors alike."		
Recommendation 6 –	Agreed, the modification ensures that para	Replace the wording of the first sentence of
Replace the wording of the first sentence of	4.6 sets a positive vision for how the	Paragraph 4.6 to read: "The purpose of these
Paragraph 4.6 to read: "The purpose of these policies is to shape and direct future change	community could develop and that it accords with the presumption in favour of	policies is to shape and direct future change within Castlethorpe. Policies must be clearly
within Castlethorpe. Policies must be clearly	sustainable development in the NPPF.	written"
written"	·	
Recommendation 7	The modification aids the ease with which	Number the text up to Policy 1 as 4.0.1, 4.0.2
Number the text up to Policy 1 as 4.0.1, 4.0.2	the plan can be read and used.	etc. Then number the Policy 1 section 4.1 and name it Settlement Boundary. Number the
etc. Then number the Policy 1 section 4.1 and		Policy 2 section as 4.2 and name it Housing
name it Settlement Boundary. Number the		Development at Maltings Field etc
Policy 2 section as 4.2 and name it Housing		

Development at Maltings Field etc		
Recommendation 8	Agreed. The modifications ensure that he policy is in compliance with Basic	Insert at the start of paragraph 4.11 new text setting out the rationale for the proposed
<b>8A</b> – Insert at the start of paragraph 4.11 new	conditions 1, 2 and 3.	release of land and revise paragraph 4.12 to set
text setting out the rationale for the proposed		out the sustainability of the option as follows:
release of land and revise paragraph 4.12 to set		"4.11 A high proportion of the Castlethorpe
out the sustainability of the option as follows:		community identified a need for housing in the
		village - particularly smaller, low cost housing
"4.11 A high proportion of the Castlethorpe		and housing available to meet the needs of those
community identified a need for housing in the		wishing to downsize from larger family
village - particularly smaller, low cost housing		properties. The opportunities to provide this
and housing available to meet the needs of		housing within the settlement boundary as
those wishing to downsize from larger family		originally defined in 2005 and revised in 2013
properties. The opportunities to provide this		would be extremely limited and the CNP
housing within the settlement boundary as		proposes a modest housing allocation at
originally defined in 2005 and revised in 2013		Maltings Field on the edge
would be extremely limited and the CNP		
proposes a modest housing allocation at		"4.12 The Maltings Field site has been assessed
Maltings Field on the edge		in terms of its sustainability and found to be the
		more sustainable option of two considered.
"4.12 The Maltings Field site has been assessed		Development would be largely contained by new
in terms of its sustainability and found to be		housing in Paddock Close and Maltings Field, by
the more sustainable option of two considered.		the railway and the boundary hedge along Fox
Development would be largely contained by		Covert Lane. It is well connected by footpaths
new housing in Paddock Close and Maltings		and within walking distance of the services the
Field, by the railway and the boundary hedge		village offers and is an appropriately-scaled
along Fox Covert Lane. It is well connected by		housing site to meet the housing needs of the
footpaths and within walking distance of the		local community in the context of Castlethorpe
services the village offers and is an		and the settlement hierarchy set out in the

appropriately-scaled housing site to meet the housing needs of the local community in the context of Castlethorpe and the settlement hierarchy set out in the MKCS. Given the shortage of smaller houses for starter and downsizer homes within the village it would be expected that two thirds........"

8B – Delete clause v from the policy and replace with the following:

"Where investment in physical and social infrastructure is shown to be necessary as a result of the development and relevant to it this will be secured through a S106 planning obligation which complies with policy CS21 of the Milton Keynes Core Strategy".

8C – Adapt the last section of text at paragraph 4.13 to read :

"Finally the policy also requires that development meets the costs of social and physical infrastructure improvements that are directly related to the development and that this will be secured through a S106 planning obligation."

Delete the rest of the text up to the start of paragraph 4.14.

MKCS. Given the shortage of smaller houses for starter and downsizer homes within the village it would be expected that two thirds......"

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# Delete the rest of the text up to the start of paragraph 4.14.

### Amend clause iii of the policy to read:

"The scheme layout is prepared in consultation with Network Rail and provides for......"

