

Newport Pagnell Neighbourhood Development Plan Second Review 2016-2031

**A report to Milton Keynes City Council on the
Newport Pagnell Neighbourhood Development Plan
Second Review**

**Andrew Ashcroft
Independent Examiner
BA (Hons) MA, DMS, MRTPI**

Director – Andrew Ashcroft Planning Limited

Executive Summary

- 1 I was appointed by Milton Keynes City Council in May 2024 to carry out the independent examination of the Second Review of the Newport Pagnell Neighbourhood Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood area on 13 May 2024.
- 3 The Plan is a good example of a qualifying body reviewing and updating its neighbourhood plan. It includes a variety of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. It has a very clear focus on promoting appropriate development in the town centre.
- 4 The Plan has been underpinned by community support and engagement. All sections of the community have been engaged in its preparation. It has been produced in short order.
- 5 Subject to a series of recommended modifications set out in this report, I have concluded that the Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should coincide with the neighbourhood area.

Andrew Ashcroft
Independent Examiner
2 August 2024

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the second review of the Newport Pagnell Neighbourhood Development Plan 2016-2031 ('the Plan').
- 1.2 The Plan was submitted to Milton Keynes City Council (MKCC) by Newport Pagnell Town Council (NPTC) in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) in 2012, 2018, 2019, 2021 and 2023. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this results from my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope and can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted replacement Plan has been designed to be distinctive in general terms, and to be complementary to the existing development plan. It seeks to provide a context in which the neighbourhood area can maintain its character and appearance and appropriate uses can be promoted in the town centre.
- 1.6 Within the context set out above, this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then become part of the wider development plan and be used to determine planning applications in the neighbourhood area.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by MKCC, with the consent of NPTC, to conduct the examination of the Plan and to prepare this report. I am independent of both MKCC and NPTC. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have 41 years' experience in various local authorities at either Head of Planning or Service Director level and more recently as an independent examiner. I have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral System.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan as submitted should proceed to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 2.5 The outcome of the examination is set out in Section 8 of this report.

Other examination matters

- 2.6 In examining the Plan, I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
 - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.7 I have addressed the matters identified in paragraph 2.6 of this report and am satisfied that they have been met.

3 Procedural Matters

- 3.1 In undertaking this examination I have considered the following documents:
- the submitted Plan.
 - the Basic Conditions Statement.
 - the Consultation Statement.
 - the SEA Environmental Report (AECOM).
 - the HRA screening report.
 - the representations made to the Plan.
 - NPTC's responses to the clarification note.
 - the adopted Plan: MK.
 - the National Planning Policy Framework (December 2023).
 - Planning Practice Guidance.
 - relevant Ministerial Statements, including the Local Energy Efficiency Standards (December 2023).

3.2 I visited the neighbourhood area on 13 May 2024. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I concluded that the Plan could be examined by way of written representations. I was assisted in this process by the comprehensive nature of many of the representations and the professional way in which the Plan has been developed.

The examination process for the review of a neighbourhood plan

3.4 The Neighbourhood Planning Act 2017 identifies the circumstances that might arise as and when qualifying bodies seek to review 'made' neighbourhood plans and introduces a proportionate process to do so based on the changes proposed.

3.5 There are three types of modification which can be made to a neighbourhood plan or order. The process will depend on the degree of change which the modification involves and as follows:

- minor (non-material) modifications to a neighbourhood plan or order which would not materially affect the policies in the plan or permission granted by the order. These may include correcting errors, such as a reference to a supporting document, and would not require examination or a referendum; or
- material modifications which do not change the nature of the plan or order and which would require examination but not a referendum. This might, for example, entail the addition of a design code that builds on a pre-existing design policy, or the addition of a site or sites which, subject to the decision of the independent examiner, are not so significant or substantial as to change the nature of the plan; or

- material modifications which do change the nature of the plan or order would require examination and a referendum. This might, for example, involve allocating significant new sites for development.

