

Walton Neighbourhood Plan 2016-2026

**A report to Milton Keynes Council on the Walton
Neighbourhood Plan**

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Executive Summary

- 1 I was appointed by Milton Keynes Council in July 2016 to carry out the independent examination of the Walton Neighbourhood Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 26 August 2016.
- 3 The Plan proposes a series of policies and seeks to bring forward positive and sustainable development in the Plan area. In particular it proposes residential or mixed use developments on several key sites.
- 4 The Plan has been significantly underpinned by community support and engagement. It seeks to achieve sustainable development in the plan area and which reflects the range of social, environmental and economic issues that it has identified.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Walton Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood plan area.

Andrew Ashcroft
Independent Examiner
19 September 2016

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Walton Neighbourhood Plan 2016-2026 (WNP).
- 1.2 The Plan has been submitted to Milton Keynes Council (MKC) by the Walton Community Council 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 in 2012 and which continues to be the principal element of national planning policy.
- 1.4 This report assesses whether the WNP 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.
- 1.5 This report also provides a recommendation as to whether the WNP should proceed to referendum. If this is the case and that referendum results in a positive outcome the WNP would then be used to determine planning applications within the plan area and will sit as part of the wider development plan.

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 the Community Council, to conduct the examination of the Plan and to prepare this report. I am independent of both MKC and the Community Council. 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 30 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.

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 WNP is submitted to a referendum; or
 - (b) that the WNP should proceed to referendum as modified (based on my recommendations); or
 - (c) that the WNP does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

The Basic Conditions

- 2.5 As part of this process I must consider whether the submitted WNP 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; and
 - contribute to the achievement of sustainable development; and
 - be in general conformity with the strategic policies of the development plan in the area; and
 - be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

I have examined the submitted WNP against each of these basic conditions, and my conclusions are set out in Sections 6 and 7 of this report. I have made specific comments on the fourth bullet point above in paragraphs 2.6 to 2.10 of this report.

- 2.6 In order to comply with the Basic Condition relating to European obligations MKC carried out a screening assessment. The conclusion of the draft screening report was that there were no significant environmental effects as a result of the production of the Plan.

- 2.7 The required consultation was carried out with the three prescribed bodies. Replies were received from Natural England and the Environment Agency that confirmed their agreement that SEA is not required for the Plan. No response was received from Historic England. Nevertheless, the screening assessment had concluded that significant effects in respect of heritage were unlikely to occur. Following the consultation with the three prescribed bodies, MKC published its Screening Statement concluding that the scale of potential development proposed by the Walton Neighbourhood Plan would not strongly suggest that SEA would be required. The Screening Statement notes that the Plan area in general is free from any significant environmental designations and is already largely (sub)urbanised. Any proposed development is likely to be for housing (and related facilities) and not of a nature that is likely to be of detriment to public health. The magnitude of any effects are also unlikely to be felt in an area any wider than the plan area or effect a significant level of population.
- 2.8 MKC has also undertaken a Habitats Regulations Assessment (HRA) screening report on the Plan. Its Habitats Regulation Assessment (HRA) screening report concluded that the Plan was not likely to have any significant effect on a European site.
- 2.9 Having reviewed the information provided to me as part of the examination I am satisfied that a thorough, comprehensive and proportionate process has been undertaken in accordance with the various regulations. The various reports set out a robust assessment of the relevant information. None of the statutory consultees have raised any concerns with regard to either neighbourhood plan or to European obligations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted WNP is compatible with this aspect of European obligations.
- 2.10 In a similar fashion I am satisfied that the submitted WNP 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 WNP does not breach, nor is in any way incompatible with the ECHR.

Other examination matters

- 2.11 In examining the WNP I am also 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.

2.12 Having addressed the matters identified in paragraph 2.11 of this report I am satisfied that all of the points have been met subject to the contents of this report.

3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the submitted WNP.
- the WNP Basic Conditions Statement.
- the WNP Consultation Statement
- the representations made to the WNP.
- the adopted Milton Keynes Core Strategy 2013 and the saved Local Plan 2005.
- National Planning Policy Framework (March 2012).
- Planning Practice Guidance (March 2014 and subsequent updates).
- recent Ministerial Statements (March, May and June 2015).

