

## **Emberton Neighbourhood Plan 2019 - 2031 (Regulation 16 Submission)**

**2<sup>nd</sup> Regulation 16 Submission Version (Consultation period Tuesday 9<sup>th</sup> May 2023 to 5pm on Tuesday 20<sup>th</sup> June 2023)**

**Consultation Response for and on behalf of Acorn (MK) Nurseries and Francis Jackson Homes Ltd.**

### **1.0 Introduction**

1.1 This document, its appendices and the representations within it have been prepared by Paul Johnson MA (Cantab) MA TP MRTPI, Land and Planning Director at Francis Jackson Homes Ltd.

1.2 As per all our previous representations submitted to the Emberton Neighbourhood Plan (ENP), they are submitted jointly for and on behalf of Ian Pretty and Steve Burchmore of Acorn (MK) Nurseries, Emberton, and Francis Jackson Homes Ltd. of Olney.

### **2.0 Background and Previous Representations**

2.1 Acorn (MK) Nurseries and Francis Jackson Homes Ltd. have made various representations previously to: -

- The first Regulation 16 Consultation of the ENP, undertaken between 10<sup>th</sup> March and 21<sup>st</sup> April 2023, our joint representation being submitted to MKCC via e-mail on 4<sup>th</sup> April 2023.

Extensive representations were submitted, including a Legal Opinion from No. 5. Chambers concerning the legality of the submitted ENP and its associated supporting documents at that point, including a total of 9 Appendices.

For the avoidance of all doubt, a copy of the submitted e-mail, that Regulation 16 representation and all of the appendices are attached again along with this submission to ensure they are available for both MKCC and the Examiner;

- 2022 Regulation 14 Consultation Representations – The submitted documents are provided in full as Appendix 5 of the above (initial) Regulation 16 submission, given they had not been referenced in any of the documents submitted to MKCC at that point;
- ‘Call for potential housing sites’ 2021 – Details are provided in Appendix 7 of the above referenced Regulation 16 response as above, for the same reason.

2.2 Emberton Parish Council as the Qualifying Body has since submitted the ENP back to MKCC on 27<sup>th</sup> April 2023, and we are responding to the latest Regulation 16 consultation within the requisite timescales.

2.3 The Examiner is kindly requested to consider all the previous submissions collectively in detail, alongside this latest submission to the second (current) Regulation 16 consultation.

2.4 For the avoidance of all and any doubt, this submission does not supersede, replace or alter anything that has been said to date – but is submitted to MKCC and the Examiner alongside all of the previous representations to highlight the ongoing concerns with the process surrounding the development of the emergent ENP, the disconnect between the proposed policies and evidence base, and its failure to comply with the Basic Conditions.

### **3.0 Request for a Hearing**

3.1 Our original Regulation 16 submission of 4<sup>th</sup> April 2023 highlighted a key legal deficiency in the documents provided in support of the ENP, as submitted by the Qualifying Body to MKCC.

3.2 As a result of this, and as currently set out on the MKCC website,

#### **April 2023**

During the publicity period it was brought to the Council's attention that the Consultation Statement is missing references to submissions made by Francis Jackson Homes Ltd submitted to the Emberton Parish Council in 2022. Therefore the documents submitted to the Local Planning Authority do not comply with regulation 15(2) of the 2012 Regulations in that the Consultation Statement could not be said to summarise the main issues and concerns raised by those parties who were consulted in relation to the draft Neighbourhood Plan.

Therefore, in order to comply with paragraph 6 of Schedule 4B to the 1990 Act the Council has notified Emberton Parish Council that regulation 15 of the 2012 Regulations has not been complied with and as such the Local Planning Authority declines to send the submissions to examination. Milton Keynes has invited Emberton Parish Council to correct the Consultation Statement before considering any fresh submission.

3.3 As a result of the above, various supporting documents have now been revised to address these legal matters. The latest position as reported on the MKCC website is:

#### **May 2023**

Emberton Parish Council resubmitted the Emberton Neighbourhood Plan to Milton Keynes City Council on 27 April 2023. The Consultation Statement and Assessment of Potential Housing Sites has been corrected to reference the issues and concerns raised by Francis Jackson Homes Ltd.

3.4 This response is extremely disappointing and, in our opinion, typical of the processes to date where pseudo-engagement is, and has been, undertaken by the Qualifying Body.

3.5 The legal matters may well have been “corrected” to reference our Call for Sites and Regulation 14 Representations, which until such time as we flagged these deficiencies to MKCC as part of the Regulation 16 consultation process, they had not been fairly recorded, considered, addressed or their existence acknowledged as part of the consultation process by said Qualifying Body.

3.6 However, in “correcting” this – we have never been provided with a reason for their lack of consideration, no explanation for their omission, nor an apology for these ‘omissions’. It is at times difficult to feel that they were not consciously ignored.

- 3.7 Moreover, it highlights an ongoing concern over the lack of genuine engagement by the Qualifying Body with those in the community throughout the process.
- 3.8 Indeed, it is an expectation of Neighbourhood Plans that they should address the issues that are identified through community consultation.
- 3.9 However, by only “correcting” these significant omissions at such a late stage in the plan process i.e. after the plan has been written, it is clear that the representations have never been fairly considered as part of the actual development of the plan. They are now simply backward referenced and readily dismissed at this 11<sup>th</sup> hour due to the state of progress of the plan.
- 3.10 As set out in an e-mail sent to MKCC (which we assumed would be passed back to/discussed with the Qualifying Body) on 19<sup>th</sup> April 2023 (copy attached in full as **Appendix 1.**), we stated,

*“I would very much hope that our ‘missing’ representations, and potentially those of any others too who may have made similar comments that did not make it into the Consultation Statement, are not just fed back into a revised Statement and the NP simply resubmitted on this basis.*

*One would indeed hope, that as a result of this flawed and so-far opaque process, a third point would be at the bottom of that list; that the extensive comments made be genuinely engaged with, considered and taken on board as part of the ongoing development of the NP, and it revised to demonstrate that it has actually been genuinely informed by the consultation process, rather than having a pre-determined outcome already applied.”*

- 3.11 It would appear that those comments have therefore just been ignored, and only referenced, in passing, when it was highlighted by ourselves as part of the previous Regulation 16 consultation. In no way, therefore can these representations be said to have genuinely informed or fed into the development of the ENP now submitted. Any consideration or reference to them has only been made after the plan has been finalised by the Qualifying Body, some months previous.
- 3.12 The NPPG states in relation to Neighbourhood Planning,

“A qualifying body should be inclusive and open in the preparation of its neighbourhood plan or Order and ensure that the wider community:

- is kept fully informed of what is being proposed
- is able to make their views known throughout the process

- has opportunities to be actively involved in shaping the emerging neighbourhood plan or Order
- is made aware of how their views have informed the draft neighbourhood plan or Order.

Paragraph: 047 Reference ID: 41-047-20140306”

3.13 As set out above and in our previous Regulation 16 consultation response throughout, but in particular through our request for a meeting with the Steering Group set out in paragraphs 2.22 to 2.29, we have not been provided opportunity to be “*actively involved in shaping the emerging neighbourhood plan*”.

3.14 We have been in fact kept away from the process – denied a meeting and our extensive written representations ignored – thus never allowed to genuinely shape or inform the plan. When we tried to go further and directly engage, as per the Parish Council minutes extract provided in our earlier Regulation 16 consultation representation (see below), we find out the PC consider there is “*little point in entering into any communication as the plan was where it was*”.

3.74 **Emberton Neighbourhood Plan** – Cllr Markland reported that there wasn’t an update other than to say that it had been circulated for comment. Cllr Duncan asked Ward Cllr Geary whether the Ward Councillors had any comments on the plan. Ward Cllr Geary responded that it looked fine. Cllr Duncan asked if the parish council could now approve it. It was proposed by Cllr White, seconded by Cllr Palmer and unanimously agreed that the Neighbourhood Plan be **approved**. The clerk to notify Town Planning Services that the plan had been approved. **Action: KG.** Cllr White made reference to the email from Francis Jackson Homes. Cllr Markland commented that there was little point in entering into any communication as the plan was where it was and there was also a Certificate of Lawfulness for Acorn Nurseries (MK) in the process. The clerk to respond on this basis. **Action: KG.**

Chairman’s signature                      Date

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3.15 It is at times hard not to feel like there has always been a pre-determined outcome in mind, and the consultation, engagement and narrative is set out to support that – any other alternatives have oddly been ‘missed’, and the ‘corrections’ do little else than satisfy the legal technicality without meaningfully impacting or forming part of the outcome.

3.16 Given the lack of genuine engagement, the views of Francis Jackson Homes and Acorn (MK) Nurseries have never been given fair opportunity to actually inform the

plan. Indeed, it is felt that there has been an “anything but Acorn” mentality in the preparation of the ENP since the new steering group emerged, and this has not been an open, transparent, constructive or inclusive process at all since then.

3.17 The PPG states,

“Where the independent examiner considers it necessary to ensure adequate examination of an issue or to give a person a fair chance to put a case, they must hold a hearing to listen to oral representations about a particular issue.

The subject of a hearing is determined by the independent examiner based on their initial views of the draft plan or Order proposals and any other supporting documents submitted by the qualifying body and the representations received from interested parties.

Paragraph: 056 Reference ID: 41-056-20180222”

and

“Anyone wishing to make a case for an oral hearing should do so as part of a written representation.