- 3.6 NPTC has submitted the Plan on the basis that the modifications to the policies are so substantial and significant to warrant consideration as a change to the nature of the Plan.
- 3.7 MKCC reached the same conclusion on the scale and nature of the proposed modifications to the Plan. Having considered these conclusions very carefully, I also agree with the approach taken and will examine the Plan on this basis. In summary the Plan needs to be examined and thereafter to be considered locally at a referendum.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development management decisions. As such, neighbourhood plans need to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended), NPTC prepared a Consultation Statement. It is proportionate to the neighbourhood area and the changes proposed to the Plan. It also reflects the appropriate engagement used to refine its contents.
- 4.3 The Statement records the various activities that were held to engage the local community. Given that the Plan updates and replaces the first review of the Plan, NPTC concluded that an extensive round of evidence gathering and community engagement was not necessary. Nevertheless, three consultation events were held in February and March 2023 to provide information about the Plan, the main matters to be addressed and seek community feedback.
- 4.4 The Statement also provides specific details on the consultation processes that took place on the pre-submission version of the Plan (September to October 2023). Section 5 of the Statement advises about the comments received and the extent to which the Plan was refined as the outcome of this process. This helps to explain the evolution of the Plan.
- 4.5 In the round I am satisfied that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation. From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process. MKCC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

Consultation Responses

- 4.6 Consultation on the submitted plan was undertaken by MKCC. It ended on 12 April 2024. This exercise generated representations from the following organisations:
 - Anglian Water
 - NHS Property Services
 - The Society of Merchant Venturers
 - National Highways
 - Natural England
 - Canal and River Trust
 - Historic England
 - Emberton Parish Council

- Milton Keynes City Council

4.7 I have taken account of all the representations in preparing this report. Where it is appropriate to do so, I refer to specific representations on a policy-by-policy basis.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area is the administrative area covered by Newport Pagnell Town Council. In 2011 it had a population of 15118 persons living in 6383 households. It was originally designated as a neighbourhood area on 22 October 2013.
- 5.2 The neighbourhood area is a tightly-knit urban area. It is located to the immediate east of the M1 and the wider city of Milton Keynes. The River Great Ouse forms a significant part of its northern and eastern boundary.
- 5.3 As the Town's Conservation Area review (2010) describes:

'Newport Pagnell's special interest is derived from the tightly knit conglomeration of commercial and domestic premises, interwoven with yards and passages, set on a promontory above the confluence of the Rivers Great Ouse and Lovat. The waterside approaches and green spaces provide foreground for attractive views of the town, crowned by the tower of St Peter and St Paul's Church. The rivers are bridged at Newport Pagnell, encouraging passing visitors and trade to the town. In the town's centre is the busy High Street with a range of small independent retailers and commercial premises, creating active, diverse, and visually interesting street level frontages. Important views along High Street, St Johns Street and Northampton Road are confined by a broad range of building types, age and styles, chiefly dating from the late Georgian period to the Edwardian phase'

The other parts of the town are more domestic in nature. The Tickford Street approach to the town centre provides an attractive context within which the elevated town centre is viewed beyond Tickford Bridge.

Development Plan Context

- 5.4 The strategic policies for the Milton Keynes administrative area are contained in Plan: MK. It was adopted in March 2019 and covers the period to 2031.
- 5.5 Policies DS1 and DS2 of that Plan are particularly relevant to the submitted review of the neighbourhood plan. In the context of Policy DS1 Newport Pagnell is identified as one of three 'key settlements' in the Milton Keynes administrative area. Policy DS2 comments that part of the strategic requirement for 26,500 homes up to 2031 will be delivered in small to medium scale development within rural and key settlements, appropriate to the size, function, and role of each settlement. It is anticipated that delivery will be through allocations in neighbourhood plans.
- 5.6 In addition, Policy DS5 (Open Countryside) and Policy D1 (Designing a High-Quality Place) have had an important role in the development of the neighbourhood plan.

- 5.7 The submitted Plan has been prepared within its up-to-date development plan context. In doing so, it has relied on up-to-date information and research that has underpinned existing planning policy documents. This is good practice and reflects key elements in Planning Practice Guidance on this matter.
- 5.8 The submitted Plan seeks to add value to the different components of the development plan and to give a local dimension to the delivery of its policies. This is captured in the Basic Conditions Statement.