3.2 I carried out an unaccompanied visit to the Plan area on 26 August 2016. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My site inspection is covered in more detail in paragraphs 5.9 to 5.16 of this report.

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 was satisfied that the WNP could be examined without the need for a public hearing. I advised MKC of this decision early in the examination process.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control 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 Parish Council has prepared a Consultation Statement. This statement is thorough, comprehensive and professionally-prepared. It provides an exemplary level of detail and presentation. It also provides specific details on the consultation process that took place on the draft version of the WNP in February, March and April 2016. The Statement sets out how the emerging plan took account of the various comments and representations. This element of the Statement has been particularly helpful in my examination of the Plan.
- 4.3 Part 2 of the Statement sets out details of the wider consultation events that has been carried out as part the evolution of the Plan. Details are provided about:
- the initial phases of community engagement;
 - the formation of the working group
 - setting up a Facebook page
 - the Stage 1 survey
 - the use of exhibition stands at the Wavendon Gate School Fete and the Trim Trail in June 2014
 - the Stage 2 survey
 - the agreement of a Vision and aims and objectives
- 4.4 The Consultation Statement provides very useful information about the methods of community engagement. It is helpfully supported by a range of photographs and a reproduction of the various leaflets that were used. I can see that extensive use was made of the Community Council exhibition tent. I can also see that there was a very healthy overlap between the development of the neighbourhood plan and the Trim Trail agenda.
- 4.5 It is clear to me that consultation has fundamentally underpinned 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. Consultation and feedback has been at the heart of the Plan throughout the various stages of its production.
- 4.6 The positive approach that was taken in responding to the earlier comments is reflected in the limited number of representations received to the submitted plan (see 4.8 below) and their generally positive nature.

- 4.7 From all the evidence provided to me as part of the examination, I can see that the WNP has promoted an inclusive and comprehensive approach to seeking the opinions of all concerned throughout the process. MKC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

Representations Received

- 4.8 Consultation on the submitted plan was undertaken by the District Council for a six-week period and which ended on 3 August 2016. This exercise generated comments from the following persons or organisations:

- Natural England
- MSD Animal Health
- Historic England
- National Grid
- Parcelforce/Royal Mail
- Hewlett Packard

5 The Plan Area and the Development Plan Context

The Plan Area

- 5.1 The Plan area is located to the south and east of Milton Keynes town centre and covers an extensive parcel of land within the built up form of Milton Keynes. It was designated as a neighbourhood area on 13 January 2015.
- 5.2 It includes the grid squares of Browns Wood, Caldecotte, Old Farm Park, Walnut Tree, Walton, Walton Park, Walton Grange and Wavendon Gate. These grid squares contain around 5100 houses.
- 5.3 The Plan area also includes the employment area of Tilbrook.

Development Plan Context

- 5.4 The development plan covering the neighbourhood plan area is the Milton Keynes Core Strategy (2013) and the saved policies of the Milton Keynes Local Plan 2001 to 2011. The Basic Conditions Statement has very helpfully listed the policies in both the adopted Local Plan and in the Core Strategy with which the WNP is considered to be consistent.
- 5.5 The policies within the Core Strategy are the strategic policies with which the WNP will need to be in general conformity.
- 5.6 MKC was about to consult on its emerging Sites Allocation Plan at this time of this examination of the WNP. This Allocations Plan will identify and allocate small to medium size housing sites to support the Core Strategy. Whilst I cannot take account of this emerging plan as part of this examination it is clear that there have been strong overlaps and working relationships between the two documents. This reflects several key principles in Planning Practice Guidance and is best practice.
- 5.7 The submitted WNP has a strong relationship to the adopted Core Strategy. Its identification of development sites contributes significantly to the delivery of policies CS1 (the development strategy) and CS2 (housing land supply).
- 5.8 The WNP has an appropriate and effective approach towards environment and design matters. Its policy WNP 16 has strong delivery overlaps with Core Strategy policy CS13 (ensuring high quality, well-designed place). This gives all concerned the assurance that a Plan that has a clear growth agenda is also sensitively addressing a sense of place and its broader environment.