Paragraph: 057 Reference ID: 41-057-20140306”

3.18 Given the above, we request that an oral hearing is undertaken to allow fair opportunity be given to the representations made (at both Regulation 14 and previous Regulation 16 consultation stages), and in the hope that all of the considerable time and effort expending in making such representations is not just simply ignored, or passed-over given the plan is so far progressed that it is a ‘done-deal’, or dismissed without fair hearing.

3.19 The reasons for our request for an oral hearing are as follows: -

1. There has been no opportunity to actively engage with or genuinely shape the preparation of the ENP. Our representations were not reported, recorded, included or addressed in the development of the plan. No explanation has ever been given for this.

When this omission was highlighted at the previous Regulation 16 consultation stage to MKCC, the preparation of the plan was already a *fait accompli* – and when pointed

out, only the Consultation Statement and Assessment of Potential Housing Sites have been updated to correct the legal error.

No opportunity to genuinely shape, inform or feed into the plan has ever been provided therefore.

Retrospective revisions to the supporting documents only have been made (the documents are dated “updated April 2023” and “April 2023”), and none of which has informed the actual content nor development of the plan, which is dated February 2023, and thus pre-dates the acknowledgement of those representations. We consider this to be pseudo-consultation, not genuine consultation and engagement.

2. We would like to query with the Qualifying Body if we were the only party whose representations were overlooked in this manner.

The text above (under paragraph 3.2) taken from the MKCC website seems to imply it is only our representations that were not considered. We would like to explore whether this is a widespread issue with the process as a whole that impacted other parties too or else perhaps a more consciously targeted one?

Further, as issues regarding the site appraisals and assessment were raised in the initial Regulation 16 consultation, the submitted documents have been updated in relation to the Acorn site. It is not however clear if any feedback, commentary or other such more meaningful discussion has been provided to any other party. Without that iterative feedback process, the danger is a consultation process that seeks information, and then stays silent on the outcome – without any feedback, reporting or discussion on how it is fed back into the plan/not fed into the plan and why. I cannot see any reference to feedback other than that now added to the Acorn site.

3. A clear disconnect between the evidence base and the resultant plan in terms of the development of greenfield land over previously developed land.

The Village Survey Questionnaire (see page 11 of the April 2023 Consultation Statement), states that 70% of respondents were against “*greenfield/agricultural land made available for new development*”. This is reiterated in paragraph 4.5 of the Regulation 16 version of the ENP.

Indeed, the Site selection methodology section of the Assessment of Potential Housing Sites (April 2023) goes so far as to state in reference to site selection criteria the assessment of the sites has been undertaken, “*applying a clear preference in accordance with the National Planning Policy Framework (NPPF) and the wishes of the community, for new housing to be location on previously developed land (Brownfield sites), over and above greenfield development*”.

Why then, does the ENP seek to allocate 1 small site for housing (Policy H3) and otherwise include additional garden land within Policy H1, allegedly for additional housing, when such gardens are defined as greenfield sites within the NPPF?

4. A clear disconnect between the evidence base and the resultant plan in terms of the nature of the proposed housing allocation in Policy H3.

Policy H3 seeks to allocated land at Harvey Drive. However, the site is incapable of providing any housing on the frontage, so land is set to the rear of the allocated site with existing housing to the front. It therefore represents ‘back land’ development.

This approach is not supported by evidence in the Questionnaire. Para 3.31 of the April 2023 Consultation Statement which refers to Q2.9 queries the use of use of “undeveloped infill sites”. Infilling is exactly that, filling in a gap in a frontage, not putting housing development to the rear of existing housing.

As such, this proposed allocation lacks justification and support from the questionnaire/evidence base and thus the community as a whole.

5. In choosing to prioritise greenfield, garden land (and in the case of the proposed housing allocation, this is on a back land site too as above – once known as ‘garden grabbing’) above previously developed land, the ENP fails the Basic Conditions by failing to accord with national planning policy on prioritising and making the best use of previously developed land in both urban and rural areas.

The NPPF specifically excludes garden land (as per the proposed Policy H3 and housing allocation and modestly extended development boundary proposed in Policy H1) from the definition of Previously Developed Land, as below:



## **Previously developed land**

Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

Both the proposed housing allocation policy (H3) and extended settlement boundary strategy (Policy H1) for this purpose are therefore contrary to paragraph 71 of the NPPF, as they do not seek to resist the inappropriate development of residential gardens. Instead, the ENP seeks to prioritise their development over a genuine previously developed site in the village (the Acorn (MK) Nurseries site).

The NPPF instead strongly encourages the best use of previously developed land at paragraphs 119, 120 and 85, in rural areas such as this, and specifically notes that these may well be adjacent to or beyond existing settlements. Such opportunities and policy have not been followed with the proposed housing strategy in the ENP as drafted, which therefore fails the Basic Conditions test accordingly.

6. Strategic policies in the NPPF and Plan:MK do not rule out the potential allocation or development of the Acorn (MK) Nurseries site.

Whilst it is and has always been acknowledged the site currently sits within Open Countryside, it has a Certificate of Lawfulness confirming it is a retail use, and thus represents previously developed land, that is well related to the built form of the settlement.

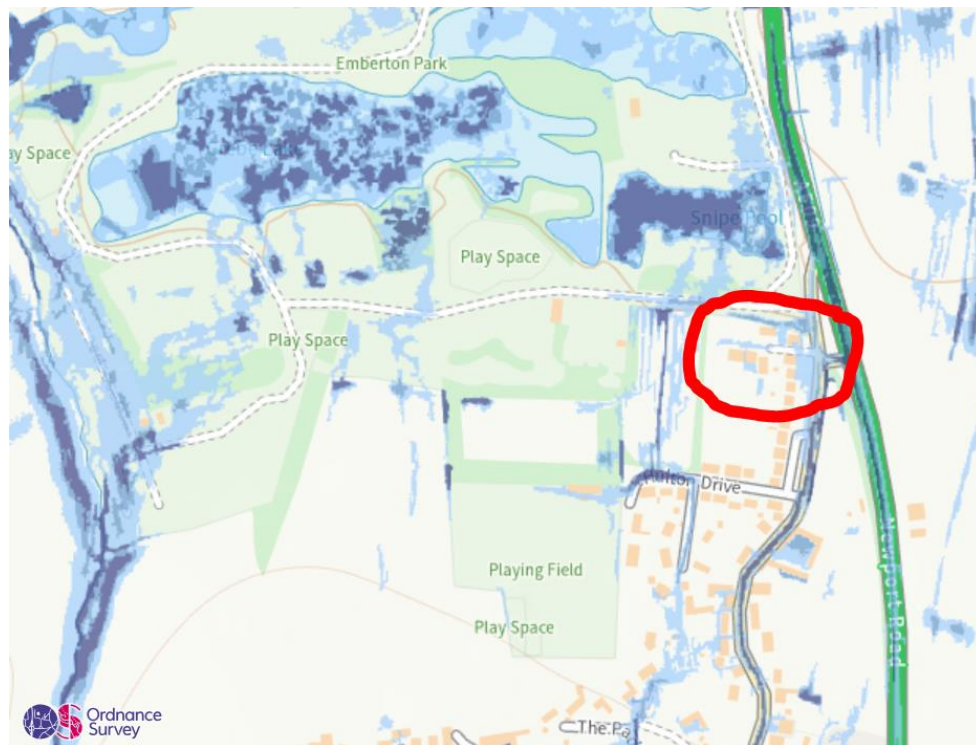
At a sub-strategic level it is wholly within the behest of the ENP to include such a site within the village development boundary, as the 2020 draft Regulation 14 consultation version of the ENP did. To repeatedly state the Acorn site is located within open countryside and is therefore unsuitable for development fails to recognise the ENP has

within its power scope to revise that at a sub-strategic level, as it has indeed done in terms of the current proposed Policy H3 allocation.

7. None of the extended Development Boundary areas as set out in Policy H1 (garden land – again, contrary to paragraph 71 of the NPPF) are accessible. Their inclusion, without any form of access is not positive planning, as if there is no meaningful prospect of the land being accessed to provide “infill opportunities”, this policy is not genuinely positively prepared as there can be no housing delivery.

If such sites were ever able to come forward, they too would not be ‘infilling’ but further garden grabbing on back land sites to the rear of existing housing. It is therefore unclear how this policy would operate at a development management level on this basis, and neither is it, in our view, what the community would consider acceptable based upon our review of the Consultation Statement.

8. The Harvey Drive Allocation (Policy H3) is only accessible by an area at risk of surface water flooding, as per the Environment Agency surface water flood mapping extract plan below.



Extent of flooding from surface water

● High ● Medium ● Low ○ Very low ⊕ Location you selected

This proposed allocation therefore fails the Basic Condition Tests as it is contrary to the NPPF, which states at paragraph 162,

**162.** The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

In this instance, the site and access to it is not within the lowest risk of flooding from any source.

There is other land available (including the Acorn (MK) Nurseries site) that is at a lower risk of flooding and where SuDS can be properly incorporated and managed on site to improve flood risk resilience, not expose more residents to it.

As this flooding mostly impacts the access to the proposed housing allocation site, there is no way to mitigate this or avoid this area within a comprehensive manner as could be planned for on a larger site. The access is the access and people will need to use this in an emergency by foot and with vehicles. With additional factoring to be included for climate change, this situation is only likely to worsen. We do not consider this to be good planning and it also clearly fails the Basic Conditions test accordingly.

The NPPF expressly states that “*development should not be allocated or permitted if there are reasonably available sites for the proposed development in areas with lower risk of flooding*”. As there are such sites available at lower risk, the proposed Policy H3 site should not proceed or be allocated on this basis, or else it would be contrary to the NPPF.