Visit to the neighbourhood area

- 5.9 I visited the neighbourhood area on 13 May 2024. I approached it from Milton Keynes to the west. This helped me to understand its position in the wider landscape in general and its accessibility to the strategic road network (M1). Given that I had visited the town in 2021 for the examination of the first review of the Plan in 2021, I focused my time during the visit on those areas affected by the new or modified policies
- 5.10 I looked initially at the proposed Aston Martin Heritage site off Downs Fields. I saw the relationship of the site to the houses in Downs Fields and Lovat Meadows Close to the north. I also saw that the site was largely overgrown and there was little evidence of the former use of the site as allotments.
- 5.11 I then looked at the three sites in the town centre identified in Policy NP3 as potential redevelopment sites. I looked at the library site. I saw its relationship with the car park to the north, and its position on rising ground. I saw that it did not make a positive contribution to the Conservation Area or the setting of St Peter and St Paul's Church.
- 5.12 I then looked at the builder's yard on Union Street. I saw that it was largely vacant other than for the positions of storage containers.
- 5.13 I then looked at the yard on Station Road. I saw that it was currently being used for the storage of cars.
- 5.14 I also looked carefully at the green and blue infrastructure in the town as highlighted in Policy NP4. I saw the importance of the River Great Ouse and Chicheley Brook, and the way in which the northern boundary of the town was sharply defined to safeguard their importance. I also saw the importance of Bury Fields close to the town centre.
- 5.16 I left the neighbourhood area by driving to the north along the A509 to Emberton. This helped me to understand the town's position in the wider landscape and its accessibility to other settlements.

6 The Neighbourhood Plan and the Basic Conditions

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped in the preparation of this section of the report. It is an informative and well-presented document.
- 6.2 As part of this process, I must consider whether the submitted Plan meets the basic conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contribute to the achievement of sustainable development;
 - be in general conformity with the strategic policies of the development plan in the area;
 - not breach and be otherwise compatible with the assimilated obligations of the European Union (EU) obligations and European Convention on Human Rights (ECHR); and
 - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

I assess the Plan against the basic conditions under the following headings.

National Planning Policies and Guidance

- 6.3 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (December 2023).
- 6.4 The NPPF sets out a range of land-use planning principles to underpin both plan-making and decision-taking. The following are particularly relevant to the replacement Newport Pagnell Neighbourhood Development Plan:
- a plan-led system - in this case the relationship between the neighbourhood plan and the Plan: MK;
 - building a strong, competitive economy;
 - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
 - taking account of the different roles and characters of different areas;
 - highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
 - conserving heritage assets in a manner appropriate to their significance.
- 6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic

needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

- 6.6 In addition to the NPPF, I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.
- 6.7 Having considered all the evidence and representations available as part of the examination, I am satisfied that the submitted Plan has had regard to national planning policies and guidance subject to the recommended modifications in this report. It sets out a positive vision for the future of the neighbourhood area. It includes a series of policies on a range of development and environmental matters. It has a very clear focus on promoting appropriate development in the town centre.
- 6.8 At a more practical level, the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This was reinforced with the publication of Planning Practice Guidance. Paragraph ID: 41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. It also advises that policies should also be concise, precise, and supported by appropriate evidence.
- 6.9 As submitted, the Plan does not fully accord with this range of practical issues. Most of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social, and environmental. I am satisfied that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. It has a particular focus on promoting the growth agenda in the town centre (Policies NP1-NP3) whilst safeguarding its built and natural heritage. This assessment overlaps with the details on this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.11 I have already commented in detail on the development plan context in Milton Keynes in paragraphs 5.4 to 5.8 of this report.
- 6.12 I consider that the submitted Plan delivers a local dimension to this strategic context and supplements the detail already included in the adopted development plan. Subject to the recommended modifications in this report, I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

Strategic Environmental Assessment

- 6.13 The Neighbourhood Plan (General) (Amendment) Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.14 In order to comply with this requirement, NPTC commissioned the preparation of an Environmental Report for the Plan. The report (February 2024) is thorough and well-constructed. It assesses the impact of the Plan on the environment. It concludes that:
- Moderate positive effects are predicted under the community wellbeing topic because of (the Plan's) policies seeking enhanced accessible, quality green space, active travel routes and the protection/ enhancement of community infrastructure;
 - Moderate positive effects are envisaged in relation to biodiversity through policies seeking expanded green infrastructure and biodiversity net gain;
 - Moderate positive effects are also predicted under transport. Focusing on modifications only (as opposed to existing policies not proposed for significant modification), the key point to note is a new proposed Local Cycling & Walking Network (Policy NP8);
 - In terms of climate change the (Plan) is considered to have moderate positive effects overall, given policies seeking enhanced GI provision which will help reduce the potential flood risk to the Tickford Fields site. Also, policies promoting sustainable travel and the provision of local services are also likely to be helpful in facilitating modal shift, reducing car journeys and associated emissions; and
 - In terms of the historic environment, it is considered that the policy framework set out in the draft NPNP provides a robust framework for the protection and enhancement of the historic environment. However, given the sensitivity of the historic environment to development, effects are neutral overall.