Site Visit

- 5.9 I carried out an unaccompanied visit to the Plan area on 26 August 2016. I looked at each of the six principal site specific policy sites (WNP1-6).

- 5.10 Throughout my visit I looked at the range of open spaces as identified on Plan 2.
- 5.11 I also saw the broader relationship between the Plan area, the remainder of the Milton Keynes area and its relationship to the M1 to the east.
- 5.12 I then spent some time looking at the areas affected by the Caldecotte Lakeside policy. I was fortunate in my choice of days. The sunshine enhanced the attractiveness of the whole area. I shared a very pleasant half an hour with a variety of persons who were also taking advantage of the weather and the setting of the lake. I also saw the interesting urban design and associated public realm of some of the houses in close proximity to the lake.
- 5.13 I then looked at the range of community hubs identified in the Plan. This helped me to understand the overlap of policies that have an impact on the future use and development of these sites.
- 5.14 For completeness I then looked at the Walton Hall area. I saw its overall importance to the Plan area.
- 5.15 I had seen that the Plan established a degree of overlap between policies WNP2/3 and the Wavendon Triangle to its east. On this basis I took the opportunity to look at that area and to see the relationship between the parcels of land concerned.
- 5.16 In order to get a full impression of the Plan area I drove around the local road network. It gave me a very good overview of the design and the need for policy WNP12.

6 The Neighbourhood Plan as a whole

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, informative and very professional document.

6.2 The Plan needs to meet all the basic conditions to proceed to referendum. This section provides an overview of the extent to which the Plan meets three of the four basic conditions. Paragraphs 2.6 to 2.10 of this report have already addressed the issue of conformity with European Union legislation.

National Planning Policies and Guidance

6.3 The key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in March 2012.

6.4 The NPPF sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the WNP:

- a plan led system– in this case the relationship between the neighbourhood plan and the adopted Local Plan/Core Strategy.
- proactively driving and supporting economic development to deliver homes, businesses and industrial units and infrastructure.
- Seeking to secure high quality design and good standards of amenity
- Promoting mixed use developments
- taking account of and supporting local strategies to improve health, social and cultural well-being.

6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development, which is identified as a golden thread running through the planning system. Paragraph 16 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 the ministerial statements of March, May and June 2015.

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 in general terms. It sets out a positive vision for the future of the plan area and promotes sustainable growth. At its heart are a suite of policies that aim to bring forward sensitive and appropriately-located housing sites

and to safeguard open spaces. It also promotes high quality design. Table 1 of the Basic Conditions Statement is particularly effective in terms of mapping Plan policies with the appropriate paragraphs in the NPPF.

- 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 (paragraphs 17 and 154). This was reinforced with the publication of Planning Practice Guidance in March 2014. Its paragraph 41 (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.
- 6.9 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

- 6.10 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. It is clear to me that the submitted Plan has set out to achieve sustainable development. In the economic dimension it includes several policies to promote new residential development. It also promotes several other sites for mixed use development. In the social role it includes policies to address houses in multiple occupation, open space safeguarding and sports ground enhancements. In the environmental dimension the Plan positively seeks to protect the grid road corridor and to improve the environment and attractiveness of the Caldecotte Lakeside. It also includes positive and well-crafted Design Principles. These and other matters are helpfully set out in section 4 of the 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 the wider Milton Keynes area in paragraphs 5.4 to 5.8 of this report.
- 6.12 I consider that the submitted WNP delivers a local dimension to this strategic context and supplements the detail already included in the adopted development plan. I am satisfied that the WNP is in general conformity with the strategic policies in the development plan.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the range of 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. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is thorough and distinctive to the Plan area. Other than to ensure compliance with national guidance I do not propose that major elements of the Plan are removed or that new sections are included. The Community Council has spent considerable time and energy in identifying the issues and objectives that it wishes to be included in the Plan. This gets to the heart of the localism agenda.
- 7.4 The Plan is commendable to the extent that it includes only land use policies. This approach directly reflects Planning Practice Guidance (41-004-20140306) 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. In some cases, there are overlaps between the different policies.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications 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.