As such, the Plan fails the Basic Conditions on 2 grounds – 1. it fails to comply with national planning policy and 2. the proposed housing allocation does not contribute to the achievement of sustainable development by seeking to deliver development that could put property and residents at risk, and which is likely to only worsen through time with climate change.

9. Proposed Policy H2 as drafted is far more restrictive than Plan:MK policy on infilling, it adding the words, “*a limited number of new homes*”. This is contrary to the NPPF

which seeks to boost the supply of housing (paragraph 60) and ensure that Neighbourhoods Plans do not undermine strategic plans (paragraph 29).

The NPPG confirms,

National planning policy states that it should support the strategic development needs set out in strategic policies for the area, plan positively to support local development and should not promote less development than set out in the strategic policies (see [paragraph 13](#) and [paragraph 29](#) of the National Planning Policy Framework). Nor should it be used to constrain the delivery of a strategic site allocated for development in the local plan or spatial development strategy.

Paragraph: 044 Reference ID: 41-044-20190509

The phrasing in the ENP is less positively prepared than policies DS1 and DS2 of Plan:MK, neither of which seek to limit developed to “small scale”, and so are more restrictive. Policy DS2 in fact refers to small and medium scale development at villages such as Emberton being acceptable.

These higher tier development plans do not restrict housing to a low level or a ‘limited number’, and both they and the NPPF provide opportunities for housing both within and well related to such settlements. The ENP fails the Basic Conditions Test on the basis it does not comply with paragraph 29 of the NPPF by undermining and being more restrictive than the higher tier development plan policies.

10. In the midst of a national housing crisis, we have raised significant concerns previously (see previous Regulation 16 response) over the housing “need” figure being 1 dwelling over the entire plan period for Emberton, and on the lack of a genuine local level assessment of need at the present time, not one based on historic trends, but an actual survey of local needs.

11. There is not a single reference within the February 2023 Regulation 16 version of the ENP itself to ‘Affordable Housing’.

This is remarkable given it is referenced extensively in the Consultation Statement as a desire/need of the community.

Once again, there is a significant disconnect between the evidence base and the proposed plan and its (lack of a) specific policy. How can this be? Why has it not even

been discussed in the Plan itself? Is the plan really therefore effectively engaging with and being informed by the aspirations of the community when it is so silent on this key matter?

Further, the Regulation 14 2020 consultation draft of the ENP noted that:

## Objectives

- To ensure that any development provides Affordable Housing as our number one priority

and

## Key findings from the Consultation

3.9 The key findings from the consultation were:

- The countryside surrounding the village should be protected from development
- There is a need for new homes in the village
- New homes should be affordable and provide a mix of house types and tenures
- Support was expressed for up to 10 new homes, beyond this level there were more responses in disagreement
- Housing should ideally be located within the existing settlement on infill sites or brownfield land
- Housing should be high quality, efficient and respect the character of the village
- Vehicle speeds should be slowed with traffic calming measures
- Existing green spaces, local wildlife and habitats should be protected

How can the same evidence base, and indeed, same questionnaire, go from informing a plan where providing Affordable Housing was “our number one priority”, to now being totally silent on this matter?

Further, we query whether the plan is genuinely positively prepared on this basis (as required by NPPF paragraph 35), is responsive to local circumstances (the questionnaire would imply this is a key local circumstance as per paragraph 79 of the NPPF) and meet community needs (as required by NPPF paragraphs 66 and 67). As drafted, the ENP does none of this and fails to engage with this matter at all that is raised various times by consultees and residents.

At a public meeting recently there was a strongly voiced call for affordable housing from the floor and the PC have been criticised for not listening. The same appears to be the case here as part of the ENP where this issue has been dropped altogether.

12. We consider the Housing Needs Assessment is now of notable age and is therefore not representative of up to date evidence suitable enough to inform an accurate plan.

Furthermore, it states:

### Local Affordable Housing – Registered Need

- 6.8 Enquires have been made to Milton Keynes Council to determine if they have a registered need for housing in Emberton Parish. The Council do not keep records or information for rural areas that would allow a demand to be demonstrated.

- 6.9 Specifically, their response indicated that:

*"I do not have specific demand for rural areas or any data demonstrating demand, however what I do know from experience is that all rural areas pose difficulties, transport plays a big part, higher education, local amenities etc. They can also create isolation for the elderly, and we assist by moving into sheltered schemes."*

*(Milton Keynes, Housing and Regeneration)*

Not keeping records or information about the rural areas is not a demonstration of a lack of need. It simply represents a lack of recording.

It is otherwise totally silent on the evidence of genuine housing need, both within this Parish, but the wider rural area of MKCC. As noted, in the midst of a national housing crisis, it is hard to see there can be 'no need'. Certainly the village survey flags in a number of instances the need for more affordable housing for young families and young adults to help them gain access to the village and to support it.

The issues surrounding the provision of rural affordable housing are well known, but such housing does come forward in villages such as Emberton and the points raised do not obviate the lack of evidence of need in this specific parish.

#### **4.0 Specific responses to the updated Consultation Statement (April 2023) and Assessment of Potential Housing Sites (Updated April 2023)**

- 4.1 On 20<sup>th</sup> April 2023, we wrote to MKCC as part of our follow up response to the initial Regulation 16 consultation when we became aware of the fact that the site assessments in the then submitted version of the Assessment of Potential Housing Sites document had been changed, retrospectively, over those seen by the public, including ourselves, in previous versions of the plan.
- 4.2 The concern was that the process creates a false narrative, and is not clear to anyone new picking up the document and trying to understand the chronology (as the Examiner will have to).
- 4.3 Our e-mail of 20<sup>th</sup> April 2023 is attached in full as **Appendix 4**. for the complete avoidance of doubt.
- 4.4 Looking at each of the now updated documents in turn, we note that the original assessment has been reinstated into the chronology, which is helpful and goes some way to addressing our concerns.
- 4.5 However, we remain concerned that even when various errors were flagged to the Qualifying Body as part of the previous Regulation 16 consultation, and the above 2 documents updated accordingly, there is an element of retained inertia/incorrect information.
- 4.6 We wish to specifically raise the query as to why this is the case – we are concerned that it may be to support a false narrative about the nature of the Acorn (MK) site as a horticultural nursery (making it a greenfield site) and that of the Harvey Drive allocation as representing previously developed land to justify the inclusion of the Harvey Drive site within the ENP – however, it is a matter of public record that neither of these statements are true (which we set out above and below).
- 4.7 Via our e-mail of 20<sup>th</sup> April 2023 we have provided MKCC with evidence of the land use of the Acorn (MK) Nurseries site, plus the lack of objection of Highways grounds – however the supporting ENP documents have not been updated to reflect this and thus they still perpetuate false information.
- 4.8 It would be contrary to the rule of natural justice for the ENP to proceed on this basis and lead the community to believe that the potential housing allocation site they may

be voting for is the only option, or that it represents previously developed land, when it does not.

### **Assessment of Potential Housing Sites (Updated April 2023)**

4.9 This continues to state: -

#### **Site selection methodology**

When considering locations for new development, an assessment of potential options around the village has been undertaken. The sites were assessed on a comparative basis against the following consistent criteria:

- Applying a clear preference in accordance with the National Planning Policy Framework (NPPF) and the wishes of the community, for new housing to be located on previously developed land (brownfield sites), over and above greenfield development.

4.10 Looking at the assessment under “Site Ref 005/2018 Initial Assessment” – this confirms the Acorn Nursery site is Previously Developed Land.

4.11 The later “Site Ref 005/2018 (2020 Post Consultation Revised Assessment)” then changes this to Greenfield land without explanation. We have highlighted this in our previous Regulation 16 consultation response, however, this has not been corrected and is misleading.

4.12 The attached Certificate of Lawful Use as **Appendix 2**, also provided previously, confirms the land use and previously developed nature of the Acorn site.

4.13 Discussion on the site being ‘contrary to Plan:MK’ is considered above in the previous Regulation 16 response.

4.14 Plan:MK envisages small and medium scale development in villages such as Emberton. The site has always been promoted for “up to 40 dwellings” and we sought to meet with the PC to discuss the quantum, but no meeting was ever forthcoming. As such, statements such as

*“the scale of the development being proposed exceeding the amount that the Steering Group felt the village would support at referendum.”*

and

*“The site was not a favoured choice amongst the Steering Group”*



show that these are indeed the views of the steering group, and quantum should not be used against the proposals for the Acorn site accordingly.

- 4.15 We also find statements such as “*MKCC Highways had also commented on the highways aspects of the scheme and had raised concerns*” misleading under “Site Ref 005/2018 (Post Consultation Revised Assessment)”.
- 4.16 No objection from MKCC Highways to the Acorn site has been provided to the Neighbourhood Planning process – there are comments, suggestions and points, but no ‘objection’.
- 4.17 We also strongly disagree with the statement, “*The revised assessment of the site should have been retitled 2020, but at the time, this was not considered an issue. This assessment was carried over into the 2021 assessment of sites, shown below as site 003/2021.*”
- 4.18 However, this is not the case, as the 003/2021 assessment is far from being a carry over of the 005/2018 (2020 Post Consultation Revised Assessment) information, and in fact introduces a whole new raft of comments and material.
- 4.19 Indeed with reference to assessment 003/2021, this still incorrectly states the site is greenfield and now adds in “MKC Highways have objected, unsustainable location”. As such, this is neither a “carry over as stated” as new statements are added in making the situation seem worse than it is, and as stated, no objection from MKCC Highways to the Acorn site has been provided to the Neighbourhood Planning process – there is no evidence as part of the ENP that MKCC Highways have “objected”.
- 4.20 As part of planning application reference 23/00342/OUT for up to 29 Dwellings on the Acorn (MK) Nurseries site, and as of 12.04.2023, there are no Highways Objections to the residential development of the site for up to 29 dwellings – and as stated therein, “pedestrian access is now acceptable”, and “a safe crossing can be provided”. A copy of these comments are provided in full as **Appendix 3**.
- 4.21 These comments accord with the original Highways comments received in relation to the 2018 site assessment. The statements in relation to Highways in the Updated April 2023 Assessment of Potential Housing Sites in 003/2021 and 005/2018 (2020 revision) therefore lack factual basis on the basis of this evidence – all provided to MKCC and within the public domain. Why is the Qualifying Body just ignoring them?
- 4.22 Similarly, we have significant concerns that the assessment in relation to the Harvey Drive site is also misleading.