Habitats Regulations Assessment

- 6.15 MKCC prepared a Habitats Regulations Assessment (HRA) of the Plan in December 2022. It assesses the potential impact of the Plan's policies on a range of protected sites.
- 6.16 The HRA concludes that the neighbourhood plan will not give rise to likely significant effects on these protected sites, either alone or in combination with other plans or projects, and that Appropriate Assessment is not required.
- 6.17 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. None of the statutory consultees have raised any concerns about these matters. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of neighbourhood plan regulations.

Human Rights

- 6.18 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Summary

- 6.19 On the basis of my assessment of the Plan in this section of my report I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. It makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions. The recommendations focus on the policies in the Plan given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.2 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the neighbourhood area. The wider community and NPTC have spent time and energy in identifying the issues and objectives that they wish to be included in the second review of the Plan. This sits at the heart of the localism agenda.
- 7.3 The Plan is presented in a clear and attractive way. The structure of the Plan and its policies is very understandable and the use of colour, well-chosen photographs and excellent maps makes the document very user-friendly. The policies are underpinned by background appendices and the supporting text.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (ID:41-004-20190509) which indicates that neighbourhood plans should address the development and use of land.
- 7.5 I have addressed the policies in the order that they appear in the submitted Plan.
- 7.6 For clarity, this section of the report comments on all the Plan's policies.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial parts of the Plan (Sections 1-4)

- 7.8 The Plan is well-organised and presented. It has been prepared with much attention to detail. It makes an appropriate distinction between the policies and their supporting text.
- 7.9 The initial elements of the Plan set the scene for the policies. They are proportionate to the neighbourhood area and the subsequent policies. Section 1 comments about the way in which the Plan was prepared and the circumstances which have caused the Plan to be reviewed for a second time.
- 7.10 Section 2 identifies the neighbourhood area (on Figure 1).
- 7.11 Section 3 comments the way in which the community was engaged. It overlaps with the Consultation Statement.
- 7.12 Section 4 comments about a series of critical issues which have been addressed in the preparation of the second review of the Plan. They include:
- the findings of a Housing Needs Assessment;

- the implications of the development of Milton Keynes East;
- the preparation of the new City Plan;
- housing mix;
- the town centre and the conservation area;
- employment requirements;
- wildlife in the town; and
- emerging proposals for an Aston Martin Heritage Centre.

7.13 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

General Comments on the Policies

7.14 A key success of the Plan is the way in which it identifies the new policies and the relationship between the replacement policies and the corresponding policies in the made Plan. This makes a potentially complicated issue straightforward to understand.

7.16 This section of the report has a focus on the new policies. Nevertheless, it comments on the unchanged or updated policies from the 'made' Plan to assess the extent to which they continue to meet the basic conditions.

7.17 The Modifications Statement helpfully identifies the way in which the policies are proposed to be updated. I use the summaries in that document on a policy-by-policy basis

Policy NP1 Settlement Boundary and New Housing

7.18 The Plan sets out a range of changes to the policy. They are significant modifications to the content of the made Plan.

7.19 The policy builds on Policy NP1 of the made Plan by updating the number of completed schemes. It also makes a change to the settlement boundary to incorporate the allocation of Policy NP5 for a new Aston Martin heritage centre. There are three new elements in the policy. The first supports a 'brownfield first' approach and refines the principle of the subdivision of residential garden land for infill development. The second comments about the development of small dwellings (one to two bedrooms) in the town centre at St John's Street, Union Street, and the High Street in accordance with the Plan's broader encouragement for redevelopment in these locations (within Policy NP3). The third element proposes the allocation of the Police Station site for residential and community use, provided the proposal delivers retirement living and downsizing opportunities, and retains the community use of a non-designated heritage asset.