Sections 1 to 7 of the Plan

- 7.8 These introductory elements of the Plan set the scene for its range of policies. They do so in a concise and proportionate way. The Plan is well-presented and arranged and is supported by well-chosen photographs and diagrams. The photographs add value and depth to the text in these sections of the Plan. There are particularly helpful and informative text boxes that address issues such as the interplay between policies in different plans and in others that reproduce documents used during the consultation phases.
- 7.9 The Introduction to the Plan provides a very clear context to the role and purpose of neighbourhood planning and to the designation of the neighbourhood plan area. It also sets out a good summary of the various elements of legislation that have affected the production of the Plan and the context provided by the development plan. Section 2 sets out the aims and objectives of the Plan. It provides a context which naturally translates into policies. Section 3 sets out some useful information on

the consultation exercises and the surveys that have been undertaken. It provides a context for the more detailed Consultation Statement. Section 4 sets out helpful and proportionate detail on the Plan area. It provided a very useful context for the examination of the Plan

- 7.10 These introductory sections demonstrate that the WNP has been prepared and submitted in a professional way. The policies have been developed in an iterative fashion (Sections 5/6) and are the outcome of proper research and an assessment of available information.

Policies in General

- 7.11 The plan includes nineteen land use policies. The presentation of the Plan makes a clear contrast between the policies themselves and the supporting text. This will ensure that decision-makers have clarity on the policies in the WNP. In appropriate circumstances the policies are criteria-based. The adoption of this approach will provide useful long term clarity for decision makers, local residents and land owners and investors alike. Policies WNP1 to 9 are site-specific policies. Policies WNP10 to 19 are general policies

Site Specific Policies

WNP1: Land at Walton Manor

- 7.12 The policy promotes the use of the site for a mix of residential or employment development. The site is 9.5 hectares in size and is the largest development site in the Plan area. It is currently allocated for employment use in the development plan. The proposed use of the site for a mixed use, or entirely for residential use has regard to national planning policy – paragraph 22 indicates that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. The policy is based around a series of criteria that address issues such as access, density, the provision of open space and building materials. These are all entirely appropriate for a site of this scale in this location.
- 7.13 I recommend two modifications to the policy to provide the clarity required by the NPPF. The first incorporates the intended uses into the opening section of the policy rather than being identified as one of the criteria. The second provides clarity on the future of hedgerows around and within the site.

Modify the opening section of the policy to read:

Proposals for a mix of residential and employment uses or for residential use at Walton Manor will be supported where:

Delete the first criterion.

In the fifth criterion replace ‘maintained’ with ‘safeguarded and incorporated into the layout of the development’

WNP2: Land at Towergate

- 7.14 This policy is very similar in its context to WNP1 (paragraph 7.12 of this report). It is 5.6 hectares in size and sits at the corner of The Groveway and Ortensia Drive.
- 7.15 The policy is also designed in a similar fashion to that proposed for WNP1 and the criteria included address a similar range of issues. The importance of retaining the extensive tree belt to the northern and western boundaries is properly identified. I saw from my visit to the Plan area how they provide a very clear distinction between the Wavendon Triangle and the residential areas to the west.
- 7.16 The seventh criterion requires the provision of a local centre on the site if no shop has been provided on adjacent land parcels in the Wavendon Triangle. Whilst this approach is understandable it does not provide clarity either to developers or to the local planning authority. I recommend a modification to this criterion that makes it identical to the equivalent criterion in WNP1. In the event that the provision has been made elsewhere at the time that any planning application is considered on this site it would be a material planning consideration to be taken into account.
- 7.17 The final criterion in the policy sets out a requirement for the provision of a Local Equipped Area of Play (LEAP) within the site. It goes on to identify that this facility should be upgraded to a Neighbourhood Play Area (NEAP) if no NEAP has been approved/provided within the range of other sites that form the Wavendon Triangle. Whilst this approach is understandable it does not provide clarity either to developers or to the local planning authority. I have clarified this matter with MKC and the Community Council to identify different ways of achieving the same objectives which meets the basic conditions. On this basis I recommend a modification to the criterion to secure developer funding for a NEAP in the 'Wavendon Triangle' from the proposed developments in this part of the Plan area (WNP2&3).