8D – Amend clause iii of the policy to read :  "The scheme layout is prepared in consultation with Network Rail and provides for"		
Policy 3 Design guidance  The operation of the policy depends on the spatial definition of the character areas but the coloured hatching on the Policies Map does not distinguish between Character Area 1 and 2. As such the CNP is not clear and unambiguous as required in the PPG. In order to meet Basic Condition No 1 the Policies Map must be clarified as set out in Recommendation 2 above.	Agreed, the modifications in Recommendation 2 above will ensure that this policy can be properly delivered.	The Changes to be made as per Recommendation 2 above will address this issue.
Recommendation 9  Add at the end of the first sentence to Policy 4 the words:  "and the character and appearance of the Conservation Area"	Agreed. The modification ensures that the impact of any changes to the identified community facilities on the conservation area are fully considered.	Add at the end of the first sentence to Policy 4 the words: "and the character and appearance of the Conservation Area"
Recommendation 10  10A – Revise the last part of the policy to read: "Proposal for development in a Local Green Space will be resisted unless there are very	Agree with Recommendations 10A and 10B.  Agree to the removal of the village green from the list of Local Green Spaces in	Revise the last part of the policy to read: "Proposal for development in a Local Green Space will be resisted unless there are very special circumstances to justify it."

special circumstances to justify it."

**10B** – change the last sentence of paragraph 4.22 to read:

"Once designated the policy will resist all proposals for development other than in very special circumstances"

**10C** - Remove the village green and Gobbey's Field from the list of Local Green Spaces that the CNP designates in policy 5.

**10D** Amend the analysis in respect of the Village Green and Gobbey's Field in Annexe B to indicate that whilst these areas were considered they were not designated as it was not felt that their designation would meet the criteria for Local Green Space set out in the NPPF.

Recommendation 10C and to the consequential change to the analysis for the village green as per Recommendation 10D.

Do not agree with the Recommendations 10C and 10D in respect of the removal of Gobbey's Field from the list of Local Green Spaces and the consequential change to the analysis.

In respect of Gobbey's Field, Milton Keynes Council proposes to take a different decision from the Examiner. The Parish Council has undertaken additional survey work to demonstrate the value of the site to the local community in order to address the Examiner's criticism that "With respect to the second test, ..... Annexe B of the Plan setting out the Local Green Space Assessment of Sites does not present any evidence for the statement that Gobbey's Field is "without doubt the most utilised Green Space in the Parish" and no evidence to substantiate the range of recreation activities reported to take place on it. I have therefore given no weight to these statements. "

Additionally, although the Examiner is

Change the last sentence of paragraph 4.22 to read:

"Once designated the policy will resist all proposals for development other than in very special circumstances"

Remove the village green from the list of Local Green Spaces that the CNP designates in policy 5.

Amend the analysis in respect of the Village Green in Annexe B to indicate that whilst this area was considered it was not designated as it was not felt that its designation would meet the criteria for Local Green Space set out in the NPPF.

correct in his comments at para 6.4.27 that "the site is already outside the settlement boundary and Castlethorpe is not a village identified as one where significant development would be sustainable. In that respect the starting point for assessing any residential development proposal in the future is that it would not be acceptable. Therefore the need for the community to protect the space from development by designating it as Local Green Space is not justified" his statement does not acknowledge the current planning position whereby Milton Keynes Council is unable to demonstrate a 5 year housing land supply, rendering local plan policy S10 out of date.

A full explanation of the council's reasons for this proposed decision and the new evidence provided by Castlethorpe Parish Council is set out in Appendix 1 below.

In accordance with Section 13 (1) of Schedule 4B of the Town and Country Planning Act 1990, Milton Keynes Council therefore proposes to take a different decision to that recommended by the Examiner on the designation of Gobbey's Field as Local Green Space. As a result of

