

Newport Pagnell Neighbourhood Development Plan Review 2020- 2031

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

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Executive Summary

- 1 I was appointed by Milton Keynes Council in March 2021 to carry out the independent examination of the Newport Pagnell Neighbourhood Development Plan Review.
- 2 The examination was undertaken by written representations. I visited the neighbourhood area on 7 April 2021.
- 3 The Plan proposes a series of modifications to the policies in the 'made' Plan. It continues to seek to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding its distinctive character.
- 4 The Plan has been underpinned by community support and engagement. The community has been engaged in its preparation in a proportionate way in its review.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Newport Pagnell Neighbourhood Development Plan Review meets all the necessary legal requirements and should be made by Milton Keynes Council.

Andrew Ashcroft
Independent Examiner
5 May 2021

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Newport Pagnell Neighbourhood Development Plan Review 2020-2031 (the 'Plan').
- 1.2 The Plan has been submitted to Milton Keynes Council (MKC) 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 aim to 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. The NPPF continues to be the principal element of national planning policy. It was updated in both 2018 and 2019.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not 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 arises as a result of 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. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted plan has been designed to be distinctive in general terms, and to be complementary to the development plan in particular. It has been prepared in order to update and refresh the 'made' Plan through a formal review process.
- 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 modifications to its policies and supporting text.

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 MKC, with the consent of NPTC, to conduct the examination of the Plan and to prepare this report. I am independent of both MKC 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 over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and 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 Service.

Examination Outcomes

- 2.4 The examination process for the review of a 'made' neighbourhood plan is set out in Section 3 of this report.
- 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. I am satisfied that the submitted Plan complies with the three requirements subject to recommended modifications included in this report.

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 MKC SEA/HRA screening report
- the Modifications Statement
- the Modifications Proposal
- the Newport Pagnell Design Study
- the Conservation Area Review
- the representations made to the Plan.
- the Town Council's responses to my Clarification Note.
- Plan:MK
- the National Planning Policy Framework.
- Planning Practice Guidance (March 2014 and subsequent updates).
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 7 April 2021. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My visit is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.3 It is a general rule that neighbourhood development 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 was satisfied that the Plan could be examined without the need for a public hearing. I advised MKC of this decision once I had received the responses to the questions in the clarification note.

3.4 The Neighbourhood Planning Act 2017 identifies the circumstances that might arise as qualifying bodies seek to review 'made' neighbourhood plans. It introduces a proportionate process for the modification of neighbourhood plans where a neighbourhood development order or plan has already been made in relation to that area.

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 considered this issue. It takes the view that the proposed changes to the 'made' Plan fall into the second category.

3.7 MKC has also undertaken a separate assessment of the issue. It takes the same view as NPTC on the scale and nature of the modifications to the policies in the 'made' Plan.

3.8 I have considered these assessments very carefully. I have concluded that the review of the Plan includes material modifications which do not change the nature of the Plan and which would require examination but not a referendum. I have reached this decision for the following reasons:

- the policies largely repeat and update those in the 'made' Plan; and
- the modifications in the review bring the Plan up to date to reflect changes in national and local planning policy.

3.9 In these circumstances I will examine the Plan against Schedule A2 of the Planning and Compulsory Purchase Act 2004. The regulations identify that this report must recommend one of three outcomes:

- that the local planning authority should make the draft plan; or
- that the local planning authority should make the draft plan with the modifications specified in the report; or
- that the local planning authority should not make the draft plan.

3.10 Section 7 of this report assesses each policy in turn and identifies any modifications required to ensure that the policy meets the basic conditions. My recommendation is then set out in Section 8.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development management decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Town Council has prepared a Consultation Statement. The Statement reflects the neighbourhood area and its policies. It also provides specific details on the consultation process that took place on the pre-submission version of the Plan from September to October 2020.
- 4.3 The Statement sets out details of the consultation events that were carried out in relation to the initial stages of the Plan. Whilst they were affected by the Covid pandemic they were appropriate for the circumstances of the Plan itself. Details are provided about the engagement with the statutory bodies and the public consultation events in the area. Specific events and engagement techniques highlighted included:
- the circulation of the Town Council's quarterly publication (Town Talk) to every home in Newport Pagnell advising them of where they could find the consultation documents and how to make comments on the proposals;
 - the setting up of an online survey (Survey Monkey) giving residents the opportunity to comment on the proposals. The survey was advertised on the Town Council's website, on its Facebook Account, and on the Facebook Local Chit Chat Group in Newport Pagnell that has 30,000 members, many living in Newport Pagnell;
 - the messaging was sent out on the Town Council's Instagram account;
 - the targeted Facebook and Instagram messaging applied to Facebook and Instagram account holders with Newport Pagnell postcodes;
 - the delivery of letters to all local businesses in the town centre; and
 - the display of a large banner advertising the consultation in the High Street.
- 4.4 The Statement sets out the extensive range of local and statutory organisations that were advised about the preparation of the Plan in general, and its pre-submission consultation phase in particular.
- 4.5 The Statement also sets out details of the responses received to the consultation process on the pre-submission version of the Plan. It also sets out how the Plan responded to those representations. The exercise has been undertaken in a very thorough fashion.
- 4.6 From all the evidence available to me as part of the examination, I have concluded that the Plan has sought to develop an inclusive approach to seeking the opinions of all concerned throughout the process. The consultation process undertaken is proportionate to the nature of the review of the Plan. MKC has carried out its own