Modify the opening section of the policy to read:

Proposals for a residential-led development at Towergate will be supported where:

Replace the first criterion with: 'the development takes account of proposals'

Replace seventh criterion with: 'a local centre, containing a shop as a minimum is provided appropriate to the scale of development and subject to viability'

Replace second sentence of the eighth criterion to read: 'Contributions will be sought to secure the provision of a NEAP in the wider Wavendon Triangle area'.

WNP3: Land at Hewlett Packard

- 7.18 The site concerned is to the immediate south of the site at Towergate (WNP2). As the supporting text identifies outline planning permission was granted for residential development in March 2016. It is not expected that neighbourhood plans should provide commentary on sites that already have the benefit of planning permission. However, clarification on this point has identified that there are significant layout and design matters yet to be resolved through an eventual reserved matters application. In this context the inclusion of a policy is appropriate.
- 7.19 I recommend a series of modifications to ensure that the policy is clear and meets the basic conditions. In the first instance I recommend the simplification of its initial element so that it refers to future planning applications rather than to the earlier outline planning application. In the second and third instances I recommend modifications to the criterion in relation to LEAP/NEAP provision. These elements will ensure consistency with the approach taken on WNP2. They will also reflect representations from the site owners to the effect that the play area does not necessarily need to be located within the boundaries of WNP2. The broader extent of the housing site is acknowledged in the supporting text. The matter is complicated as the application site extends outside the Plan area. In the same way as a neighbourhood plan cannot set policy for land outside the neighbourhood area it is not within my gift to recommend a modification to the Plan that would have the same effect. With this in mind I have recommended a modification to the supporting text to provide flexibility to MKC on how it determines the provision of a LEAP within the wider application site.

Modify initial section of the policy to read:

Detailed proposals for the residential development of the site will be supported subject to the following criteria being met:

Modify fifth bullet point to read:

A Local Equipped Area of Play (LEAP) is provided and at a minimum distance of 20 metres from residential boundaries and 30 metres from the nearest road. Contributions will be sought to secure the provision of a NEAP in the wider Wavendon Triangle area’.

Insert additional text at the end of paragraph 76:

The fifth criterion of policy WNP3 sets out the requirement for a LEAP. Part of the wider planning application site (15/02337/OUT) is inside the Plan area and part of it is outside the Plan area. The precise location of the required LEAP will be a matter for Milton Keynes Council and the applicant to resolve through the planning application process. The criterion safeguards the need for such provision in the event that it is not provided elsewhere within the application site.

WNP4: Land at Bergamot Gardens

- 7.20 The policy allocates land at Bergamot Gardens for residential use. As the Plan comments the site is allocated for allotment use but is no longer needed and has never been used for this purpose.
- 7.21 Residential use of the site is entirely appropriate. It sits adjacent to an established residential area.
- 7.22 I recommend two modifications to the policy. The first ensures that an applicant would need to meet all the criteria set out in the policy. The second provides the necessary clarity to the second criteria with regards to its frontages and appearance.

Insert ‘and’ at the end of the first and second criteria

Replace ‘a positive frontage, where possible,’ with ‘an attractive frontage and layout’ in the second criterion.

WNP5: Land at Hindhead Knoll

- 7.23 The policy allocates two parcels of land at Hindhead Knoll for residential development. Their use for this purpose is entirely appropriate
- 7.24 For complete clarity I have recommended a modification to ensures that an applicant would need to meet all the criteria set out in the policy.