	this there will now follow a 6 week period during which people will be asked for their comments on the council's proposed decision. A further examination on this specific matter might follow if Milton Keynes Council considers that it would be appropriate to do so.	
Policy 6 Car Parking at the Carrington Arms	Agreed, the modifications in	The Changes to be made as per
The operation of the policy is not clear and unambiguous because the Policies Map does not clearly show the extent of the proposed area. Thus the policy is in conflict with the PPG and therefore Basic Condition 1.	Recommendation 2 above will ensure that this policy can be properly delivered.	Recommendation 2 above will address this issue.
The modifications at Recommendation 2 above to the Policies Map will remedy this lack of clarity by ensuring the Castlethorpe inset is enlarged and the colour coding clarified.		
Recommendation 11	Agreed. In the submitted plan, the development	Reword criterion i to read: "they are confined to redevelopment of existing
11A - Reword criterion i to read :	boundary for both Balney Grounds and	buildings or infilling between existing buildings
"they are confined to redevelopment of	Lodge Farm business Park are drawn very	or the development of new build development
existing buildings or infilling between existing buildings or the development of new build	wide. In both respects it would be very difficult to resist major development	immediately adjoining existing buildings."
development immediately adjoining existing	proposals over a wide area of open	Add new criterion iii to read :
buildings."	countryside but this was not the CPC's	"In all cases the scale of new buildings should not
Add any mitarian iii ta mad	intention. If left as is, the policy would	exceed that of existing buildings on the site".
Add new criterion iii to read :	directly conflict with the Framework, Policy	

"In all cases the scale of new buildings should not exceed that of existing buildings on the site".  Reword existing criterion iii and renumber as iv to read:  "Their design conforms with other policies of the development plan and in particular policy 9 of the Castlethorpe Neighbourhood Plan"  11B - Remove the redline boundaries for Balney Grounds and Lodge Farm Business Centre from the policies map and replace with an indicative circle or symbol for policy 7.	E6 of the MKLP and Policy CS9 of the MKCS which sets out the strategy for the rural area, by enabling significant encroachment of development in open countryside.	Reword existing criterion iii and renumber as iv to read:  "Their design conforms with other policies of the development plan and in particular policy 9 of the Castlethorpe Neighbourhood Plan"  Remove the redline boundaries for Balney Grounds and Lodge Farm Business Centre from the policies map and replace with an indicative circle or symbol for policy 7.
Recommendation 12  Replace the wording in line 4 of the policy as follows:  "Castlethorpe as a new vehicular access for customers. The"	Agreed, the change helps to improve the clarity of the policy	Replace the wording in line 4 of the policy as follows:  "Castlethorpe as a new vehicular access for customers. The"
Recommendation 13  Reword the second sentence of the policy as follows:  "Proposals for wind turbines will only be supported where they would not have an	Agreed.  The change brings the policy into line with the NPPF and the Basic Conditions by incorporating greater flexibility.	Reword the second sentence of the policy as follows:  "Proposals for wind turbines will only be supported where they would not have an adverse impact on the landscape of the Parish
adverse impact on the landscape of the Parish and would not adversely affect the significance		and would not adversely affect the significance of the parish's heritage assets and their

of the parish's heritage assets and their		settings."
settings."		
Recommendation 14	Agreed apart from the consequential changes to the text in respect of Gobbey's	Annex A Line 1 Delete the word "report" and replace with the word "plan." The weblink to
<ul> <li>Annex A Line 1 Delete the word "report" and replace with the word "plan." The weblink to the evidence base documents in Annex A at the time of writing this report is</li> </ul>	Field.	the evidence base documents in Annex A at the time of writing this report is not working and should be reactivated.
not working and should be reactivated.		Castlethorpe Neighbourhood Development     Plan Strategic Environmental Assessment
<ul> <li>Castlethorpe Neighbourhood Development Plan Strategic Environmental Assessment Screening Opinion should be included in</li> </ul>		Screening Opinion should be included in the table of evidence base documents.
the table of evidence base documents.		<ul> <li>Annex B – All references to Green Spaces should be changed to Local Green Spaces as</li> </ul>
<ul> <li>Annex B – All references to Green Spaces should be changed to Local Green Spaces</li> </ul>		that is what the assessment is considering.
as that is what the assessment is considering.		Consequential amendments need to be made to the text in respect of the Village Green in the light of Recommendation 10.
Consequential amendments need to be made to the text in respect of the Village		
Green and Gobbey's Field in the light of Recommendation 10.		
Recommendation 15	We agree with the recommendation as to	Referendum area to be based on the
	the referendum area.	Castlethorpe Neighbourhood Area.
I recommend to Milton Keynes Council that the		
Neighbourhood Plan, modified as specified	Before the Plan proceeds to a referendum,	
above, should proceed to a Referendum based	there will be a further consultation period	
on the Castlethorpe Neighbourhood Area as	in respect of the proposed decision to	

designated by the Council on 28 May 2013.	retain the Gobbey's Field Local Green	
	Space.	