7.20 MKCC raise detailed comments on the proposed redevelopment of the Police Station site (Part D of the policy). However, planning permission has now been granted on appeal for the redevelopment of the site. In this context, I am satisfied that this part of the policy takes an appropriate approach. The site can be redeveloped based on the proposal recently granted on appeal or possibly based on an alternative proposal based on the principles in the policy.

- 7.21 In general terms the policy takes a positive approach to the delivery of new housing in the Settlement Boundary. Nevertheless, I recommend detailed modifications to the wording used throughout the policy to bring the clarity required by the NPPF. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

In Part A of the policy (fourth bullet point) replace ‘as per clause D below; and in addition’ with ‘as set out in section D of this policy; and’

Replace the opening sentence of section B of the policy with: ‘Development proposals for the suitable and beneficial reuse of previously developed land within the Settlement Boundary will be supported.’

In part B of the policy replace ‘Any application for new housing’ with ‘Proposed residential’

In part C replace ‘will be expected to’ with ‘should’

Policy NP2 Tickford Fields Development Site

- 7.22 The Plan advises that the policy only makes minor number and locational changes to the existing Tickford Fields Development site allocation and is not therefore considered to change the nature of the Plan in respect of these modifications.

- 7.23 The following revisions are proposed to the policy in the made Plan:

- the density of dwellings has been increased from 35 to 37.5 per hectare in the proposed revised policy;
- in addition to the on-site redways included in the original policy, the proposed revised policy advises that off-site redway links west of Tickford Street to Ousedale School and Willen Road Sports Ground should be provided;
- the new primary school should now be located adjacent to North Crawley Road, rather than in an unspecified central location. In addition, this site should be transferred to the local authority before the completion of any dwellings, rather than the one hundredth home; and
- the Neighbourhood Play Area should be located to the north of the site, rather than the eastern side.

- 7.24 The policy continues to be revised as the Plan is modified. This is perhaps to be expected with such a large site and its significant infrastructure provisions. I am satisfied that the policy updates have been carefully considered and meet the basic conditions. The implementation of the policy will contribute to the delivery of each of the three dimensions of sustainable development.

Policy NP3 Living in the Town Centre

- 7.25 This is a new policy which supports proposals within the Town Centre boundary subject to three design and layout criteria which include retaining uses, replacing frontages, and conserving or enhancing the character of the Conservation Area. The policy also supports proposals for three-storey residential buildings at certain identified properties

along the High Street and St John's Street which currently detracts from the character and appearance of the Conservation Area. It also offers support to proposals to redevelop the library site, No.1 Station Road and the builder's yard in Union Street which are all prominent sites in the town centre and provide an opportunity to enhance the character and appearance of the Conservation Area.

- 7.26 The Plan comments that by encouraging specific sites in the Town Centre to bring forward proposals for redevelopment, this policy changes the nature of the Plan.
- 7.27 In general terms, I am satisfied that the policy takes a positive approach to living in the town centre. As the Plan advises, the focus of the policy is on prominent sites in the town centre that provide an opportunity to enhance the character and appearance of the Conservation Area.
- 7.28 Part A of the policy takes a positive approach to the comprehensive development (or the introduction of third storeys) to a range of buildings in High Street and St John's Street. Nevertheless, I recommend that the policy is modified so that it includes appropriate environmental and design safeguards.

Library Site (Part B)

- 7.29 The Plan offers support for the comprehensive redevelopment of the Library site for mixed use or retail development subject to two criteria
- 7.30 MKCC comment about the deliverability of the redevelopment of the Library site.
- 7.31 In its response to the clarification note NPTC commented:
- 'The intent of the policy is therefore not to establish that the library service is required to move and could even be re-provided on the site as part of any future redevelopment proposals. The Town Council would therefore welcome the examiner's suggestion for a modification to make this clearer.'*
- 7.32 In the round I am satisfied that the policy takes a positive approach to the proposed redevelopment of the existing Library site. The current building does not enhance the Town Centre Conservation Area and its redevelopment offers the opportunity to promote the development of a building which is relates better to its character and appearance.
- 7.33 Within this broader context, I recommend that the policy focuses on the development of the site rather than the relocation of the library. Plainly detailed discussions will need to take place on the relocation site and phasing of the redevelopment of the existing Library site and the development of a new/replacement library. These are parallel commercial matters. The Town Council's existing premises provides one such opportunity. Nevertheless, I recommend that the supporting text is broadened so that it is described as one option.
- 7.34 I also recommend modifications to the policy to provide greater flexibility and to remove the unnecessary supporting text (within the policy) about the effect of the current Library building on the character and appearance of the Conservation Area.