Insert ‘and’ at the end of criteria 1-5

WNP6: Land at Caldecotte

- 7.25 The policy allocates the site for a range of uses. This reflects its proximity to both residential and commercial uses. There are specific issues to address in relation to its proximity to the railway line to its south and east and the impending upgrade of that line. The policy sets out a series of criteria in a similar fashion to other policies in the Plan. Two are particularly important given the location of the site – the retention of the hedgerow frontage to Caldecotte Lake Drive and the need for an enhanced planting buffer adjacent to the railway.
- 7.26 I recommend a series of modification to bring the clarity to the policy as required by the NPPF. The first ensures that the policy follows the same format as other policies and removes the uncertainty provided by submitted version that indicates that the site ‘may be suitable for a range of uses’. The second clarifies that the density criterion applies specifically to residential development options. The third clarifies the incorporation of the hedgerow within any development proposal. The fourth makes a distinction between policy and supporting text as merged in the fifth criterion in the submitted policy.

Modify opening paragraph of the policy to read:

‘Residential, commercial or leisure uses on the Caldecotte Site C site will be supported. Development proposals....’

Replace the first criterion with ‘Residential proposals should not exceed 35 dwellings per hectare (net)’

Replace the second criterion with ‘development proposals should safeguard and incorporate the hedgerow frontage to Caldecotte Lake Drive into the layout of the development’

Replace the fifth criterion with ‘all proposals should be designed so that they do not preclude the delivery of a preferred solution for a new railway crossing’

Insert the following additional supporting text at the end of paragraph 82:

Applicants will be required to demonstrate that they have engaged with East West Rail as part of their preparation and submission of an application on the site. A Planning Statement should identify how the proposal would not preclude the delivery of a new railway crossing.

WNP7: Community Foundation Reservation Sites

- 7.27 This policy sets out a range of uses that will be supported for seven community foundation reserve sites. The policy is very distinctive to Milton Keynes and reflects that the take up of such sites has been limited due to the original need for their development by non-profit organisations. The Community Foundation is considering the release of some sites for alternative uses to support funding for community facilities on other sites.
- 7.28 This novel approach is exactly the community-driven approach to planning that was envisaged with the introduction of neighbourhood planning legislation. It meets the basic conditions.

WNP8: Walnut Tree Community Hubs

- 7.29 This policy is another very distinctive policy. It refers to three community hub sites within Walnut Tree. This is the largest group of retail and community facilities in the Plan area. The policy sets out a particular policy approach to each of the three sites.
- 7.30 Within the context of the structure of the policy the first criterion is unnecessary. In any event it sets out an absolute policy which is at odds with a degree of flexibility in the other criteria. I recommend a modification to remedy this matter. I also recommend a modification to the wording of the third criteria by replacing the word ‘acceptable’ with ‘supported’.

Delete first criterion

Replace ‘acceptable’ with ‘supported’ in the third criterion

WNP9: Caldecotte Lakeside

- 7.31 As the Plan indicates the Lake and its surroundings is one of its most important areas of open space. As I have mentioned earlier in this report I spent some time enjoying the lakeside when I visited the Plan area.
- 7.32 The policy sets out to safeguard open spaces around the lake and promote appropriate and sensitive new development to consolidate its use by local residents. In particular the policy promotes the development of a water based sports facility, the expansion of the sailing and rowing club and proposals for a community/refreshment facility. These uses are entirely appropriate.
- 7.33 I recommend a modification to the wording of the first criterion as I have done with the previous policy. The second criterion and which addresses the sailing/rowing club does not have the clarity required by the NPPF. I have recommended a modification to provide such clarity to both the owners and potential developers

Replace ‘acceptable’ with ‘supported’ in the first criterion

In the second criterion replace ‘subject to.... acceptable’ with ‘provided its scale and design is in keeping with the existing built form of the facility’

General Policies

WNP10: Housing Infill

- 7.34 This policy sets a positive context for windfall residential developments to come forward within the Plan period. It will complement the earlier site allocations in boosting the supply of housing land in the Plan area. The policy sets out appropriate criteria.
- 7.35 The fourth criterion is unclear in its ambition of requiring that any development meets or exceeds other relevant requirement – the other requirements are not specified and there is no explanation of why a development might be expected to exceed those requirements. This fails to satisfy the requirements of the NPPF. I address this matter by way of a recommended modification.