4.23 This is garden land, as confirmed on the final page of the document: -

### *Land off Harvey Drive*

Land off Harvey Drive has been included as an allocation for two dwellings. The site is well related to the village and recreation area and development here would not have an adverse impact on any heritage assets, including listed buildings and the Conservation Area. The dwellings would have to be sensitively designed and orientated to protect neighbouring amenity, which could also be preserved through new landscaping. The site is already in residential use as garden land and was partly within the existing development boundary, which has been revised to include the whole site.

- 4.24 Not only does this show how a site can be revised to be within or without the settlement boundary and thus open countryside or not, but also confirms the land use – residential garden land. As cited above, the NPPF confirms such land is greenfield land.
- 4.25 The village questionnaire does not support the development of greenfield land, and the site assessment is also misleading in stating such land is “previously developed” when it is clear it is not.
- 4.26 Flood risk is not “very low” over the site access as per the EA map extract above, and 300mm is a notable risk for residents sharing an already constrained access such as this.
- 4.27 Finally, it is disappointing that only by challenging the ENP in the previous Regulation 16 process have any “workings been shown”. It is notable that there is no other commentary on any of the other sites. Someone picking this plan up with fresh eye would have no idea of the processes to date as it stands.

### **Consultation Statement (April 2023)**

- 4.28 This document has also been updated to include the ‘missing’ representations made jointly by ourselves previously. We comment, where relevant, on the dialogue presented as below.

January 2021 Regulation 14 Consultation

<p>Acorn Nurseries (Representation submitted to the 'Call for Sites, November 2021')</p>	<p>The site was the proposed village housing allocation in the 2020 Regulation 14 version of the Neighbourhood Plan. We consider that the proposed allocation demonstrates the site can be supported, and offers significant advantages over other sites in this 'call for sites' process.</p> <p>Exceptionally and uniquely the site provides the opportunity for a genuinely mixed tenure market/affordable housing scheme to deliver a step change in Affordable Housing Provision within the Parish with a range of housing sizes, types and tenures to help deliver a</p>	<p>The site was put forward in the first draft of the Neighbourhood Plan to gauge reaction. It was a proposal at that time and as explained in this statement, it quickly became evident that the scale of the proposal and its location within the countryside was contentious and would not be supported by residents, particularly those living in Petsoe End.</p>
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4.29 We query why the views of the residents of Petsoe End are given so much weight in this process? We note in the same consultation period, there is support for the Acorn Site and its exclusion is queried by others too.

4.30 As the Steering Group consider that anything east of the A509 is not part of Emberton, should some of the residents of Petsoe End be allowed to have such a strong influence on a village wide plan?

Respondent	Summary of Comment	Actions for NP
	<p>Development of the scale proposed would support existing village services (including the bus service) and could be decisive in securing the ongoing vitality and viability of the recently saved Community Pub and the new Children's Nursery.</p> <p>Development of this scale will help support the vitality of the village as a whole and help support the 'one community stance advocated</p>	<p>Not disputed, however the scale of the development was questioned in responses to the consultant and it is evident from discussions at the consultation event that this scale of development would not be supported.</p>

4.31 Scale has always been a matter open for debate – proposals have been reduced down from 41 to 29 dwellings . In all instances, these have been “up to” figures. In our approaches to the PC for a meeting, quantum was noted as being up for discussion (our e-mail of 1<sup>st</sup> April 2022 provided previously refers) but as we were not given opportunity to engage, it is frustrating to have this thrown back at us.

4.32 Paragraph 3.32 of the Consultation Statement referencing Q2.10 of the Questionnaire refers to the scale of development that residents would be prepared to see built.

- 4.33 28.2% support 1 to 10 dwellings. None is not a possibility as that would be far more restrictive than the strategic policies of Plan:MK and would undermine the objectives of that higher tier plan being contrary to NPPF paragraph 29.
- 4.34 However, 47.3% would be prepared to see more than 10 dwellings built – in line with the ‘small to medium’ scale permissible within Plan:MK in such settlements. As such, we feel these comments are again without basis and the plan does not reflect the needs, aspirations or quantum of housing that the community would be happy to accept.

This is a sustainable site accessible by a range of transport modes, including foot and cycle, being located off a signed Cycle Route. It is closer to Olney Market Square than some parts of the new housing being built in Olney at the northern end of the Town,

This site is remote from the main part of the village and is on the other side of the busy A509.

- 4.35 There are 22 dwellings already located on the east side of the A509 – saying it is remote makes it sound as if it sits away from anything when it is well related to the existing houses that form the eastern part of the village at the present time. There are existing crossings (2 no.) on the A509 that are clearly used and the proposals for the development at Acorn provide notable planning gain in the form of enhanced footway/Redway provision, a controlled crossing and the provision of better footway and cycle access for existing residents also.

It makes the best use of land that has previous development, buildings and hard-standing upon it, and a new, safe access will be provided.

The site is a horticultural nursery.

- 4.36 The above response was only provided in April 2023 when these representations were acknowledged by MKCC and the Qualifying Body as being ‘missing’.
- 4.37 As such, it is totally unfair and unreasonable in light of the Certificate of Lawful Use that exists for this site and has been provided back to the LPA (see **Appendix 2.**), to still state this is a horticultural nursery when it is a fact, known well in advance of April 2023, that it is not. The Acorn (MK) Nurseries site has a permitted use a retail garden



• Has a robust independent assessment of future demographics and Objectively Assessed Housing Needs been undertaken for the Parish by MKC to guide target housing numbers with a genuine level of provision that can stand up to scrutiny - that is not based solely on past building in-fill trends which are naturally diminishing?

MKCC have allocated housing need figures to the villages based on the number of completions already delivered within the rural area.

4.39 MKCC have not provided a housing need figure. They have provided a “*briefing note as an interim position to provide an indicative housing figure*” (paragraph 4.3 of the Regulation 15 Submission ENP). When does that cease to be an interim figure? It is interim until when? This is only an indicative figure. Surely for a plan to be robust and help meet those in need, we need to work with more concrete data than this.

4.40 Equally, as above, there is no evidence of housing need as records are not kept. Housing need should be based on current, up to date information, demographics and survey questionnaire results concerning needs, and be a forward looking, positively prepared analysis. Purely focussing on previous trends is not robust, evidence based or thorough enough for this important matter.

With regards to the relationship to the existing village, it is wholly at the behest of the Neighbourhood Plan process itself to set a new/revised/appropriate development boundary for the village.

As such, this is in effect a self-defeating criteria, as the Steering Group and community could revise this as part of the NP process.

Indeed, various Regulation 14 versions of the plan have been produced and the 2020 Regulation 14 consultation version included the dwellings that in reality are, and always have been, part of Emberton village but are now east of the A509 within a revised settlement boundary - see plan extract below.

Agreed, the boundary has been reviewed in detail by the Steering Group, who felt it should now relate more closely to the MKCC version in Plan:MK and the built area of Emberton village itself, excluding the countryside beyond the A509.

4.41 These again are the views of the Steering Group only. Are the Steering Group saying that the 22 houses beyond the A509 are not part of the village? Or that the road sign that states “Emberton” on the Newton Road should be relocated to the west side of the A509 instead? We consider that this approach is quite a restrictive one – ignoring the fact that new housing has been built within Emberton on the east side of the A509 in

recent years, and choosing a more restrictive, constraining approach toward housing development rather than looking to maximise the opportunities arising from the site such as crossing improvements that would be possible to help existing residents, not just new ones from any redevelopment of the Acorn site.

We feel a more balanced and objective assessment needs to be undertaken to ensure that all sites are fairly assessed, and can be considered in terms of their constraints and opportunities in a transparent, comparable and evidentially ranked basis, without any restrictive, prescriptive or unduly pre-determinative criteria/filtering.

In other Neighbourhood Plans in which we have been involved, the 'call for sites' process, and subsequent site assessment, has been undertaken by a professional independent organisation e.g. AECOM - this ensures a genuinely independent assessment of sites and their ranking.

first proposed in the consultation draft NP would have been a more radical departure from the adopted settlement boundary.

The approach we have taken is based upon the sound planning judgement of limiting growth to the existing settlement or edge of the existing settlement, not extending into the open countryside.

4.42 Again, we are concerned that the plan is really seeking to limit growth, not facilitate or support it. We do not feel this is positive planning, or genuinely planning to meet the needs of the local community, rather to restrict growth and do the least amount possible.

Regarding the Acorn Nurseries site, the Highway to the front of the site is a signed cycle route. It thus demonstrates MKC Council consider the site is accessible to/by this sustainable transport mode, and as part of a package of improvements facilitated by any development of the site, works could be undertaken to upgrade the pedestrian crossing point/s on the A509. This will ensure the site is also safely accessible to and by pedestrians to the centre of the village.