assessment of this matter as part of the submission process and has concluded the consultation process has complied with the requirements of the Regulations.

Representations Received

4.7 Consultation on the submitted plan was undertaken by MKC that ended on 5 March 2021. This exercise generated comments from statutory and local organisations. They are listed below:

- Anglian Water
- Canal and River Trust
- Natural England

4.8 I have taken account of the three representations received as part of the examination of the Plan. Indeed, the supporting nature of the comments further highlights the professional way in which the Plan has been reviewed.

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 Milton Keynes urban area. 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 development plan for the Milton Keynes administrative area is 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 formulation of 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 formulation of the review of the neighbourhood plan.

Unaccompanied Visit to the neighbourhood area

- 5.9 I visited the neighbourhood area on 7 April 2021. It looked very attractive in cold and sunny conditions. I observed the social distancing measures that were in place at that time.
- 5.10 I drove into the neighbourhood area from A509 to the south. This helped me to understand its connection with Milton Keynes in general, and the M1 in particular. The position of Interchange Park to the south and east of the town highlighted the broader accessibility of its location.
- 5.11 I looked initially at the Tickford End part of the town. I saw the range of uses on Tickford Street itself. I saw the Aston Martin Heritage Centre and its collection of impressive cars. I saw the new houses off Salmons Yard and the way in which they had implemented an element of the relevant policy in the made neighbourhood plan.
- 5.12 I then walked along Chicheley Street and then followed the footpath network into the wider Tickford Fields development to the east. I saw the way in which this agricultural landscape related to the wider town.
- 5.13 I then walked into the town centre over Tickford Bridge. I saw the way in which it provided an iconic sense of arrival into the elevated town centre. I looked at the character buildings around St Peter and St Paul Church and saw the views from the church gardens to the River Ouzel. I saw the way in which the town centre was responding sensitively and positive to the Covid pandemic. I was able to understand the wider significance of the Conservation Area review.
- 5.14 I walked along High Street. In doing so I saw the Town Clock which was erected to commemorate the bicentenary of the opening of the town's bridges in 1810.
- 5.15 Thereafter I walked along Wolverton Road and Marsh End Road. I saw their residential characters and the way in which they contrasted with the more commercial environment of the town centre.
- 5.16 I left the neighbourhood area along the Wolverton Road to Milton Keynes. This highlighted the relationship between the neighbourhood area and the wider Milton Keynes built up area. It also highlighted that Newport Pagnell had successfully retained its character, appearance and distinctiveness as Milton Keynes had developed in recent years.

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 considerably in the preparation of this section of the report. It is a well-presented and informative document. It is also proportionate to the Plan itself.
- 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;
 - be compatible with 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.
- 6.3 I assess the Plan against the basic conditions under the following headings:
- National Planning Policies and Guidance*
- 6.4 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 (NPPF) issued in February 2019. This approach is reflected in the submitted Basic Conditions Statement.
- 6.5 The NPPF sets out a range of core land-use planning issues to underpin both plan-making and decision-taking. The following are of particular relevance to the Newport Pagnell Neighbourhood Plan Review:
- a plan led system – in this case the relationship between the neighbourhood plan and the adopted Plan:MK;
 - delivering a sufficient supply of homes;
 - 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.
- 6.6 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.