In the fourth criterion replace ‘meets or exceeds other relevant requirements set out in this’ with ‘Complies with other policies in the’.

WNP11: Houses in Multiple Occupation

- 7.36 This policy sets out to provide a context against which planning applications for houses in multiple occupancy can be assessed. It serves a useful purpose in seeking to preserve residential amenities.
- 7.37 The policy contains a combination of policy and supporting text. I recommend a modification to remedy this issue. The fourth criterion refers both to the potential concentration of such development in any locality and seeks to prevent proposals

that would undermine a balanced and mixed local community. These matters are issues that are traditionally addressed in policies of this nature. However, in this case both matters are not supported by detail to provide clarity to the decision maker. There is no guidance provided on the scale or geography that would be applied to any decision on 'over-concentration'. Similarly, there is no description of what would constitute a 'balanced and mixed local community'. In any event the composition of a local community is not in itself a land use consideration. I recommend a modification that addresses these issues in a more rounded way.

- 7.38 I also recommend a modification in respect of the noise assessment issue addressed in the second criterion. As drafted the criterion is onerous. National policy requires that development is expected to demonstrate that it can be satisfactorily incorporated into existing environments rather than require a developer to demonstrate in absolute terms that there will be no negative harm.

**Replace opening section of the policy with:
Planning applications for HiMO developments will be supported where they meet the following criteria:**

In the second criterion replace 'a noise on' with 'a noise assessment demonstrates that the proposal can be satisfactorily accommodated without having an unacceptable impact on the residential amenities of'.

Replace the fourth criterion with 'they do not detrimentally affect the overall character or appearance of the immediate locality'

WNP12: Grid Road Corridors

- 7.39 The policy sets out to safeguard the existing grid layout and format of the local road network. It also specifies that any extensions to the network should follow the original principles and approach. As the Plan recognises it is a very distinctive and recognisable part of the environment both in Milton Keynes and within the Plan area.
- 7.40 The approach is entirely appropriate. I recommend a series of modifications to provide the clarity to the policy required by the NPPF. In particular the policy should apply in general terms rather than specifically with regard to a 'future extension of the grid network' as set out in the submitted policy.

Remove 'for the future extension of the grid network' from the initial paragraph of the policy.

Replace 'has the potential to' with 'would' in the second sentence of the first paragraph.

Replace 'will be expected to' with 'should' in the second sentence of the second paragraph.

Include 'and' at the end of the first and second criteria in the second paragraph.

WNP13: Parking Enhancements

- 7.41 The policy provides a positive context for the delivery of parking enhancements. Six specific areas are identified. The supporting text sets a broader context to the issue and highlights the joint work that is being undertaken with other agencies.
- 7.42 The policy is distinctive to the Plan area. It meets the basic conditions.

WNP14: Location of Facilities

- 7.43 The approach adopted in this policy is innovative. It marries up the proposed location of community facilities (in this policy) with the community hubs (as addressed in policy WNP 8). The policy displays clear evidence of the local community taking control and providing guidance on this important matter. The proposed relationship of sites to uses is appropriate and logical and has not attracted any representation from local residents or from service providers.
- 7.44 I recommend a modification to the opening paragraph of the policy so that it provides the clarity required by the NPPF and relates directly to the planning application process.

**Replace the opening paragraph of the policy with the following:
The development of the following community facilities will be supported on the identified sites.**

WNP15: Key Links

- 7.45 This policy provides a positive context within which new pedestrian and footpath links can be delivered. Five specific schemes are identified in the policy. The various schemes reflect desire lines or where key links are either missing or in need of upgrading.
- 7.46 The policy is clear and distinctive. It meets the basic conditions.

WNP16: Design Principles

- 7.47 The policy sets out clear and distinctive design principles for new development. It makes the distinction between residential developments and all new developments. The explanatory text helpfully identifies that the policy has been designed to sit within the context set out in the Residential Design Guide adopted by Milton Keynes Council. This is good practice.