There are therefore wider community benefits to the numerous existing residents on the east side of the A509 that nevertheless live within the village of Emberton. Development on the Acorn Nurseries site would actually have wider benefits to not only future occupiers, but existing ones, in terms of a betterment to the "access to the facilities and centre of the village". This should be given weight in the assessment exercise.

movement, such as the A509.

But the A509 is a barrier to movement, for children for example.

- 4.43 Highways have not objected the scheme, and indeed in relation to our planning application for 29 houses have stated, “*pedestrian access is now acceptable*”, and “*a safe crossing can be provided*”.
- 4.44 It must be remembered there are 22 existing houses on the east side of the A509 (and a lot more residents than 22) that are part of the existing form and fabric of the village. People do manage to cross roads, including this one, every day, and development of the Acorn site has significant planning gain opportunities by providing enhanced foot and cycle provision for all of the properties, as well as a controlled crossing point on the A509 – a significant and demonstrable benefit that would not be able to be funded without the development.

<p>Finally, the criteria fail to mention the best use of previously developed land. Government Policy has a strong presumption in favour of such sites coming forward. In this instance, whether it be on a Planning or common sense basis - the site has a range of structures and buildings on it, and is otherwise laid to hard standing. A Certificate of Lawful Use is being prepared to confirm this position with MKC.</p> <p>It seems illogical to the landowners and ourselves that any genuine greenfield site could be deemed preferential in the above context over a site which has existing features, structures and development already upon it, such as the Acorn Nurseries site.</p>	<p>The Steering Group following feedback from residents to earlier consultation decided not to pursue your site and to seek a direction for the plan that met the expectations of the parish residents in terms of the number of houses and their location. Developing 40+ houses in the open countryside did not fit with those wishes.</p>
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- 4.45 The quantum of housing at 40+ was that originally put forward by the Steering Group as part of the development of the plan.
- 4.46 We have at several times since then sought to reduce the quantum to ensure all of the other planning and material considerations can be provided on site to the benefit of the wider proposals and to discuss this with the Steering Group to no avail.
- 4.47 The quantum of development that may be acceptable to the wider community has been discussed above, however, the statistics do not support this statement. 40+ houses are no longer proposed – with up to 29 no. being the latest proposal which the Parish Council/Qualifying Body are well aware of.



## May 2022 Regulation 14 Consultation

Indeed, since 2018, there have been 33 property transactions in Emberton, indicating that since these questionnaires were undertaken, there has been a change in the population within the village, equating to approximately 11% of households.

For the Neighbourhood Plan, which is still only at Regulation 14 consultation stage, to genuinely meet the needs and aspirations of the local community, given the huge shifts affecting the residents lives in the intervening 4 /z year period, we consider an updated questionnaire and/or community engagement/fact finding exercise should be undertaken to ensure the plan is sound, up to date (thus still relevant), is evidence based on up-to-date views of the households living there today, and meets the genuine aspirations of the residents of the village as whole now.

not ambitious enough.

This is blatantly a delaying tactic trying to rewind the progress the NP has made, and allowing the Acorn Nursery development planning application to progress to a determination.

That application was made despite the NP changing direction and it being made clear that the Acorn site was not favoured.

- 4.48 The representations cited above were made to the May 2022 Regulation 14 Consultation when there was no planning application running. As such, they make no sense within the context of their submission date.
- 4.49 It is only because the Qualifying Body did not engage with them as they should have done at the time, that such comments are being looked at at this time (and thus out of context), and thus are totally out of kilter with the chronology of the plan. As such, we take issue with this unhelpful statement that does little to progress the ENP.
- 4.50 It is perfectly legitimate to query the age of the Questionnaire as it is cited by the Qualifying Body throughout the ENP and its supporting documents. For a plan to genuinely reflect local needs, aspirations and desires, surely that evidence base should be up to date?
- 4.51 As it stands, the Questionnaire it is now already over 5 years old (or 38.5% through the proposed plan period to put it another way), and a statistically significant number of households (11% and growing) have changed hands since that time. The world has moved on a lot in the last 5 years with COVID, war in Ukraine, significant energy crises, cost of living issues, etc. – just skirting over that and pretending everything is as it was 5 and a bit years ago seems rather simplistic, and as so much weight is put upon that data, it needs to be accurate and up to date. Without that, the whole evidential basis of the plan is brought into question.

	There is no guarantee that such an approach will deliver any housing whatsoever. As such, is the plan positively prepared and will the aspiration of	It is.
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Respondent	Summary of Comment	Actions for NP
	the plan to deliver around 10 dwellings over the plan be met?	

- 4.52 Saying, “it is” does not justify how there is a guarantee the plan will deliver any houses at all. There is no reasoning behind this, no justification or logic given.
- 4.53 For the collective reasons set out above, we consider the plan seeks to restrict growth to the least amount possible, and the addition of some rear garden areas is both contrary to the NPPF and is not actually positively prepared, as these areas are undevelopable for housing in any event as there is no access to them.

**5.0 Conclusion**

- 5.1 We respectfully ask the Examiner to consider all of the above in their assessment and consideration of the ENP.
- 5.2 We request a Hearing as for the reasons set out above; we have not been provided with a fair opportunity to engage with or genuinely shape this plan, we feel the ‘evidence’ is still incorrect, the conclusions are not in accord with the NPPF nor higher tier development plan, will not deliver any housing (and certainly no affordable housing), and we feel the conclusions reached are flawed, not representing what the wider community have said.

## Paul Johnson

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**From:** Paul Johnson  
**Sent:** 19 April 2023 17:44  
**To:** David Blandamer  
**Cc:** Land  
**Subject:** RE: Emberton Neighbourhood Plan - URGENT LEGAL OPINION IN RELATION TO THE REGULATION 15 SUBMISSION and Representations to Regulation 16 Consultation

Dear David,

Thank you very much for your response below – a copy of which I have passed back to No. 5. Chambers for their immediate review and comment.

The contents are therefore duly noted.

In addition to the 2 points below, I would very much hope that our 'missing' representations, and potentially those of any others too who may have made similar comments that did not make it into the Consultation Statement, are not just fed back into a revised Statement and the NP simply resubmitted on this basis. One would indeed hope, that as a result of this flawed and so-far opaque process, a third point would be at the bottom of that list; that the extensive comments made be genuinely engaged with, considered and taken on board as part of the ongoing development of the NP, and it revised to demonstrate that it has actually been genuinely informed by the consultation process, rather than having a pre-determined outcome already applied.

In addition to the above, since our original representations were made, other matters have come to light with regards to the submission pack presented by the PC.

I will provide further feedback tomorrow with regards to the Assessment of Potential Housing Sites Document, dated May 2022, which seems to now present a false alternative narrative to the site assessment reference 005/2018 within said document. Whilst purporting to be the assessment of the site from the 2018 site assessment process, this has been modified in the current document compared to the same assessment provided in the 2020 version of the NP, and rather like we warn about above, shows a potentially restrictive and definitely retrospective set of criteria being applied which simply were not at the time, and for whatever reason, seek to paint the site in a less favourable manner. It is certainly is a very different assessment of the site to the one actually undertaken and presented to the Public in 2020.

We watch and wait with great interest. Thank you once again for your time and assistance with this matter.

Kind regards,

Paul

---

**From:** David Blandamer <David.Blandamer@Milton-keynes.gov.uk>  
**Sent:** Wednesday, April 19, 2023 4:54 PM  
**To:** Paul Johnson <paul@francisjackson.co.uk>  
**Cc:** Land <Land@francisjackson.co.uk>  
**Subject:** RE: Emberton Neighbourhood Plan - URGENT LEGAL OPINION IN RELATION TO THE REGULATION 15 SUBMISSION and Representations to Regulation 16 Consultation

Dear Paul

Although a Consultation Statement was provided to the Local Planning Authority (LPA) by Emberton Parish Council, the LPA is aware that this Consultation Statement is missing references to submissions made in relation to that

consultation in that it does not reference the issues and concerns raised by Francis Jackson Homes Ltd submitted to Emberton Parish Council in 2022. Therefore, the documents submitted to the LPA cannot comply with regulation 15(2) of the 2012 Regs, in that the Consultation Statement cannot be said to summarise the main issues and concerns raised by those parties who were consulted in relation to the draft Neighbourhood Plan.

Therefore, in order to comply with paragraph 6 of Schedule 4B to the Town and Country Planning Act 1990, the Director of Planning and Placemaking has made the following decision under delegated powers, to:

1. Notify Emberton Parish Council that Regulation 15 of the 2012 Regs has not been complied with and decline to send the Submission Plan to examination
2. Invite Emberton Parish Council to correct the Consultation Statement before resubmitting the Neighbourhood Plan

Regards  
David

David Blandamer  
Senior Urban Designer

To speak with me use Microsoft Teams or call me on 01908 254836

Milton Keynes City Council | Civic | 1 Saxon Gate East | Milton Keynes | MK9 3EJ  
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---

**From:** Paul Johnson <[paul@francisjackson.co.uk](mailto:paul@francisjackson.co.uk)>  
**Sent:** 17 April 2023 16:01  
**To:** David Blandamer <[David.Blandamer@Milton-keynes.gov.uk](mailto:David.Blandamer@Milton-keynes.gov.uk)>  
**Cc:** Land <[Land@francisjackson.co.uk](mailto:Land@francisjackson.co.uk)>; Neighbourhood Planning <[neighbourhoodplanning@milton-keynes.gov.uk](mailto:neighbourhoodplanning@milton-keynes.gov.uk)>  
**Subject:** [EXT]RE: Emberton Neighbourhood Plan - URGENT LEGAL OPINION IN RELATION TO THE REGULATION 15 SUBMISSION and Representations to Regulation 16 Consultation

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Dear David,

Are you able to provide an update on this urgent matter please, as it will have been 2 weeks tomorrow since we notified MKCC about this.