Station Road site (part C)

- 7.35 The Plan offers support to the redevelopment of the Station Road site for residential development subject to a series of criteria.
- 7.36 MKCC comment about the appropriateness of development coming forward on the site given its location in Flood Zone 3. It advises that two planning applications have been refused given the potential flooding issues.
- 7.37 In its response to the clarification note, NPTC restated its comments on this issue in the Consultation Statement as follows:

'the fact that individual planning applications have not passed the sequential test is not relevant. It is not clear whether MKCC has interrogated the supporting text of Policy NP4 which explains how the sequential test has been applied. It explains that there are no reasonably available sites appropriate for the proposed development. The proposed development seeks to improve the vitality and viability of the Town Centre and conserve and enhance the historic town centre. The site is the only prominent site at this gateway to the Town Centre which currently detracts from the character and appearance of the Conservation Area. There is therefore considered to be no other reasonably available sites appropriate for the proposed development in this specific location.'

- 7.38 I have considered the matter very carefully. It is common ground that the site detracts from the character and appearance of the Conservation Area. However, NPTC has offered no definitive evidence about the suitability of the redevelopment of the site given its location in Flood Zone 3a. In addition, it is not for a qualifying body (here NPTC) to comment about the extent to which the development of the site meets the sequential test for flooding purposes and the evidence from the two recent planning applications suggests that MKCC (in its capacity as the local planning authority) does not agree with NPTC's assertion.
- 7.39 In its response to the clarification note, NPTC draws my attention to Section 7 of Planning practice guidance on the application of the sequential test to development proposals (ID: 7-027-20220825). Nevertheless, it has not followed that guidance which indicates that sites proposed to be allocated in development plans should be subject to the test at plan making stage.
- 7.40 On the basis of all the evidence, I recommend that Part C of the policy is deleted. I also recommend consequential modifications to the supporting text.

Union Street (Part D)

- 7.41 The Plan offers support to the redevelopment of the Union Street site for residential development subject to a series of criteria. I am satisfied that this part of the policy is well-considered. The criteria in the policy are locally-distinctive and take account of the location of the site in relation to existing buildings in Union Street and the character of the conservation area.

- 7.42 With the various recommended modifications I am satisfied that the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

In part A of the policy replace ‘in principle’ with ‘where they comply with design and heritage policies in the development plan’

Replace Part B of the policy with:

‘Proposals to redevelop the library site, as shown on the Policies Map, for a mixed-use or retail development as part of comprehensive redevelopment will be supported, provided:

- **the library service has been relocated and is operational on a site elsewhere in or adjoining the town centre or will be re-provided on site as part of the redevelopment scheme;**
- **the scheme design conserves and enhances the character and appearance of the Conservation Area; and**
- **the proposal responds positively to the adjacent designated heritage assets of St. Peter & St. Paul’s Church, Tickford Bridge, Queen Anne’s Almshouses and 22 – 32 St. John’s Street.’**

Delete Part C of the policy

Replace the final three sentences in the final paragraph of supporting text on page 30 of the Plan with:

‘However, the library service is popular and Clause B therefore requires that it is either re-provided on the site as part of the redevelopment scheme, or relocated and operational before redevelopment commences. The Plan acknowledges that this may be complicated and a series of arrangements will need to be met. In this context the Plan does not wish to preclude options for the selection of a replacement site for the library facility. As one potential option the Town Council intends to vacate its own offices in the Town Centre to the former police station nearby, which has been granted permission on appeal for community use. Clearly further negotiations with relevant stakeholders will need to be pursued.’

