

A REPORT TO MILTON KEYNES COUNCIL
OF THE EXAMINATION OF
THE ASTWOOD AND HARDMEAD NEIGHBOURHOOD PLAN 2020-2031
UNDERTAKEN BY
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INDEPENDENT EXAMINER
AUGUST 2021

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Summary and Overall Recommendation

As the Independent Examiner into the Astwood and Hardmead Neighbourhood Plan, I have been requested by Milton Keynes Council, in its capacity as the Local Planning Authority, to present my professional assessment of the Plan, in terms of its compliance with the 'Basic Conditions' as set out in extant legislation, regulations and guidance.

I confirm that I am independent of the Qualifying Body, namely the Astwood and Hardmead Parish Council and the Local Planning Authority. Furthermore, I do not have any interest in any land or property that may be affected by the Plan.

I hold relevant professional qualifications and have experience of the planning regime, gained over the past 30 years in both the public and private sectors, to enable an independent judgement of the documents before me. I am also a member of the National Panel of Independent Examiners Referral Service, endorsed by the HMGov Department of Housing, Communities and Local Government.

I have undertaken a thorough examination of the Astwood and Hardmead Neighbourhood Plan. This has comprised a review of all documents presented to me by the Local Planning Authority, a review of documents available for public review on the Parish website and documents relating to the Development Plan held on the Council's website plus national guidance, regulations and statute.

*It is my considered opinion that, without modification, the said Plan meets the Basic Conditions and human rights requirement, as set out in the respective legislation and guidance. **I have set out my findings in bold throughout my Report.***

Hence, I consider that the Astwood and Hardmead Neighbourhood Plan will; have regard to national policies and advice contained in current legislations and guidance; contribute to the achievement of sustainable development; be in general conformity with the strategic policies of the development plan for the area; not breach, but be compatible with European Union obligations and the European Convention of Human Rights; and not likely have a significant effect on a European Site or a European Offshore Marine Site either alone or in combination with other plans or projects.

I consider that the Neighbourhood Plan complies with the legal requirements set out in Paragraph 8(1) and 8(2) of Schedule 4B to the Town and Country Planning Act 1990, as amended, and can proceed to a Referendum.

I have no concerns over the defined Plan area or the manner of its confirmation and consider that this area is appropriate as the extent of any Referendum.

I would like to also note that technically this is a Neighbourhood Development Plan, although many groups use the phrase 'Neighbourhood Plan'. The Astwood and Hardmead QB has used the latter. As there has been consistency throughout the document I have not considered it imperative to amend this phraseology and do not feel that it detracts from the purpose of the document.

Finally, I refer to a number of abbreviations throughout my Report and for the avoidance of any confusion these are set out in Appendix B.

Dr Louise Brooke-Smith, OBE, FRICS, MRTPI,

August 2021

1.0 INTRODUCTION

1.1 NEIGHBOURHOOD PLAN REGIME

- 1.1.1 The Neighbourhood Planning regime provides local communities with the ability to establish specific land use planning policies which can influence how future development comes forward in their area. It not only provides the opportunity for local people to shape their locality, but it also provides guidance for developers and landowners when considering new proposals and for decision makers when determining planning applications.
- 1.1.2 Any Neighbourhood Plan should therefore be clear, not only in its goals and ambitions, but also in how any policies are presented. The background behind how policies have emerged should be easy to understand and robust in terms of supporting specific policy.
- 1.1.3 This Report provides the findings of an Examination into the Astwood and Hardmead Neighbourhood Plan, which is hereafter referred to as the Plan, the Neighbourhood Plan or the NP.
- 1.1.4 The Plan was prepared by the Astwood and Hardmead Parish Council, working in consultation with the Local Planning Authority, namely Milton Keynes Council and a range of interested parties, statutory bodies, community groups, landowners and their agents, plus other key stakeholders.
- 1.1.5 This Report provides a recommendation as to proceeding to a Referendum. If this takes place and the Plan is endorsed by more than 50% of votes cast, then it would be 'made' by Milton Keynes Council and would be used to assist in the determination of any subsequent planning applications for the area concerned.

1.2 APPOINTMENT AND ROLE OF THE INDEPENDENT EXAMINER

- 1.2.1 In accordance with current regulations, I was formally appointed by Milton Keynes Council, as the Examiner of the Neighbourhood Plan in May 2021. I was issued with the relevant documentation and formally began the examination early in June 2021. Circumstances, beyond my control, delayed my completion of the examination until the end of August 2021.
- 1.2.2 In examining the Plan, I am required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, (TCPA) to establish whether:
- *The Neighbourhood Plan has been prepared and submitted for examination by a Qualifying Body.*

- *The Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the TCPA as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004 (PCPA).*
- *The Neighbourhood Plan meets the requirements of Section 38B of the PCPA (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).*
- *The policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the PCPA.*

1.2.3 My role has also been to consider whether the Plan meets the 'Basic Conditions' and human rights requirements, as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to Neighbourhood Plans by section 38A of the Planning and Compulsory Purchase Act 2004.

1.2.4 In order to meet the Basic Conditions, the making of any Neighbourhood 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 for the area; and*
- *Not breach, and must be otherwise compatible with, European Union (EU) and European Convention on Human Rights (ECHR) obligations.*

1.2.5 Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out a further basic condition for Neighbourhood Plans, in addition to those set out in primary legislation and referred to in the paragraph above.

