

## TO LAKES ESTATE NEIGHBOURHOOD PLAN- MODIFICATIONS ARISING FROM EXAMINER'S REPORT.

TOPIC AND EXAMINER'S COMMENTS/RECOMMENDATIONS	EXPLANATION AND JUSTIFICATION	SUGGESTED MKC REPOSE
1) Period of Plan: 'The plan covers the period 2015-2026 subject to the plan being made this year.' Page 5 of Examiner's Report	Examiner suggests for clarity the Plan covers the period 2015-2026 as the plan currently does not specify a start date.	Agree to the Examiner's suggestion.
2) Title of Plan: Examiner recommends 'The title of the Plan should be The Lakes Estate Neighbourhood Plan 2015-2026.' Page 6 of Examiner's Report	Consequential change arising from the Examiner's decision on the date of the plan.	Agree to the Examiner's recommendation.
3) Change Vision statement for the Neighbourhood Plan. Page 9 of Examiner's Report  Delete: The Vision Statement for the Neighbourhood Plan is:- <i>"The Lakes Estate – A vibrant community, where the residents have a commitment to quality design and construction, care about their neighbourhood, treasure the environment and are proud of where they live , work and play"</i>	The Examiner considers his new paragraph better sums the ambition of the Plan. It is more comprehensive and goes further than the previous vision statement in recognising the importance of developing and enhancing the built environment and encouraging appropriate housing growth and improved facilities and services for all residents of the Lakes Estate	Agree to the Examiner's suggested change as it better reflects what the plan is aiming to achieve.
Examiner consider the following paragraph (4.3) better sums up the ambition of the Plan:  <u>Insert "Over the plan period up to 2026, the community and stakeholders of the Lakes Estate will seek to develop and enhance its built and natural environment respecting and enhancing, where appropriate, its existing character and identity. It will encourage</u>		

<p><u>appropriate housing growth, primarily for local needs and create improved facilities and services for all residents. Achievement of these objectives will enable the Lakes Estate to thrive as a sustainable and unified community.</u></p>		
<p>4) Policy GP1 (The Presumption in Favour of Sustainable Development) Page 10 of Examiner's Report</p> <p>Amend text of the criteria set out in Paragraph 5.7 on what should be classed as sustainable development by the wording</p> <p><u>"In the context of the Lakes Estate Neighbourhood Plan sustainable development includes development Providing a range....."</u></p>	<p>The Examiner notes this policy is drawn closely from policy in the National Planning Policy Framework (NPPF) and Core Strategy Policy CSA and importantly the policy wording meets the basic condition test. However, he is concerned that paragraph 5.7 of the explanatory text of the Neighbourhood Plan, seeks to define what the Plan means as "sustainable". This is at odds with the text of the policy which refers to sustainable development as being defined in the NPPF. <u>The potential issue is that development may come forward that does not meet the definitions as set down in Paragraph 5.7 but does meet the definition of sustainable development as set down in the NPPF.</u> The Examiner's proposed change to wording of paragraph 5.7 is to avoid confusion and make the wording of the explanatory text and the policy all compatible with the NPPF.</p>	<p>Agree to the Examiner's suggested change</p>
<p><b>EXAMINER'S COMMENTS/RECOMMENDATIONS</b></p> <p>5) Policy GP2 (Development Opportunity Sites) Page 11 of Examiner's Report</p> <p>Examiner suggests additional reference to development proposals complying with other</p>	<p><b>EXPLANATION AND JUSTIFICATION</b></p> <p>Policy GP2 meets the basic condition tests without the need for any modification.</p> <p>However, the Examiner suggests for the sake of clarity and to assist the consideration of future planning</p>	<p><b>SUGGESTED MKC RESPONSE</b></p> <p>Agree to the Examiner's suggested clarification. This helps to explain and emphasise the point that development proposals will be expected to conform to other relevant Core Strategy policies.</p>