Yours sincerely,

Paul Johnson

**Paul Johnson MA (Cantab) MA TP MRTPI**  
Land & Planning Director

**Francis Jackson Homes**  
6 High Street, Olney, Buckinghamshire MK46 4BB

**e** [paul@francisjackson.co.uk](mailto:paul@francisjackson.co.uk)  
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The Sunday Times BuildQuality Winner  
LABC Warranty Developer of the Year

**From:** Paul Johnson

**Sent:** Wednesday, April 5, 2023 1:26 PM

**To:** David Blandamer <[David.Blandamer@Milton-keynes.gov.uk](mailto:David.Blandamer@Milton-keynes.gov.uk)>

**Cc:** Land <[Land@francisjackson.co.uk](mailto:Land@francisjackson.co.uk)>; [neighbourhoodplanning@milton-keynes.gov.uk](mailto:neighbourhoodplanning@milton-keynes.gov.uk)

**Subject:** RE: Emberton Neighbourhood Plan - URGENT LEGAL OPINION IN RELATION TO THE REGULATION 15 SUBMISSION and Representations to Regulation 16 Consultation

**Importance:** High

Dear David,

Thank you for both acknowledging receipt of our e-mail and attachments, and most importantly confirming that MKCC are looking into this matter.

As set out in the e-mail below, please can you ensure that all correspondence concerning this matter is sent to both my e-mail address, as well as [land@francisjackson.co.uk](mailto:land@francisjackson.co.uk)

We look forward to hearing back from you presently with your findings and proposed actions.

Not only is this a very serious matter in relation to our receipted submissions, it also casts significant doubt as to whether the submissions and representations of others have been handled in a similar manner. As such, your prompt attention to this is appreciated.

Yours sincerely,

Paul Johnson

---

**From:** David Blandamer <[David.Blandamer@Milton-keynes.gov.uk](mailto:David.Blandamer@Milton-keynes.gov.uk)>

**Sent:** Wednesday, April 5, 2023 11:18 AM

**To:** Paul Johnson <[paul@francisjackson.co.uk](mailto:paul@francisjackson.co.uk)>

**Subject:** RE: Emberton Neighbourhood Plan - URGENT LEGAL OPINION IN RELATION TO THE REGULATION 15 SUBMISSION and Representations to Regulation 16 Consultation

Dear Paul

I acknowledge receipt of your email.

We are looking into the matters you have raised and will be back in touch as soon as possible.

Regards

David

David Blandamer

Senior Urban Designer

To speak with me use Microsoft Teams or call me on 01908 254836

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**From:** Paul Johnson <[paul@francisjackson.co.uk](mailto:paul@francisjackson.co.uk)>

**Sent:** 04 April 2023 18:27

**To:** Neighbourhood Planning <[neighbourhoodplanning@milton-keynes.gov.uk](mailto:neighbourhoodplanning@milton-keynes.gov.uk)>  
**Cc:** Planning Enquiries <[planning.enquiries@milton-keynes.gov.uk](mailto:planning.enquiries@milton-keynes.gov.uk)>; Development Plans <[development.plans@milton-keynes.gov.uk](mailto:development.plans@milton-keynes.gov.uk)>; Land <[Land@francisjackson.co.uk](mailto:Land@francisjackson.co.uk)>  
**Subject:** [EXT]Emberton Neighbourhood Plan - URGENT LEGAL OPINION IN RELATION TO THE REGULATION 15 SUBMISSION and Representations to Regulation 16 Consultation  
**Importance:** High

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Dear Sirs,

**This e-mail contains a Legal Opinion from No. 5. Chambers that requires immediate review and action by MKCC in relation to the above matter.**

As set out therein, and expanded upon further in the attached Objections document and associated appendices, there has been a clear breach of Reg. 15(1)(b) in that a Consultation Statement, as defined within the Regulations, has not been submitted to MKCC.

What has been submitted does not do what the Regulations expressly require a Consultation Statement to do – in that representations rightly made to, and receipted by, Emberton Parish Council within the consultation timescales have not been recorded whatsoever, and thus are not mentioned nor assessed. There is no reference whatsoever that these have therefore been taken into consideration as part of the development of the Neighbourhood Plan. **We bring this to your immediate attention, so that the MKCC can act on this information without delay, to prevent further legal action being taken.**

The Legal Opinion confirms that legally, MKCC must refuse the proposal put forward by the qualifying body, and that it would thus be unlawful for MKCC to submit the draft plan for independent examination.

If MKCC have already advised the qualifying body that it is satisfied, in light of the information and Legal Opinion attached, it must reconsider and reverse its decision in light of the evidence provided, and instead issue a decision under Schedule 4B(6)(4)(b).

Further, as a result of this, we seek an undertaking that MKCC will not submit the plan for examination under Schedule 4B(7) accordingly.

If these steps are not undertaken promptly by MKCC, as set out, we reserve the right to challenge these steps by way of an application for Judicial Review without delay.

In light of the very serious nature of the contents of this e-mail, please acknowledge receipt of it to both [paul@francisjackson.co.uk](mailto:paul@francisjackson.co.uk) and [land@francisjackson.co.uk](mailto:land@francisjackson.co.uk) Please ensure any response to this e-mail is sent to both e-mail addresses.

Please ensure a copy of both e-mail addresses are placed on your file to ensure we are kept properly updated on this critical matter.

Should you have any immediate queries, please do not hesitate to contact me via (07508) 884039.

We trust a prompt response will be provided.

Yours faithfully,

Paul Johnson

TOWN AND COUNTRY PLANNING ACT 1990  
(AS AMENDED)  
TOWN AND COUNTRY PLANNING (GENERAL  
PERMITTED DEVELOPMENT) (ENGLAND)  
ORDER 2015 (AS AMENDED)



## **CERTIFICATE OF LAWFULNESS EXISTING - APPROVED**

To: Mr Jonathan Robinson  
15 Shenley Pavilions  
Chalkdell Drive  
Shenley Wood  
Milton Keynes  
MK5 6LB  
United Kingdom

**Application no: 22/00539/CLUE**  
Applicant: Mr Jonathan Robinson  
Acorn Mk Nurseries Newton  
Road  
Emberton  
Olney  
Milton Keynes  
MK46 5JW  
United Kingdom

The Milton Keynes City Council hereby certify that on 4th March 2022 the existing use or development described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto (and where a plan is attached to this Certificate, the area edged in red) is lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason(s)

( 1) On the basis of the evidence submitted, there is adequate reason in this case to approve the application under Section 191 of the Town and Country Planning Act (1990) (as amended). On the balance of probabilities, it is considered that the site has been used as a primary retail function akin to a garden centre for a period of over 10 years, and would not therefore fall within the classification of a growing plant nursery.

### **First Schedule**

Certificate of Lawfulness for the existing use as a wholesale garden centre - class (E(a))

### **Second Schedule**

Acorn Mk Nurseries Newton Road Emberton, Olney MK46 5JW

TOWN AND COUNTRY PLANNING ACT 1990  
(AS AMENDED)  
TOWN AND COUNTRY PLANNING (GENERAL  
PERMITTED DEVELOPMENT) (ENGLAND)  
ORDER 2015 (AS AMENDED)



**Your attention is drawn to the attached notes**

A handwritten signature in blue ink, appearing to be 'JP', with a horizontal line extending to the right.

1st November 2022

**Jon Palmer MRTPI – Head of Planning**  
For and on behalf of the Council



## NOTES

- (1) This certificate is issued solely for the purpose of section 191 of the Town and Country Planning Act 1990 (as amended).
- (2) It certifies that the use or development specified in the First Schedule proposed to take place on the land described in the Second Schedule would have been lawful, on the specified date and, thus, would not have been liable to enforcement action under section 172 of the 1990 Act of that date.
- (3) This certificate applies only to the extent of the use or development described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use or development which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.
- (4) The effect of the certificate is also qualified by the provision in section 191(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.
- (5) If you are aggrieved by the decision of the Council to refuse your application in whole or in part (including a case in which the Council modify the description of the use, operations or other matter in the application or substitute an alternative description for that description) then you can appeal to the Secretary of State for the Environment under Section 195 of the Town and Country Planning Act 1990 (as amended). If you want to appeal, then you must do so using a form which you can get from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or Customer Support Unit Tel: 0117 372 6372. Appeal forms and guidance can also be downloaded from the Planning Inspectorate's website [www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk).

TOWN AND COUNTRY PLANNING ACT 1990  
(AS AMENDED)  
TOWN AND COUNTRY PLANNING (GENERAL  
PERMITTED DEVELOPMENT) (ENGLAND)  
ORDER 2015 (AS AMENDED)



Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal – <https://www.planningportal.co.uk/info/200207/appeals>. The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local planning authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information, that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

**HIGHWAY OBSERVATIONS FOR: 23/00342/OUT****DATE: 12/4/2023**  
**CONTACT: D LAWSON****APPLICATION FOR: 29 DWELLINGS ON ACORN NURSERIES SITE, NEWTON ROAD, EMBERTON.****Summary of advice from Transport Development Management**

Object	<input type="checkbox"/>
No objection	<input checked="" type="checkbox"/>
Comment only	<input type="checkbox"/>

---

Further to the highway comments dated 13<sup>th</sup> March, the applicant has provided a response in the form of a Technical Note (TN) from RPS dated 28<sup>th</sup> March 2023.