Delete Image 2 and the supporting text in relation to the Station Road site

Policy NP4 Green and Blue Infrastructure Network

- 7.43 This is a proposed new policy. It identifies the existing green infrastructure network, including priority habitats and amenity open space. It comments that new developments must create, maintain, and improve the Network in the design of their layouts, landscaping schemes and public open space and play provisions. It also advises that qualifying development proposals should deliver 10% biodiversity net gain, with a priority for delivery on-site, although it acknowledges that there may be instances where off-site delivery will be acceptable if it can be demonstrated that opportunities to deliver on-site gains have been exhausted. The policy also designates three biodiversity net gain offsetting sites in the Neighbourhood Area, as well as an extension to the linear park. The policy supports proposals for enhanced recreation

and sporting facilities within the new proposed Sports Ground and identifies the open amenity land to which existing development plan provisions should apply

7.44 The Plan advises that this is a significant policy addition which identifies existing green infrastructure and seeks improvement to the overall network.

7.45 In general terms, the policy takes a positive approach to these matters.

7.46 In its representation on the Plan, the Society of Merchant Venturers comments that it:

'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.'

7.47 In its response to the clarification note, NPTC commented that:

'Discussions have been held with all the relevant landowners. It is accepted that there is currently no formal designation mechanism in planning policy to identify how and where off-site BNG should be delivered. The policy has therefore sought to identify locations where there is the greatest opportunity to secure biodiversity net gain which will not only deliver net gain locally but as part of the wider green infrastructure network. In this respect Clause F of the policy is not a statutory designation or a constraint on the land but the identification of areas where there are substantial opportunities for improving biodiversity that should inform any future decision made on the development and use of the land. For example, all the BNG sites are currently farmed. There will be opportunities for landowners to continue to retain the land as farmed land, whilst still adding biodiversity opportunities through any or all of the following options: Placing hedgerows around farmed fields; changing to organic farming options, and changing crops to lower dig options. In addition, the policy seeks to encourage owners to consider these which could add financial benefits to sites either through trading these options for biodiversity offsetting, or through enhanced schemes with the Rural Payments Agency'

7.48 I have considered these issues very carefully. On the one hand, the policy is both comprehensive and ambitious and seeks to provide local advice for the delivery of biodiversity net gain in the neighbourhood area throughout the Plan period. On the other hand, there is no direct relationship between the allocations proposed in the Plan and the 'Stepping Stones' as identified in the policy.

- 7.49 I note that the approach taken towards Stepping Stones is underpinned by the Future Nature WTC report (April 2022) commissioned by NPTC. It provides a comprehensive assessment of the opportunities which may be available on the three sites. However, it assesses their biodiversity value rather than relating the findings to development proposals. In addition, it does not assess the willingness or otherwise of the various landowners to become involved in such a process. The landowner engagement is also a matter raised by MKCC. In all the circumstances, I recommend that parts E and F of the Plan are deleted. I also recommend consequential modifications to the supporting text and the associated map (Map 5).
- 7.50 I also recommend modifications to Parts A, B and G of the policy to take account of the representation from MKCC, and which were agreed by NPTC in its response to the clarification note. In each case, they bring the clarity required by the NPPF. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and environmental dimensions of sustainable development.

In part A after ‘ancient woodland,’ add ‘allotments’

In part B replace ‘maintain and improve’ with ‘maintain or improve’

Delete parts E and F.

In part G delete the text in brackets.

In the supporting text (5.4.2):

- *in the third paragraph replace ‘Clauses C, D and E’ with ‘Clauses C and D’;*
- *in the fifth paragraph delete ‘Clause E..... medium to high.’; and*
- *delete the sixth paragraph.*

On Figure 5 remove the Stepping Stones (and the related element of the Key).

Policy NP5 Aston Martin Heritage Centre

- 7.51 This is a new policy which allocates land for the Aston Martin Heritage Centre off Downs Field. The policy also makes provision for several key development principles to ensure that key social and environmental objectives are met.
- 7.52 I looked at the proposed site carefully during the visit. I saw its relationship to the modern houses in Downs Field and Lovatt Meadows Close. I also saw the remnants of the former allotments on the site.
- 7.53 In its representation on the policy, MKCC commented about the potential loss of allotments within the wider town which would arise as an outcome of the development of the site as a Heritage Centre. In its response to the clarification note, NPTC advised that:

‘the proposed allocated site is not currently in use as allotments. That part of the site which was used for allotments has been vacant for two years and the few remaining allotment holders have been accommodated at a newly created, additional site in the

town, Burgess Gardens or elsewhere in the town. This new site also increased the number of available plots, allowing residents in the local area to have allotments close to their Green Park Homes. The Town Council manages nearly 300 allotments plots at various locations within the town and currently has no waiting list as all current applicants are being accommodated on various sites in the town. It reviews allotment provision on a regular basis and does not consider that there is currently a need to safeguard any sites to meet the needs of its residents.'