<p>relevant Core Strategy policies such as affordable housing in policy or explanatory text.</p> <p>Examiner acknowledges this policy goes to the heart of what the Plan is seeking to achieve. Essentially the community through the neighbourhood plan consultation process has indicated its willingness to accept new development on public open space, subject to arrangements being put in place which will allow for the improvement of existing community and recreational facilities as well as enhancing the value of the open space being retained through better playgrounds and equipment.</p>	<p>applications, it would be helpful for the policy or the supporting text to refer additionally to the fact that “development proposals will be expected to comply with other relevant policies in the Core Strategy e.g. covering affordable housing.”</p> <p>He suggests that the above clarification is one the Town Council and MKC may wish to consider.</p>	<p>MKC to discuss with BFSTC and their consultants where this reference should appear in either the text or in the policy.</p>
<p>6) Policy GP3 (The Physical Integration of New Development) Pages 11-12: of Examiner’s Report. Examiner suggests deleting the wording ‘<i>The Physical Integration of New Development</i>’ in the title of the policy and replacing it by <u>Development on Non-allocated Sites</u></p>	<p>Examiner considers the current policy title is somewhat at odds with the subject matter that the policy is covering.</p> <p>Policy GP3 acknowledges that development proposals may occur on non-allocated sites and it sets out criteria for their consideration such as needing to conform to the established character of the estate, whilst being a contemporary design solution and should improve pedestrian and landscape connectivity.</p> <p>Although the proposed change of title wording is not a formal recommendation of the Examiner it is a matter the Examiner suggests the plan authors consider.</p>	<p>Officers have no objection to the suggested change of title, which raises no policy issue. Accept Examiner’s suggestion.</p>
<p>7) Policy GP3 (The Physical Integration of New Development) Pages 11-12: of Examiner’s Report.</p>	<p>The Examiner from his visit to the estate did not identify many opportunities for development on non-identified sites but</p>	<p>Agree to the Examiner’s recommendation.</p>

<p>Recommendation  Insert into the wording of Policy GP3 “where appropriate including” before “as identified in Figure 5.1</p>	<p>having regard to the lifespan of the plan, he regards it as sensible for the plan to allow for such developments to come forward. However, these sites may come forward in areas that do not lie adjacent to the areas, which figure 5.1 has identified for improvements to pedestrian or landscape connectivity.  Nevertheless such proposals will rightly need to respond to the requirement for improvement to their immediate landscape and routes. He believes that this can be covered by the insertion of the words “where appropriate including” before “as identified in Figure 5.1”  With that minor modification the policy meets the Basic Conditions Test.</p>	
<p><b>EXAMINER'S COMMENTS/RECOMMENDATIONS</b></p>	<p><b>EXPLANATION AND JUSTIFICATION</b></p>	<p><b>SUGGESTED MKC RESPONSE</b></p>
<p>8) Policy GP5 (Local Commercial Opportunities)  Examiner's report pages 12-13.   Recommendation  Delete “conditionally”</p>	<p>This policy seeks to allow employment opportunities on the estate. The wording does refer to planning permission will be “conditionally permitted”. Whilst most consents will have conditions attached to them, the imposition of conditions has to meet the tests set out in Paragraph 206 of the NPPF. The Examiner therefore proposes that the word “conditionally” should be omitted. The four bullet points are all considered relevant criteria. Subject to the deletion of the word “conditionally” the policy meets the basic conditions test.</p>	<p>Agree to the Examiner's recommendation.</p>

<p><b>EXAMINER'S COMMENTS/RECOMMENDATIONS</b></p> <p>9) Policy GP6 (Local Green Spaces) Examiner's report pages 13.</p> <p>Recommendation Remove the trees from the Figure 5.3 Include within the explanatory text clarification that open space not designated as Local Green Space remains protected by saved policy L2 of the Local Plan</p> <p>Note: Local Plan policy L2 protects areas of public open space and community facilities from development</p>	<p style="text-align: center;"><b>EXPLANATION AND JUSTIFICATION</b></p> <p>The Examiner writes 'This policy protects the areas shown on Figure 5.3. However the plan shows existing trees as shaded light green. <u>This could give the impression that those parts of the open space shaded as mid green are not covered by the protection provided as Designated Local Green Space for the areas shaded dark green.</u> This may seem a minor technical point but may be particularly relevant for some areas where there is a high density of tree cover such as the area to the north of Skene Close. It would aid the clarity of the policy if the mid green shading of the trees could be removed from the plan to enable the full extent of the areas designated as Local Green Space to be shown on the plan....</p> <p>I am sure that it is not the intention of the Plan that the smaller areas of amenity open space within the housing areas but which are not shaded dark green, are not being considered suitable for development just because they are not explicitly protected by this policy. I note that in Paragraph 5.14 it suggests the designated areas for development will no longer be protected by Policy L2 of the adopted Local Plan 2005. By implication I conclude that the other areas of open space i.e. those not allocated for development or are shown as dark green on Figure 5.3 will continue to be protected by Policy L2 of the saved Local Plan but it would be clearer for decision makers if that could be clarified in the explanatory text.'</p> <p><b>SUGGESTED MKC RESPONSE:</b> Agree to the Examiner's recommendation and make it clear in explanatory text that the other areas of open space not allocated for</p>	