- 6.7 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.
- 6.8 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 in general terms. It sets out a positive vision for the future of the neighbourhood area giving appropriate weight to the wider growth agenda in the Milton Keynes administrative area. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.9 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 in March 2014. 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. Policies should also be concise, precise and supported by appropriate evidence.
- 6.10 As submitted the Plan does not fully accord with this range of practical issues. The majority 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

- 6.11 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. It is clear that the submitted review of the Plan has been designed to continue to achieve sustainable development in the neighbourhood area. It has a particular focus on promoting the growth agenda in the town whilst safeguarding its built and natural heritage.

General conformity with the strategic policies in the development plan

- 6.12 I have already commented in detail on the development plan context in the Milton Keynes administrative area in paragraphs 5.4 to 5.8 of this report. I am satisfied that subject to the incorporation of the modifications recommended in this report that the submitted Plan is in general conformity with the strategic policies in the development plan. Indeed, the 'made' neighbourhood plan has been reviewed to take account of the adoption of Plan:MK which post-dates the making of the Plan.
- 6.13 I also consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to policies

in the 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.

European Legislation and Habitat Regulations

- 6.14 The Neighbourhood Plan General 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.
- 6.15 In order to comply with this requirement MKC published a screening report in February 2020 on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. It builds on the work undertaken as part of the initial plan-making process. As a result of this process, it concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require SEA.
- 6.16 The screening report includes a separate Habitats Regulations Assessment (HRA) of the Plan. It takes account of the likely effects of development in the neighbourhood area on two protected sites outside its administrative area (the Chiltern Beechwoods and the Upper Nene Valley Gravel Pits).
- 6.17 The screening report concludes that the Plan is not considered to have the potential to cause a likely significant adverse effect on a European protected site. It also concludes that there will be no likely significant in-combination effects. Its level of detail provides assurance that this important matter has been comprehensively addressed.
- 6.18 The screening reports include the responses received as part of the required consultation. In doing so they provide assurance to all concerned that the submitted Plan takes appropriate account of important ecological and biodiversity matters.
- 6.19 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. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.
- 6.20 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 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 the basis of all the evidence available to me, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and NPTC have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (Section 41-004-20190509) which indicates that neighbourhood plans must 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 policies whether or not they are proposed to be modified from the made Plan or where I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 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.

General Comments

- 7.8 The Background section of the Plan helpfully sets the scene on the way in which NPTC has approached the review of the existing Plan. The Town Council is undertaking the wider review in two ways. Firstly, it is making some minor, but material, modifications to the Plan. It is this part of an emerging package which is the subject of this examination. Secondly, it intends to carry out a more substantial review of the vision, objectives and spatial strategy of the modified Plan in to take account of the emerging replacement of Plan:MK by MKC and in the light of other strategic planning initiatives such as the Oxford-Milton Keynes-Cambridge Corridor. It also expects that a more fundamental review of the future successful role of the town centre in the life of the town will be necessary, including proposals for new development. In each case, not enough is known at present to inform and shape that review and as such the two-phased approach has been pursued.
- 7.9 The current review of the Plan has been prepared in a very effective fashion. The distinction between its supporting text and its policies is very clear. The Plan includes a series of very helpful maps
- 7.10 In addition the presentation of the Plan is very good. The package of submission documents is proportionate to the neighbourhood area in general, and to the review of

the Plan in particular. In combination the documents helpfully identify the aspects of the Plan which have been updated.

- 7.11 The revisions to the made Plan has been very carefully considered. The Town Council's ambition to review the Plan responds positively to national guidance and associated best practice. The Plan continues to provide a clear vision for the neighbourhood area. The review addresses a balanced range of issues. It is underpinned by an appropriate evidence base and properly takes account of the elements of the Plan which have been implemented since it was 'made'. In particular it takes account of the adoption of Plan: MK.
- 7.12 The review of the Plan is underpinned by a Modification Statement and a Modification Proposal, both of which are first-class documents. The wider approach which has been taken by NPTC would be a very useful and effective model for others to use in the review of their made neighbourhood plans.

Policy wording

- 7.13 The Plan uses a range of overlapping wording for its policies. Where they 'support' identified development, they use either 'permitted', 'encouraged', or both. Where they do 'not support' identified development, they use 'will be refused', 'will not be supported' or 'resisted'. Where they make requirements of a developer, they use 'shall be/will be', 'will be' 'will be expected', 'must', 'should' or 'will be required to'. Whilst this issue does not affect the overall integrity of the Plan it brings a degree of inconsistency and a potential lack of clarity.
- 7.14 In its response to the clarification note NPTC commented that it would welcome a recommended modification to bring consistency to the wording used in the Plan. I recommend modifications to the general wording used in the policies as follows:
- where they 'support' identified development, they use 'will be supported';
 - where they do 'not support' identified development, they use 'will not be supported'; and
 - where they make requirements of a developer, they use 'should'.

