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L 240411 JG NPNP Reg-16-Consultation\_Final



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Dear Sir or Madam

### **Newport Pagnell Neighbourhood Plan: Regulation 16 consultation - 1 March to 12 April 2024**

Savills is instructed to make representations on behalf of the Society of Merchant Venturers (SMV), in response to the current Regulation 16 consultation on the emerging Newport Pagnell Neighbourhood Plan (NPNP). SMV generally seeks to support the Neighbourhood Plan making process and communities who seek to shape their local area.

#### ***Background***

As a land-owner interest at Newport Pagnell, SMV has actively engaged in the NPNP process; having commented at the informal consultation (March 2023) and Regulation 14 (October 2023) stage. SMV has also engaged directly with Newport Pagnell Town Council (NPTC), at a meeting held in January 2023, which enabled discussion around the intended policy direction concerning SMV's land at Portfield Farm.

SMV's ownership at Portfield Farm, which is subject to an agricultural tenancy, lies to the north of Newport Pagnell. The NPNP proposes an environmental policy designation in the form of biodiversity net gain (BNG). SMV has previously set out its concern regarding this approach, its promotion of the site through the Local Plan process for residential development and the potential for alternative site provision (which lies within the Ouse Valley Biodiversity Opportunity Area) which may assist in meeting NPTC's green infrastructure aspirations.

Further to representations previously made, SMV maintains its objection to Policy NP4 and the principle of designating land for the purpose of BNG. The proposed designation has no policy mechanism to enable its delivery.

#### ***Comments on the latest version of the draft plan – Policy NP4***

##### ***'Stepping Stones'***

The Neighbourhood Plan makes several references to the proposed BNG sites as 'stepping stones' which is taken from the National Planning Policy Framework (NPPF) paragraph 185. The NPPF defines these as '*pockets of habitat that, while not necessarily connected, facilitate the movement of species across otherwise inhospitable landscapes*'.

The proposals for the three sites on the edge of Newport Pagnell read less as stepping stones for the movement of species but as a barrier to development in what are largely sustainable locations in close proximity to the urban edge of the settlement. Page 36 of the Plan goes so far as to identify that retaining gaps, to prevent the Town from merging with the existing and new City was already an important objective for NPTC. If these areas were to be given over to BNG set aside in their entirety this would prevent development on the edge of the town in these locations for a period of at least 30 years. With these sites effectively removed from the assessment of sustainable development under the planning system, it could stifle the sustainable growth of Newport Pagnell.

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### *Principle of BNG designation*

SMV objects to the proposals to designate land for BNG in the manner proposed by Policy NP4 and specifically in respect of Portfield Farm.

By its definition the process as set out in the Environment Act (2021) is to provide a 'net' gain. The gain is set against the loss arising through new development on land. No development is being proposed via the NPNP that will specifically link delivery of BNG offset to Portfield Farm. Furthermore, the Environment Act requires that land be registered for BNG offsetting by the landowner. Portfield Farm is not registered for offsetting, which would contradict the statutory provisions of the Act. Clause C of NP4 seeks onsite BNG delivery wherever possible. Supporting text of the NPNP (page 35) notes *'if... BNG cannot be achieved on site, then offsite BNG may be acceptable, and applicants are directed to the opportunities identified as part of this Neighbourhood Plan'*. There is no policy mechanism that requires the 'stepping stone designations' to be utilised in achieving that objective and in turn it potentially sterilises land.

The Consultation Statement<sup>1</sup> sets out that earlier responses should be considered and addressed and whilst the Appendix acknowledges previous SMV comments, it is not clear as to how these concerns have been addressed. Whilst Newport Pagnell Town Council (NPTC) has cited DEFRA guidance on how to promote BNG there is significant jump then made to the proposed 'designation' of three sites specifically for BNG purposes. Appendix 2 of the NPNP identifies that the Biodiversity Net Gain Assessment was commissioned specifically to assess the three 'designated' sites. No assessment appears to have been undertaken in respect of alternative sites and the merits they may hold. Page 36 of the NPNP goes further in that supporting text refers to this 'designation' for BNG offsetting to safeguard them from development.

It is noted that Plan: MK 2016-2031 specifically identifies Biodiversity Opportunity Areas (BOA), as per the Proposals Map, which are *'landscape-scale areas which have been identified as opportunities to improve the biodiversity'*. One such area is the Ouse Valley, which lies directly north of Newport Pagnell. The BOA boundary incorporates SMV's land interest, though does not extend to the edge of the built-up area, unlike the NPNP stepping stone designation. In light of large area identified by BOA, it is questionable as to why NPTC has not focussed BNG ambitions within this already designated BOA. This further emphasises that NP4 is to serve to safeguard against development.