<p><b>EXAMINER'S COMMENTS/RECOMMENDATIONS</b></p> <p>10) Policy GP7 (Environmental Enhancements including Improving Community and Recreation Facilities) Examiner's report pages 13-16.</p> <p>Insert new revised wording for Policy GP7</p> <p><u>All planning applications which result in the creation of new commercial premises or residential schemes that exceed 10 new housing units will be expected to demonstrate how that development will contribute towards the delivery of enhancements within the Plan area, including improving community and recreational facilities. These enhancements will be sought through direct provision of on or off site improvements or subject to meeting the tests set out in paragraph 204 of the NPPF through financial contributions secured via a planning obligation and/or payment of any Community Infrastructure Levy (if adopted) which would be made available to MKC and BFSTC and which will be capable of being spent on specific schemes to secure improvements to the physical environment and community and recreational facilities on the Lakes Estate as set out in this Plan.</u></p> <p>The explanatory text will need to be changed to reflect this rewording of the policy.</p>	<p>development or are shown as dark green on Figure 5.3 will continue to be protected by Policy L2 of the saved Local Plan.</p> <p><b>EXPLANATION AND JUSTIFICATION</b></p> <p>This policy generated more discussion than any other policy in the Examiner's report. It was the subject of correspondence between the Examiner and both Council's during the course of the examination. The policy aims to provide a mechanism whereby new development will fund environmental enhancements and improvements for community and recreational facilities. Although the examiner considers this is an objective that the Neighbourhood plan should be capable of delivering.</p> <p>He recognises this is not a straight forward matter and he has to have regard to the advice given by the Secretary of State and legal constraints imposed by secondary legislation. A further complication is that between the time of submission of the Neighbourhood Plan there have been changes to the Secretary of State's advice in Planning Policy Guidance that limits the payment of tariff based contributions to residential schemes of over 10 units. Previously the original wording of this policy would have sought contributions from all housing units.</p> <p>MKC and BFSTC submitted a revised wording of policy GP7 and explanatory text during the course of the Examination, which the Examiner has amended.</p> <p><b>SUGGESTED MKC RESPONSE:</b> Agree to the Examiner's recommendation and proposed new wording of Policy GP7 and note explanatory text to policy will need to be changed.</p>
--	--

<b>EXAMINER'S COMMENTS/RECOMMENDATIONS</b>	<b>EXPLANATION AND JUSTIFICATION</b>
<p>11) Policy GP8 (Communication and Continued Community Engagement). Examiner's report page 16.</p> <p>Recommendation That Policy GP8 be deleted as a policy but the wording can appear prominently in the text dealing with Delivery but that the word "must" be replaced by "should"</p>	<p>The Examiner is concerned that this policy as written is not actually a policy for the use and development of land but is a policy related to the provision of documents that need to accompany planning applications. . .</p> <p>'It is for the Local Planning Authority to set down what documents it requires to be submitted with a planning application to allow its validation through what is known as the Local List. Whilst it is perfectly proper for a community to express an expectation that it should be consulted, along with the Town Council and indeed through representative community groups, this should not be contained within a development plan policy but as an aspiration set out in the plan which is in line with Secretary of State advice.</p> <p>I also suggest that the replacement of the word "must" by "should" as it implies that if a perfectly acceptable proposal that meets all community objectives could fail if the statements in themselves did not demonstrate how they comply with the core objectives. I am conscious that the pre submission health check only recommended the rewording of the policy rather than its exclusion. However having given this matter much consideration my conclusion is that it is matter that goes beyond what should be a development plan policy as it is not a policy for the use or development of land. For the above reason I do not consider that Policy GP8 meets the basic condition and I am recommending its deletion as a policy but it should remain within the document in a prominent position as a community aspiration and good practice as confirmed by the advice set out in paragraph 189 of the NPPF.'</p> <p><b>SUGGESTED MKC REPOSE</b></p> <p>Accept Examiner's recommendation Delete policy GP8 from the plan but note wording about consultation can be contained as an aspiration and replace the word 'must' by should'</p>
<b>EXAMINER'S COMMENTS/RECOMMENDATIONS</b>	<b>EXPLANATION AND JUSTIFICATION</b>
	<b>SUGGESTED MKC REPOSE</b>