In addition, it has been pointed out the site was not ultimately allocated in the Neighbourhood Plan, having been removed at the assessment stage. Although the site has been in previous use, the proposed residential development will increase the potential for walking and cycling trips.

In addition to the local footways, and signalised crossing, which are required to enable the development and provide minimum safe access, a further contribution to improve the quality of the A509 shared use path will be sought (see LCWIP Schemes 20 and 66). The level of contribution should be discussed with the Transport Policy Team.

This is in addition to the contribution to the MK:Connect scheme that the applicant has indicated they would make a contribution to.

The TN addresses most of the technical points raised in the previous highway response, although some remain outstanding. In the order these were raised previously, the issues are:

**Access**

Vehicular Access – The proposed junction shown on Drg No. JNY11550-01B is now acceptable. 7.5m radii are shown and the treatment of the existing site access has been clarified.

Pedestrian Access – The footway proposals have been modified and now meet the minimum requirements for the mobility impaired, those in mobility vehicles and people with prams / pushchairs. The pedestrian access is now acceptable.

**Proposed Crossing**

The Road Safety Audit and Designer's Response have now been clarified and updated information provided. The RSA1 is accepted in principle as an indication that a safe crossing can be provided.

The drawings now show the revised link between Newton Road and the crossing as Redway, as requested.

The precise details of the crossing will need to be agreed as a technical exercise. This will include a WCHAR (GG142) type assessment to determine which users the crossing should accommodate.

Speed was correctly raised as a potential issue and the provision of traffic speed information in the TN shows that 85%ile speeds exceed 40mph. Whilst the exceedance may be small (around 42mph and 44mph), the scheme will need to incorporate speed reduction measures.

These may include 'gateway' style features, additional signs, road markings, roundels etc. and these will need to be agreed as part of the crossing proposals at the Reserved Matters stage.

### **Other issues**

The issues previously raised relating to the site layout and to parking were not addressed in the TN. It is accepted that this is an outline application; however, the comments are reproduced below for clarity.

### **Site Layout**

Although approval is not being sought for the internal layout of the site, plans have been submitted as part of the application. The following comments are intended as guidance and do not necessarily represent the full extent of comments made at Reserved Matters stage.

The access to plots 26-29 is unacceptable in the location shown. It places right turning vehicles in the mouth of the main junction and represents a potential hazard. The Highway Guide requires a distance of 30m (road type 8) from Newton Road for such a junction; however a reduction to 20m (road type 9) may be acceptable.

Where they are not adjacent to a footway, all layby / parallel parking spaces require a minimum 1.0m width hard paved 'stepping out' area at the back of the parking.

The submitted swept path diagram shows that the internal layout is not suitable to accommodate large service vehicles. At several points the vehicles 'touch' the kerbline and also overrun the verges. In one location the vehicle path conflicts with a parking space.

### **Parking**

Any Reserved Matters application will need to be based on the Council's 2023 parking standards, not the 2016 standards as mentioned in the submission documents.

Cycle parking is required for residents at the rate of 1 cycle space per bedroom. For dwellings with garages, cycle parking in the garage is acceptable. For dwellings without garages, a secure, covered cycle store for the appropriate number of cycles should be provided on plot.

2 visitor cycle parking spaces are required for this development, to be positioned centrally, in a visible location easily accessible to the public.

The overall car parking requirement for the site is shown below, this is based on the plan which indicates the following dwelling breakdown; 1 x 1-bed, 6 x 2-bed, 15 x 3-bed and 7 x 4+ bed.

Allocated provision = 61 spaces

Unallocated provision = 12 spaces

Additional unallocated provision for tandem parking = 7 spaces

It appears that the site meets the allocated and basic unallocated provision but that the additional requirement for tandem parking has not been met. It should be noted that unallocated spaces shown on private driveways (e.g. Plots 1 and 2) do not count towards the 19 spaces required.

## **Summary**

The on-site proposals are not acceptable as they do not provide for the movement of service vehicles with safety and convenience. The proposed parking arrangements for both cycles and cars do not meet the requirements as set out in the Council's 2023 Parking Standards. These are matters reserved for subsequent approval.

Means of access is not reserved for subsequent approval and the revised access arrangements are now acceptable.

In addition to the footway improvements and crossing, a contribution towards the improvement of the A509 shared use path is required. A contribution to MK:Connect has also been offered.

The proposed highway works and the contributions mentioned above should be secured through a legal agreement. Details of the proposed crossing can either be agreed as part of the s.106 process, or subsequent to it. Either way, the works will also require approval under S.278 of the Highways Act.

Subject to the contributions requested above and the provision of the highway works set out above, the previous highway objection is withdrawn. If planning permission is to be granted it should also be conditional upon the access details provided in the TN.

David Lawson  
for  
Transport Development Management

## Paul Johnson

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**From:** Paul Johnson  
**Sent:** 20 April 2023 16:56  
**To:** neighbourhoodplanning@milton-keynes.gov.uk; David Blandamer  
**Cc:** Land  
**Subject:** Emberton Neighbourhood Plan - Further Representations and Comments relating to the emerging Emberton Neighbourhood Plan  
**Attachments:** 18613-NP01 v5 Emberton NP.pdf; ufm18\_Certificate\_of\_Lawfulness\_-\_Approve.pdf; MKCC Highways Acorn 12.04.2023.pdf

Dear David,

Further to my e-mail to you yesterday regarding the emerging Neighbourhood Plan at Emberton, I just wanted to bring some additional points of concern to the attention of MKCC regarding same.

Some have been extensively covered in our Regulation 16 comments provided previously, although as stated yesterday, others only came to light after the submission of those representations.

### **2018 Site Assessments (as set out in the May 2022 Assessment of Potential Housing Sites document)**

As drafted, the document implies in the first paragraph that the site assessments all ending with a “/2018” reference were undertaken in at the start of plan making process in 2018.

The assessment of site 005/2018 (Acorn (MKC) Nurseries) – as provided and set out in the 2020 Regulation 14 Consultation Version of the Emberton Neighbourhood Plan is set out below (full copy of that version of the plan attached).

Site Ref	005/2018	
Site Address	Acorn Nursery, Emberton	
Area / No. of units?	2.0 ha / 20 to 40 dwellings	
Compatible with Plan:MK	Potential issue with DS5 - open countryside, would need to argue an exception due to current use and requirement for affordable housing or extend development boundary to include site	
Qty of Affordable units	7 - 13	
Location type?	Greenfield	
	Previously developed	✓
Within settlement boundary?	Outside	✓
	Within existing area	
Relationship to settlement boundary?	Contiguous or rounding	✓?
	Linear extension	✓?
	Detached or remote	
Relationship to settlement generally?	Would extend the existing settlement boundary down Newton Road.	
Flood Risk Designation? (tick all that apply)	Zone 3 (High Risk)	
	Zone 2 (Medium Risk)	
	Zone 1 (Low Risk)	✓
Surface Water Flooding risk?	High	
	Medium	
	Low	
	Very Low	✓
Land use?	Specify Use	Horticultural nursery.
Public footpaths on site?	Yes	
	No	✓
	Describe	
Heritage constraints nearby?	Yes	
	No	✓
	Describe	
Highway access constraints?	Yes	✓
	No	
	Describe	Visibility is not acceptable and there are some conflicts with the adjacent access. A new access slightly further east could be acceptable including the provision of footways. This is a relatively large number of units which will generate pedestrian movements including across the A509. The footways in this area are not to standard and we have to consider the crossing of the A509. There are currently two uncontrolled crossing points of the A509 and one of these (probably the northern one) could be upgraded to a controlled crossing
Utilities constraints? (Specify type)	Yes	
	No	
	Unknown	
Assessment	<ul style="list-style-type: none"> <li>Is currently used as a nursery with a few buildings on site. Is immediately next to the existing settlement boundary.</li> </ul>	

	<ul style="list-style-type: none"> <li>Would provide more than 10 units and would therefore allow for the provision of affordable housing.</li> <li>Is a short walk to village</li> <li>Would need a crossing on A509</li> </ul>
Community benefits?	Provision of affordable housing.

The version of this very same site assessment sheet, 005/2018 as presented in the May 2022 Assessment of Potential Housing Sites document, submitted with the Regulation 16 version of the ENP to MKCC is, however, substantially and materially different. See below.