Paragraph 10.3 of the Strategic Environmental Assessment - Environmental Report Update (ERU), (February 2024) prepared by Aecom highlights that MKCC shared similar concerns to the SMV (expressed in the Regulation 14 consultation), that designation of areas of land for green infrastructure around the town could lead to stagnation of growth of the town and does not make 'effective use of land' as set out in the NPPF (2023) (paras 123 and 129). This is because sites which could potentially come forwards for development to meet identified housing needs are being designated in the plan for other alternative uses that would preclude their allocation for at least 30 years, and likely beyond, were they to become established ecological sites. The solution highlighted in the ERU is for the green infrastructure network to be 'identified' and not 'designated', in the hope that this apparent weakening of the language could lessen the impact. Nevertheless, this amendment is only made at Clause A of the policy. Clause F retains the 'designation' status and therefore the SMV objection remains.

Furthermore, the NPNP Second Modification Consultation Statement (SMCS) identifies MKCC's concern that deliverability of the Clause E sites (e.g. Portfield Farm) is not evident. Page 16 of the SMCS reports *'the policy does not need to demonstrate deliverability, rather its aim is to identify sites that would be suitable'*. It follows that, as per the amendment applied to Clause A, Clause E (if appropriate at all) should be subject to a similar amendment to identify the potential of the sites listed, as opposed to 'designating' or even allocating these.

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<sup>1</sup> NEWPORT PAGNELL NEIGHBOURHOOD PLAN 2016–2031 SECOND MODIFICATION CONSULTATION STATEMENT (Page 1, point d of the explanation text)

SMV contest the designation that arises from Clause E, which in the context of the above considerations reads more as an allocation. Respectfully, our client seeks the removal of reference to Portfields Farm under Clause F of the Policy NP4. Furthermore, the adopted development plan identifies land immediately north as a 'Biodiversity Opportunity Area' and yet the NPNP does not consider the value uplift that could be achieved in respect of the BOA, as opposed to designating a further and immediately adjacent site. The NPNP does not meet the basic condition test of being in 'general conformity with strategic policies contained in the development plan' on the basis that the rationale for the approach is not clear and nor is the evidence to justify the approach taken<sup>2</sup>.

#### *Landowner Support*

In response to the earlier consultation NPTC set out that '*investment and the support of relevant landowners is required*' in order to realise the opportunity set out in NP4 for biodiversity. NPTC's ambition does not align with the SMV's desire to promote its land on what is considered a sustainable location for residential development.

Portfield Farm is subject to an agricultural tenancy and as such is not currently available for any form of use other than for agriculture. The allocation proposed by NP4 is not subject to a policy mechanism to secure BNG and is not deliverable.

#### *Additional Observations*

SMV notes its general support for the aims and goals of the BNG process as set out in the Environment Act (2021) and the implementation of the minimum target of 10% gain is laudable. Notwithstanding the above comments, SMV notes additional amendments now made to Policy NP4 at this Regulation 16 stage.

Greater clarity has been provided by way of the newly drafted clause C in the policy text itself. Setting out the minimum figure of 10% in policy provides greater certainty for developers and landowners whilst still leaving the opportunity for greater than 10% gains which is appropriate. The policy text is clear and flexible as it follows the PPG guidance for BNG Hierarchy for onsite/offsite provision, whilst making some allowance for placemaking to be the driver for offsite BNG provision when appropriate.

#### *Mapping Clarity*

On a technical point several references are made throughout the draft policy to the policy map at Figure 5 of the report. However, it is not clear in every case which part of the map is being referenced. For example, clause D refers to the identified parts of the map which are 'known or likely to have biodiversity value either as habitat areas'. It is not clear whether this is specifically referring to the area labelled Green Infrastructure. SMV consider that clearer distinctions should be made between the text and the map for reader clarity.

#### **Summary**

In summary, SMV maintains its objection to the designation of Portfields Farm under Policy NP4. Whilst supportive of the aspirations of the NPNP generally, SMV respectfully requests the removal of Portfields Farm under Clause F, which it considers does not meet the basic conditions test for reasons set out above.

Yours sincerely



John Gale  
Senior Planner

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<sup>2</sup> Neighbourhood Planning Guidance - Paragraph: 074 Reference ID: 41-074-20140306