<p>12) Site Specific Policies Examiner's report page 17.</p> <p>Policy SSP 2 Triangle Land south of Phelps Road adjacent to the canal</p>	<p>Examiner writes 'This is an alternative proposal to that set out in SSP 8 but one that does not need the realignment of Stoke Road. It would be preferable if the illustrative plan should show what is envisaged for the southern section of the site which is shown without notation. This merely a suggestion and does not mean that the policy does not meet the basic conditions test.'</p>	<p>MKC to discuss with BFSTC and their consultants the Examiner's suggestion the illustrative plan should show what is envisaged for the southern section of this site.</p>
<p>13) Site Specific Policies</p> <p>Policy SSP3 North Western verge, Drayton Road. Examiner's report page 17.</p> <p>Recommendation</p> <p>A revised illustrative layout be produced showing active frontages facing Drayton Road</p> <p>Add to Design Principle reference to the need for a new access to come off Drayton Road.</p>	<p>This policy seeks to create frontage development onto Drayton Road. However the indicative plans show the active frontage facing into the site facing the internal access road and the rear of the existing properties which back on to this wide highway verge. The deviation is between the words in the policy and the indicative layout. It is the policy wording that will form part of the development plan and which is subject of this examination. The allocation is promulgated on the creation of new access points onto Drayton Road but this is not referred to in the design principles. The illustrative plan could usefully be amended so that the houses are shown with their active frontage facing on to Drayton Road.</p>	<p>Accept Examiner's recommendation</p> <p>Revise illustrative layout showing active frontages facing Drayton Road</p> <p>Add to Design Principle reference to the need for a new access to come off Drayton Road.</p>
<p><b>EXAMINER'S COMMENTS/RECOMMENDATIONS</b></p>	<p><b>EXPLANATION AND JUSTIFICATION</b></p>	<p><b>SUGGESTED MKC RESPONSE</b></p>
<p>14) The Referendum Area</p> <p>Examiner confirms 'that the area of the Neighbourhood Plan as designated by Milton</p>	<p>Before the Plan can proceed to its referendum stage the Examiner is required to confirm whether the referendum should cover a larger area that the area covered</p>	<p>Accept Examiner's recommendation</p>



Keynes Council on 22nd January 2013 is the appropriate area for the Referendum to be held and the area for the referendum does not need to be extended.'

by the Neighbourhood Plan. In this case he has recommended the area for the referendum should not be extended.

POLICIES	EXAMINER'S COMMENTS/RECOMMENDATIONS
<p>Policy SSP1 Land South of Water Hall School  Policy SSP4 Land at Northern Windermere Drive  Policy SSP5 Land at Southern Windermere Drive  Policy SSP 6 Land at Skene Open Space  Policy SSP7 Serpentine Court  Policy SSP8 Canal Gateway</p>	<p>There were no recommendations or changes sought by the Examiner for these site specific policies, which met the basic conditions test.</p> <p>The examiner acknowledged policy SSP5 Land at Southern Windermere Drive had attracted representations from residents in Kinloch Place on the grounds of loss of a view but he commented 'It is an accepted principle that loss of a view is not a valid planning objection but in any event the disposition of buildings on the site will be finalised at the planning application stage and the scheme in the Plan is only illustrative.'</p> <p>On Policy SSP7 Serpentine Court he commented 'This is the most ambitious element of the Neighbourhood Plan. The public consultation exercise identified Serpentine Court as one of the greatest problem areas on the Estate as well as the greatest opportunity to deliver a major improvement to the area. The plan's masterplan is a bold statement, proposing a new heart for the neighbourhood and is clear as to what minimum levels of development are required to achieve it and what design principles should guide it. The policy as set out in Policy SSP7 provides the context for how the redevelopment of Serpentine Court is to take place. However whilst the planning framework is established, the redevelopment will only take place when there is a viable business case with an agreed scheme and a programme and strategy to secure its delivery.</p> <p>However it must be appreciated that the Council will have to take separate decisions as to whether it can secure the resources and the site assembly pre requisites to deliver the redevelopment or whether it looks at the refurbishment option. This policy merely facilitates the redevelopment option in accordance with the community's wishes and sets out the framework for considering any planning application.</p> <p>The policy and design principles do not set out a preferred access arrangement as there are conflicting tensions between the need to provide an economically viable scheme which will be attractive to the market and the need to maintain the exclusively pedestrianised spine of the estate. This topic can be investigated more fully at design brief stage, which should hopefully be the subject of public consultation. This is a pragmatic response.'</p>
<p>Pages 17-20 of Examiner's Report</p>	