<b>Site Ref</b>	<b>005/2018</b>	
<b>Site Address</b>	<b>Acorn Nursery, Emberton</b>	
Area / No. of units?	2.0 ha / 20 to 40 dwellings	
Compatible with Plan:MK	No, due to Conflict with DS5 - open countryside and CT2.	
Qty of Affordable units	7 - 13	
Location type?	Greenfield	<input checked="" type="checkbox"/>
	Previously developed	<input type="checkbox"/>
Within development boundary?	Outside	<input checked="" type="checkbox"/>
	Within existing area	<input type="checkbox"/>
Relationship to development boundary?	Contiguous or rounding	<input type="checkbox"/>
	Linear extension	<input type="checkbox"/>
	Detached or remote	<input checked="" type="checkbox"/> - Remote
Relationship to settlement generally?	Site is remote from defined village envelope.	
Flood Risk Designation?  (tick all that apply)	Zone 3 (High Risk)	<input type="checkbox"/>
	Zone 2 (Medium Risk)	<input type="checkbox"/>
	Zone 1 (Low Risk)	<input checked="" type="checkbox"/>
Surface Water Flooding risk?	High	<input type="checkbox"/>
	Medium	<input type="checkbox"/>
	Low	<input type="checkbox"/>
	Very Low	<input checked="" type="checkbox"/>
Land use?	Specify Use	Horticultural nursery.
Public footpaths on site?	Yes	<input type="checkbox"/>
	No	<input checked="" type="checkbox"/>
	Describe	
Heritage constraints nearby?	Yes	<input type="checkbox"/>
	No	<input checked="" type="checkbox"/>
	Describe	
Highway access constraints?	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
	Describe	Visibility is not acceptable and there are some conflicts with the adjacent access. A new access slightly further east could be acceptable including the provision of footways. This is a relatively large number of units which will generate pedestrian movements including across the A509. The footways in this area are not to standard and we have to consider the crossing of the A509. There are currently two uncontrolled crossing points of the A509 and one of these (probably the northern one) could be upgraded to a controlled crossing.
Utilities constraints?  (Specify type)	Yes	<input type="checkbox"/>
	No	<input type="checkbox"/>
	Unknown	<input type="checkbox"/>
Assessment	Is currently used as a nursery with a few buildings on site and offers some local employment. Is remote from the development boundary and separated from the village by the A509. Large volume of traffic could be generated. Connections to Emberton are not convenient for pedestrian access, and whilst this could be arguably	



	<p>improved, would need an enhanced crossing on the A509. Delays to traffic on the A509 could encourage rat running through the village to avoid cars queuing at the crossing.</p> <p>Safety concerns raised by residents about this location and local opposition to the number of houses proposed at the first round of consultation.</p> <p>Would provide more than 10 units and would therefore allow for the provision of affordable housing.</p> <p>No established need or requirement for this number of houses in the rural area or within the Neighbourhood Plan. Contrary to Plan:MK DS5 &amp; CT2.</p>
Community benefits?	Provision of affordable housing.

Of great concern is that it is only this site that has been treated in such a manner, with both the content, assessment, and text changed so significantly. We are concerned this demonstrates considerable bias against the site by the assessing party – it is not, therefore a genuinely objective assessment of suitable sites. Why has it been reassessed, retrospectively, in this manner, when no other site has, unless to present the site in a less favourable manner?

As drafted, it does not reflect the actual assessment undertaken and in the Public Domain at the time – rather, it seeks to set out an alternative narrative and to change (influence?) previous events.

Taking each point in turn: -

- The Assessment of Potential Housing Sites in Annex B of the February 2020 Regulation 14 Submission of the ENP states in terms of ‘Compatibility with Plan:MK’ as, *“Potential issue with DS5 – open countryside. Would need to argue an exception due to the current use and requirement for affordable housing or extend development boundary to include site”*.

The version of this 2018 assessment provided in the May 2022 Assessment of Potential Housing Sites document states simply, *“No, due to conflict with DS5 – open countryside and CT2.”*

As set out in Sections 3.1 to 3.9 of our Regulation 16 ENP Consultation representations to MKCC, there is no basis to blanket rule out a site in this manner, when it is wholly within the behest of the ENP at this sub-strategic level to either extend the settlement boundary or else provide justification for it. The current approach, revised since the original assessment was undertaken, and which duly acknowledged this fact, now seems to want to wipe it away.

We feel this is neither transparent, nor does it reflect the true chronology of events or fairly record how the site has, and can otherwise be considered.

- The Assessment of Potential Housing Sites in Annex B of the February 2020 Regulation 14 Submission of the ENP states this is Previously Developed Land.

The version of this 2018 assessment provided in the May 2022 Assessment of Potential Housing Sites document states, completely to the contrary, this is Greenfield Land.

What was the basis or evidence to change this?

Further, this matter has been clarified by the Certificate of Lawfulness (attached) granted by MKCC. This categorically confirms the original assessment was correct in 2018 and the site is indeed Previously Developed Land. The current document is therefore factually incorrect and without evidential basis. It must be revised and this material consideration fed back into the plan making process as a result.

- The Assessment of Potential Housing Sites in Annex B of the February 2020 Regulation 14 Submission of the ENP states the ‘Relationship to settlement boundary?’ as Contiguous or Rounding and/or Linear Extension. Both are ticked and have a question mark next to them.

The version of this 2018 assessment provided in the May 2022 Assessment of Potential Housing Sites document states the site is Remote.

We fail to see how the site has been re-assessed in this manner where there is existing housing through the depth of the site to the immediate west and a road frontage along its entire southern extent. It is not a remote i.e. a detached site, separated from the built form of Emberton.

- The Assessment of Potential Housing Sites in Annex B of the February 2020 Regulation 14 Submission of the ENP, in the final ‘Assessment’ box, is positively framed and sets out that it would be “a short walk to the village”, “would need a crossing on the A509”. None of these are deemed obstacles to the proposed development.

The version of this 2018 assessment provided in the May 2022 Assessment of Potential Housing Sites document in the ‘Assessment’ box throws all manner of new material into this assessment that was not there in 2018, nor 2020 when this was in the Public Domain previously. Suddenly the connections are “not convenient” and it is “remote from the development boundary”. The assessment retrospectively brings in new matters to this assessment that were simply not present when the report was produced originally. We do not consider this to be transparent nor a fair reflection of the events as they stand – an alternative narrative such as this could be misleading to the Public.

With regards to the assessment and comments in the 2021 assessment of the same site, reference 003/2021 as set out in the May 2022 Assessment of Potential Housing Sites document, there are various factual errors, all of which we request the Parish Council address.

- The site is not a Greenfield site as stated – the Certificate of Lawfulness Existing attached confirms this – this has a notable bearing on how the Parish Council should be considering the site given the findings of the Parish Questionnaire which seeks to prioritise Previously Developed Land over Greenfield sites (which includes garden land);
- The site is not detached or remote from the built form of the village – it sits immediately adjacent to existing housing along its entire western boundary;
- In terms of the relationship to the settlement – the report states, “*Separated from Emberton village by the A509*”. Do we take it this means the 22 houses on the east side of the A509 are not part of Emberton village? Also, MKCC permitted 2 houses on the east of the A509 recently – as such, this side of the A509 must, as a result, be deemed both suitably sustainable, accessible and part of the settlement.
- Land Use – the site is not a Horticultural Nursery but has an established lawful use a wholesale garden centre – a retail land use.
- Highways Access Constraints – the document states “MKC Highways have objected”. Where as part of the Emberton Neighbourhood Plan process have MKCC Highways objected? The Assessment of Potential Housing Sites in Annex B of the February 2020 Regulation 14 Submission of the ENP states under the “Our Preferred Option(s)” heading that “Milton Keynes Highways have no objections to this site, although they would require certain works to be carried out”. This is a far more correct assessment. Indeed, as part of current planning application reference 23/00342/OUT for up to 29 Dwellings on the Acorn (MK) Nurseries site, and as of 12.04.2023, there are no Highways Objections to the residential development of the site for up to 29 dwellings – and as stated therein, “pedestrian access is now acceptable”, and “a safe crossing can be provided”. These comments accord with the original Highways comments received in relation to the 2018 site assessment. These statements lack factual basis on the basis of this recent evidence.
- With regards to the ‘Assessment’ section – there is reference to the site being contrary to DS5 – again, this is covered above and in previous representations – it is not the overriding barrier that it is being presented as.
- “Strong opposition” is stated, but the basis for this is not set out nor qualified in any way.

- As noted above MKCC Highways do not object to the application, and the statements about traffic generation fail to consider the existing traffic movements associated with the existing lawful use of the land, or the lack of Highways objection.
- The need for more housing and in particular local needs affordable housing has been set out in previous representations. In the midst of a national housing crisis, it is somewhat incredulous to suggest that previously developed land such as this should not be developed.

We very much trust these factual errors can be reported back to the submitting body.

Thank you once again,

Yours sincerely,

Paul Johnson

**From:** Paul Johnson

**Sent:** Wednesday, April 19, 2023 5:44 PM

**To:** David Blandamer <David.Blandamer@Milton-keynes.gov.uk>

**Cc:** Land <Land@francisjackson.co.uk>

**Subject:** RE: Emberton Neighbourhood Plan - URGENT LEGAL OPINION IN RELATION TO THE REGULATION 15 SUBMISSION and Representations to Regulation 16 Consultation

Dear David,

Thank you very much for your response below – a copy of which I have passed back to No. 5. Chambers for their immediate review and comment.

The contents are therefore duly noted.

In addition to the 2 points below, I would very much hope that our 'missing' representations, and potentially those of any others too who may have made similar comments that did not make it into the Consultation Statement, are not just fed back into a revised Statement and the NP simply resubmitted on this basis. One would indeed hope, that as a result of this flawed and so-far opaque process, a third point would be at the bottom of that list; that the extensive comments made be genuinely engaged with, considered and taken on board as part of the ongoing development of the NP, and it revised to demonstrate that it has actually been genuinely informed by the consultation process, rather than having a pre-determined outcome already applied.

In addition to the above, since our original representations were made, other matters have come to light with regards to the submission pack presented by the PC.

I will provide further feedback tomorrow with regards to the Assessment of Potential Housing Sites Document, dated May 2022, which seems to now present a false alternative narrative to the site assessment reference 005/2018 within said document. Whilst purporting to be the assessment of the site from the 2018 site assessment process, this has been modified in the current document compared to the same assessment provided in the 2020 version of the NP, and rather like we warn about above, shows a potentially restrictive and definitely retrospective set of criteria being applied which simply were not at the time, and for whatever reason, seek to paint the site in a less favourable manner. It is certainly is a very different assessment of the site to the one actually undertaken and presented to the Public in 2020.

We watch and wait with great interest. Thank you once again for your time and assistance with this matter.

Kind regards,

Paul