- 7.54 In the round I am satisfied that the policy has been well-considered. It will facilitate the development of the site as a heritage centre which will relate closely to the automobile heritage of the town. In addition, I am satisfied that NPTC has properly assessed the need for allotment provision in the town and that the promotion of the site for development will not result in the loss of any allotment plots in active use.
- 7.55 I am satisfied that the criteria in the policy are both appropriate and locally-distinctive. Nevertheless, I recommend that the criterion on highways capacity is modified so that it more properly expresses its intentions. I also recommend that the opening element of the policy is recast for the same reason.
- 7.56 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

Replace the opening element of the second part of the policy with: 'Development proposals should be designed to ensure that:'

Replace the sixth criterion with: 'traffic movements can be accommodated within the highway network, including London Road.'

Policy NP6 Design Guidance

- 7.57 This policy has been renumbered from NP4 in the made Plan. There are two proposed revisions. The first is the removal of clause E relating to proposals to develop a new museum as Policy NP5 of the Plan now makes specific provision for such a facility. The second relates to the subdivision of residential garden land for infill development which has now been incorporated into Policy NP1.
- 7.58 I am satisfied that the revised policy meets the basic conditions. It helpfully provides further details about the policy's approach.

Policy NP7 Affordable Housing and Tenure

- 7.59 The policy was previously Policy NP5 in the made Plan. The only modification is the addition of 'and rental tenures which will be particularly supported' into the final sentence of the policy.
- 7.60 I am satisfied that the revised policy meets the basic conditions. It helpfully provides further details about the policy's approach.

Policy NP8 Local Cycling and Walking Network

- 7.61 The policy was previously NP6 in the made Plan and has been given greater detail. This has been done by mapping the existing local cycling and walking network and incorporating it into the Policies Map. The policy states that proposals should make a direct connection to the network and those which harm the network will not be supported. The Modifications Statement advises that the proposed revisions to this policy are simply adding greater detail and clarity, rather than contradicting or changing the principles of the original policy
- 7.62 MKCC suggests a revision to the opening element of part B of the policy to acknowledge that not all development proposals will be able to provide a connection to the cycling and walking networks (due to their nature or their location). This approach will allow MKCC to apply the policy in a proportionate way and I recommend accordingly.
- 7.63 Otherwise, I am satisfied that the revised policy meets the basic conditions. It helpfully provides further details about the policy's approach.

Replace the first sentence of Part B of the policy with: 'Development proposals on land that lies adjacent to the identified Network, and which would generate walking and cycling trips, should make provision for a direct connection to the Network.'

Policy NP9 Developer Contribution Policy

- 7.64 The policy was previously NP7 in the made Plan. The Modifications Statement advises that the only modification is updating the threshold for planning contributions to bring the approach in line with strategic policy.
- 7.65 I am satisfied that the revised policy meets the basic conditions. It helpfully updates the policy's approach.

Other Matters - General

- 7.66 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly because of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan because of the recommended modifications to the policies. Similarly, changes may be necessary to paragraph numbers in the Plan or to accommodate other administrative matters. It will be appropriate for MKCC and NPTC to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

Modification of general text (where necessary) to achieve consistency with the modified policies and to accommodate any administrative and technical changes.

8 Summary and Conclusions

Summary

- 8.1 The replacement Plan sets out a range of policies to guide and direct development proposals in the period up to 2031. It is distinctive in addressing a specific set of issues that have been identified and refined by the Town Council and the wider community.
- 8.2 Following the independent examination of the Plan, I have concluded that the Newport Pagnell Neighbourhood Development Plan Second Review meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

Conclusion

- 8.3 On the basis of the findings in this report, I recommend to Milton Keynes City Council that subject to the incorporation of the modifications set out in this report that the Newport Pagnell Neighbourhood Development Plan Second Review should proceed to referendum.

Other Matters

- 8.4 I am required to consider whether the referendum area should be extended beyond the neighbourhood area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the City Council on 22 October 2013.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth manner. The responses to the clarification note were both detailed and informative.

Andrew Ashcroft
Independent Examiner
2 August 2024