- 7.48 I recommend that the opening section of the policy is modified to provide the clarity required by the NPPF. This modification would have the additional effect of ensuring that the policy follows the same format as other policies in the Plan. I also recommend a modification to the text in paragraph 111. This will ensure that the policy and the text are consistent with each other to the extent that the first batch of principles apply to all development that that the second batch apply additionally to residential developments.

Replace the opening section of the policy with the following:

All development should be designed to comply with the following key principles:

Replace the second sentence of paragraph 111 with:

'To ensure the character of the area is protected, Policy WNP16 sets out a range of high level design criteria to which development should adhere. These criteria relate to all development with additional, specific criteria which relate to residential developments. They support the existing requirements of the Residential Design Guide adopted by Milton Keynes Council'

WNP17: Open Space and Leisure

- 7.49 The policy sets out to safeguard identified open spaces. The areas concerned are very efficiently shown on Figure 2. The open spaces are a key characteristic of the Plan area. I saw this very clearly on my visit.
- 7.50 I recommend modifications to the policy to ensure that its applicability is clear. In essence the modifications make the distinction between different types of development. The policy needs to provide a degree of flexibility for development proposals that would improve the accessibility of the various open spaces and their usability whilst preventing built development that would detract from their character and use.

Include 'built' between 'from' and 'development' in the opening element of the policy.

Replace the second paragraph with the following:

Development that is required for the enhancement of community facilities as identified in policy WNP9 and for the delivery of additional parking spaces will be supported.

WNP18: Sports Ground Enhancements

- 7.51 The policy sets out to provide a positive context for additional built leisure-related development on three identified sports grounds. It is well-designed as a policy and recognises that further development may be necessary to ensure their future viability.

- 7.52 The policy is unclear to the extent that it supports a 'limited amount' of additional built leisure related development. An amount is not defined either in the policy or in the supporting text. In order to remedy this matter, I recommend two related modifications that will ensure that any such development is proportionate to the scale of the sports ground concerned.

Delete 'a limited amount' from the second paragraph of the policy.

Insert a fourth criterion within the second paragraph to read:

'Are proportionate to the scale of the sports ground concerned and the existing built facilities'.

WNP19: Infrastructure Delivery

- 7.53 The policy sets out a context for the delivery of community infrastructure in the Plan area.
- 7.54 The range of infrastructure is appropriate to the Plan area and the range of development that is likely to arise from the implementation of its other policies. The recommended modifications to Policies WNP 2 and 3 is such that a NEAP for the Wavendon Triangle area needs to be included in the list of projects in this policy.
- 7.55 The policy is well-designed to the extent that it allows appropriate discussions to take place on the scale and extent of the provision of the specific types of infrastructure. Similarly, the policy identifies that the projects are not listed in priority order.

Include 'The provision of a Neighbourhood Play area (NEAP)' in the schedule of projects

8 Summary and Conclusions

Summary

- 8.1 The WNP sets out a range of policies to guide and direct development proposals in the period up to 2026. It is thorough and distinctive in addressing a specific set of issues that have been identified and refined by the wider community. It is positively prepared and includes a range of housing allocations. It is accompanied by an innovative and well-researched Design Principles. Its effect will be to boost the supply of housing in the Plan area.
- 8.2 Following my independent examination of the Plan I have concluded that the Walton Neighbourhood Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.
- 8.3 This report has recommended a range of modifications to the policies in the Plan. Nevertheless, it remains fundamentally unchanged in its role and purpose.

Conclusion

- 8.4 On the basis of the findings in this report I recommend to the Milton Keynes Council that subject to the incorporation of the modifications set out in this report that the Walton Neighbourhood Plan should proceed to referendum.

Referendum Area

- 8.5 I am required to consider whether the referendum area should be extended beyond the Plan 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 Milton Keynes Council on 13 January 2015.
- 8.6 It is very clear to me that a huge amount of hard work and dedication has been put into the preparation of this Plan. Those who have brought the Plan to this stage have achieved a huge amount and in a relatively short period. I am grateful to everyone who has contributed towards the smooth delivery of this examination.

Andrew Ashcroft
Independent Examiner

19 September 2016