- 7.15 In a general way I am satisfied that the recommended modifications to the policy wording will not alter the approach of the Plan, will not affect the integrity of the policies concerned and would be consistent with the wider approach of the Plan with regard to the scale, nature and significance of the modifications to the Plan. The recommended modifications on this issue are addressed on a policy-by-policy basis later in this report and without any further explanation beyond this general commentary.

The Policies

- 7.16 The majority of this section of the report comments on the submitted modifications to various policies in the 'made' Plan. The assessment of each policy takes the following format:
- the nature of the modification as set out in the Modifications Proposal Statement;

- the two councils' assessment of the significance of the proposed modifications;
- my assessment of the modification; and
- any recommended modifications to its wording.

Policy NP1: Settlement Boundary and New Housing

- 7.17 The Modification Proposal Statement comments that the policy has been retitled and that two of the six allocated sites (North Crawley Industrial Estate and Mustard Factory) are deleted as they have now been implemented. The Tesco site, now renamed the Aston Martin Works site, is nearing completion. The policy now cross-refers to the amalgamated Tickford Fields Farm sites (B & C) as a commitment and retains the references to the Aston Martin Works and Police Station sites. It clarifies the modified overall housing supply position (to take into account completions and commitments and the lower total number of dwellings consented at Tickford Fields) as at January 2020, to ensure that NPPF paragraph 14 is engaged by the modified plan.
- 7.18 MKC and NPTC consider that, as a result, the modifications are minor and not material.
- 7.19 I am satisfied that the modifications are minor in their nature. They update the Plan based on recent implementations.
- 7.20 In the context of paragraphs 7.13 to 7.15 of this report I recommend specific modifications to the policy wording. Otherwise, the policy meets the basic conditions.

In Part B of the policy replace 'will be refused' with 'will not be supported'

Examiner's Note: Whilst it is not a basic condition issue the setting of the opening elements of Parts A and B of the policy would benefit from realignment.

Policy NP2: Tickford Fields Development Specific Policy

- 7.21 The Modification Proposal Statement comments that the policy has been modified to acknowledge that the North Crawley Industrial Estate (Tickford Fields Farm Strategic Reserve Site A) has been completed. On the remaining parts of the Tickford Fields Farm Site (B & C) the Section 106 agreement has been negotiated and agreed between all parties. A planning application was submitted in January 2020 but not yet determined which has reduced the total number of dwellings to 930 from 1,200 to take account of the recommendations of the detailed flood risk assessment. A revised concept plan has been added to reflect the consented land use distribution on the site (notably the change to the new school location).
- 7.22 MKC and NPTC consider that, as a result, the modifications are minor and not material.
- 7.23 I am satisfied that the modifications are minor in their nature. They update the Plan based on recent implementations. In particular they take account of the completion of a Section 106 agreement and to reflect the broader layout of the site in the consented scheme.

- 7.24 In the context of paragraphs 7.13 to 7.15 of this report I recommend specific modifications to the policy wording. Otherwise, the policy meets the basic conditions.

Throughout the policy replace ‘shall’ with ‘should’

In d replace ‘Any planning application.... Assessment’ with ‘Any planning application should be accompanied by a Transport Assessment’

In e replace ‘allowed’ with ‘supported’

In f replace ‘will be required’ with ‘should be provided’

Policy NP3: Former Aston Motors Works Specific Policy

- 7.25 The Modification Proposal Statement comments that the policy has been retitled to replace the reference to ‘Tesco’ as it is no longer relevant. Tesco has now sold the site, and the original name of the site has been used instead. All but the contents of its clauses A and B are deleted and those clauses have been amalgamated and retained to acknowledge the continued importance of conserving the historical buildings on the site (now identified as Local Heritage Assets in the new Newport Pagnell Design Study and by Policy NP4). Although the housing on this site has been completed since January 2020 there has been as yet no action taken to refurbish the buildings as required by the policy.

- 7.26 MKC and NPTC consider that, as a result, the modifications are minor and not material.

- 7.27 I am satisfied that the modifications are minor in their nature. They update the Plan based on recent implementations. In particular the policy changes references to the names of sites.

- 7.28 In the context of paragraphs 7.13 to 7.15 of this report I recommend specific modifications to the policy wording. Otherwise, it meets the basic conditions.

In the first sentence of the policy replace ‘shall’ with ‘should’

Replace the second sentence with: ‘Proposals for the employment or institutional use of heritage assets will be supported’

In the third sentence replace ‘permitted’ with ‘supported’

Policy NP4: Design Guidance

- 7.29 The Modification Proposal Statement comments that the policy has been retitled and its content restructured and supplemented into five clauses. This has been made possible by the Newport Pagnell Design Study 2020, which is published separately in the evidence base. The extent to which each clause is relevant to a proposal will be determined by a combination of the nature of the proposal and its location in the town.

- 7.30 Clause A is the original content but with an additional reference to make it clearer that the subdivision of plots using rear or side gardens will not be supported as this will change the character of the local area, as evidenced by the Study. Clause B requires proposals located within the Conservation Area and its setting to have regard to the Newport Pagnell Neighbourhood Plan Review – Examiner’s Report

contents of the 2010 Newport Pagnell Conservation Area Review and the 2020 Newport Pagnell Design Study, as relevant to the proposal context. Clause C relates to design guidance for the remainder of the town and requires proposals to have regard to the contents of the 2020 Newport Pagnell Design Study as relevant to the proposal context. The Study defines a number of residential character areas for this purpose.

- 7.31 Clause D relates to local heritage assets in the Conservation Area and elsewhere in the town and seeks to resist harm to or the unnecessary loss of those assets. The 2020 Newport Pagnell Design Study identifies and describes the local interest of each local heritage asset. Finally, clause E encourages proposals to create a new accredited museum/heritage/education centre in the town.
- 7.32 The Statement comments that the package of modifications is intended to improve the effectiveness and clarity of the policy in its scope and implementation in the future. They are considered material in the sense that they ‘unpack’ the previous generic policy wording to apply more specifically to different parts of the town (benefiting from the addition of the 2020 Newport Pagnell Design Study to the evidence base to complement the 2010 Conservation Area Review). MKC and NPTC consider that, as a result, the modifications are material, but they do not significantly or substantially change the nature of the plan, either on their own or in combination.
- 7.33 Clause E of the policy addresses an interesting potential development of a motor related museum in the town. It is explicit about the need for the museum to be accredited. I sought advice from NPTC on the extent to which the accreditation issue was a material planning consideration in its own right and the need for its inclusion within the policy. In its response NPTC commented:
- ‘This wording was recommended as a modification to the draft policy by (MKC) at the pre-submission Plan stage. It noted that the Arts Council requires S106 financial contributions to be invested only in formally accredited museum facilities. This must therefore be regarded as a valid material planning consideration as it will form part of such a S106 agreement. It is known that the Aston Martin Heritage Trust (AMHT) is keen to re-establish its extensive Aston Martin Museum in Newport Pagnell and the Town Council has been working towards this for a number of years. The Town has a long history with the Aston Martin brand, and custom-built, top-of-the-range Aston Martin vehicles are still built in Newport Pagnell today’*
- 7.34 The modifications to this policy are more extensive than those associated with other policies. In particular they take account of the Newport Pagnell Design Study 2020. The policy’s wider overlap with the Study provides a greater level of policy detail. In this context I am satisfied that whilst the modifications are material in their nature, they do not justify a local referendum.
- 7.35 Given the wider circumstances in which the wider approach to the specific issue of the development of a museum has been developed (including that of the policy) I am satisfied that the policy approach and detail is both relevant and appropriate to local circumstances. As such it meets the basic conditions.

- 7.36 In the context of paragraphs 7.13 to 7.15 of this report I recommend specific modifications to the policy wording. Otherwise, the policy meets the basic conditions.

In A replace 'permitted' with 'supported'

In B and C replace 'must' with 'should'

In D replace 'will be resisted' with 'will not be supported'

In E replace 'will be encouraged' with 'will be supported'

Policy NP5: Affordable Housing and Tenure

- 7.37 The Modification Proposal Statement comments that the policy has been modified to bring it into line with Plan: MK. Its result is a requirement for at least 31% requirement for affordable housing (and with a tenure mix to match its approach), and with the National Planning Policy Framework. In addition, the requirement of the original text to require, by exception, the delivery of shared ownership homes equating to 10% of the Tickford Fields scheme as agreed with MKC, has been rephrased in the modified plan to make it easier to understand.
- 7.38 MKC and NPTC consider that, as a result, the modifications are minor and not material.
- 7.39 I am satisfied that the modifications are minor in their nature. They update the Plan based on adoption of Plan: MK.
- 7.40 In the context of paragraphs 7.13 to 7.15 of this report I recommend specific modifications to the policy wording. Otherwise, the policy meets the basic conditions.

In A replace 'shall' with 'should'

In B replace 'will be expected to' with 'should'

Policy NP6: Cycle and Pedestrian Routes

- 7.41 The Modification Proposal Statement comments that the defined network of routes (as shown on the map in Appendix III of the 'made' Plan) should now be considered in relation to the updated evidence provided by MKC. In addition, some minor changes to the text have been made to aid clarity, including adding a reference to connecting routes with schools and sports facilities and the intention to create a local cycle track facility.
- 7.42 MKC and NPTC consider that, as a result, the modifications are material, but they do not significantly or substantially change the nature of the plan, either on their own or in combination.
- 7.43 In this context I am satisfied that whilst the modifications are material in their nature, they do not justify a local referendum.
- 7.44 In the context of paragraphs 7.13 to 7.15 of this report I recommend specific modifications to the policy wording. Otherwise, the policy meets the basic conditions.

In A replace ‘must’ with ‘should’. Thereafter, replace ‘which should’ with ‘and’

Policy NP7: Developer Contribution Policy

- 7.45 The Modification Proposal Statement comments that the policy has been modified to clarify the meaning of ‘major development’ and to ensure that the policy also covers phased schemes of smaller developments that may otherwise unfairly circumvent its requirements.
- 7.46 MKC and NPTC consider that, as a result, the modifications are minor and not material.
- 7.47 Part B of the policy comments about the way in which NPTC intends to control potential circumstances where a series of smaller planning applications are submitted on a larger site. I sought clarification on how MKC could apply the policy on a clear and consistent fashion throughout the Plan period. In its response NPTC commented:
- ‘(MKC) has adopted a series of Supplementary Planning Documents relating to the operation of planning obligations. The Town Council understands that this minor modification to the made policy will allow Milton Keynes Council to add into an initial s106 agreement wording to the effect that if more homes are developed on this site, thereby forming what would have been a ‘major development’, the developer will be subject to s106 payments for all the homes on the site collectively. No s106 agreement will come into force until a second planning application has been approved’
- 7.48 In these circumstances I am satisfied that there are local mechanisms in place to deliver this mechanism in a measured and policy-driven fashion
- 7.49 In its response NPTC also drew my attention to an inaccuracy in the detail of the wording of Section B of the policy. I agree with its interpretation of this matter and recommend accordingly.

In A replace ‘shall’ with ‘should’

In B replace ‘will also be required to contribute to’ with ‘should also contribute to’. Thereafter replace ‘will also be required to contribute to’ with ‘should also contribute to’

In B replace ‘11 homes’ with ‘10 homes’

Policy NP8: Linear Park including Leisure

- 7.50 The Modification Proposal Statement comments that the policy has been retitled and some minor modifications have been made to extend the Linear Park in the town, defined by the adopted Plan:MK, to cover a wider area south of the river. This approach will ensure the park has even greater recreational value for the local community and its nature conservation and flood control functions are properly recognised. In addition, a new Policies Map and Insets have been added to consolidate information shown on separate plans throughout the ‘made’ Plan in one place.
- 7.51 MKC and NPTC consider that, as a result, the modifications are minor and not material.

- 7.52 I am satisfied that the modifications are minor in their nature. They update the Plan and bring added clarity.

Other Matters - General

- 7.53 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 as a result 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 as a result of the recommended modifications to the policies. It will be appropriate for MKC 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.

8 Summary and Conclusions

Summary

- 8.1 The Review of the 'made' Plan sets out a range of policies to guide and direct development proposals in the period up to 2031. It has been carefully prepared to refresh the Plan and to address changes in national and local planning policy which have arisen since the initial plan was 'made'.

Conclusion

- 8.2 Following my independent examination of the Plan I have concluded that the Newport Pagnell Neighbourhood Development Plan Review meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.
- 8.3 The recommended modifications refine the wording of the policies concerned. Nevertheless, the submitted review of the Plan remains fundamentally unchanged in its role and purpose.
- 8.4 I recommend that MKC should make the draft plan with the modifications specified in this report.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth manner. MKC managed the process in a very efficient way and the Town Council's response to the clarification note was both thorough and helpful.

Andrew Ashcroft
Independent Examiner
5 May 2021