- *The making of the Neighbourhood Plan is not likely to have a significant effect on a European Site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European Offshore Marine Site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) either alone or in combination with other plans or projects.*

1.2.6 Having examined the Plan against the Basic Conditions, as set out above, and as the Independent Examiner, I am required to make one of the following recommendations:

- a) that the Plan should proceed to Referendum, on the basis that it meets all legal requirements;*

b) that the Plan should be subject to modification but will then meet all relevant legal requirements and should proceed to Referendum;

c) that the Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

1.2.7 If recommending that the Plan should go forward to Referendum, I am also required to consider whether, or not, the Referendum Area should extend beyond the defined Astwood and Hardmead Neighbourhood Plan Area.

1.2.8 As noted above, the role of any Independent Examiner is to assess a Plan in terms of compliance with the Basic Conditions. While it is not to specifically comment on whether the Plan is sound, where changes could be made that would result in removing ambiguity and make the document more user friendly for all parties, this should be considered. This reflects relevant paragraphs of the NPPG and the first basic condition.

1.3 THE EXAMINATION PROCESS

1.3.1 I am aware that the preparation of the NP took part during a partially restricted period associated with the Covid19 pandemic. I have had regard to the relevant amendments to the salient Neighbourhood Planning regulations, first brought into effect in April 2020 by the MHCLG.

1.3.2 In this case, some public consultation on the emerging versions of the NP were completed before the Covid19 social distancing rules were brought into play. Some took place during formal lockdown periods. Notwithstanding this, it has been deemed appropriate to continue to examine the Plan and any referendum that may be appropriate will take place under the salient regulations as confirmed by MHCLG, at the time.

1.3.3 The general rule remains that examinations should be conducted by written representations. In this case, I have been able to consider the Plan by way of the key documents, relevant background information, evidence base, supporting reports and written representations. I have not considered it necessary to hold a Hearing to complete my findings.

1.3.4 My examination findings have resulted from my assessment of the documents noted at Appendix A and the written submissions from interested parties at both the Regulation 14 and 16 stages of the NP process, and are in addition to my reference to the following documents, which set out extant legislation, regulation and guidance;

- National Planning Policy Framework (The Framework) (Revised as at 2018 and 2019) and reissued with further amendments in July 2021.
 - Town and Country Planning Act 1990 (as amended)
 - The Planning and Compulsory Purchase Act 2004 (as amended)
 - The Localism Act (2011)
 - The Neighbourhood Planning (General) Regulations (2012) and additions
 - The Neighbourhood Planning Act 2017 and associated guidance and regulations.
- 1.3.5 Finally, I confirm that I undertook an unaccompanied site visit to the Plan area in July 2021.

2.0 BACKGROUND TO THE ASTWOOD AND HARDMEAD NEIGHBOURHOOD PLAN

- 2.1. Further to a formal application, Milton Keynes Council confirmed the designation of the entire civil parish of Astwood and Hardmead as a Neighbourhood Plan Area in November 2018. I note that the area has not been the subject of any other NP proposal.
- 2.2 The Parish Council, as the relevant Qualifying Body, then pursued appropriate consultation across the NP area. I am advised that a Steering Group was established by the Parish Council in 2018. It led engagement with the community and stakeholders with respect to the vision of the NP.
- 2.3 Regular meetings and consultation with the community and stakeholders took place during 2020. This considered the perspective of different groups and assisted in addressing the vision and specific policies for the Plan.
- 2.4 The consultation background to the Plan is set out in the comprehensive Consultation Statement (March 2021) prepared in compliance with Section 15(2) of Part 5 of the Neighbourhood Plan Regulations 2012. I find that the community liaison was appropriate at both a local level and with statutory parties.
- 2.5 I have reviewed the evidence base which supports the policies and vision of the Plan. I find that this and the Consultation Statement to be proportionate to the nature of the Plan, well-presented and clear.
- 2.6 The Plan was subject to changes as a result of the consultation process and the Reg 14 submissions by third parties. A Submission Version was duly prepared and finalised in the Spring of 2021 and submitted to the LPA. After a formal period of public consultation, it was confirmed that the Plan could proceed to Examination.

2.7 I have been presented with written representations to the Submission Version of the Plan which were submitted within the formal period. I note that a significant majority of Reg 16 representations have been in support of the emerging NP.

3.0 COMPLIANCE WITH MATTERS OTHER THAN THE BASIC CONDITIONS AND HUMAN RIGHTS

3.1 Given the above, I now report on the procedural tests, as set out earlier in this Report, and find as follows;

- **The Qualifying Body**

3.2 From the documentation before me, I conclude that the Astwood and Hardmead Parish Council is a properly constituted body, i.e. a Qualifying Body for the purposes of preparing a Neighbourhood Plan, in accordance with the aims of neighbourhood planning as set out in the Localism Act (2011) and recognised in the National Planning Policy Framework (2018) as amended, and accompanying Planning Practice Guidance. Accordingly, I find this addresses the necessary requirements.

- **The Plan Area**

3.3 The Astwood and Hardmead Neighbourhood Area reflects the boundary of the Astwood and Hardmead Parish. No other Neighbourhood Plan has been proposed for this area.

3.4 An appropriately made application to prepare a NP was submitted to the Council and duly endorsed. The appropriate protocol and process were followed. I am satisfied this meets the requirement relating to the purposes and identification of a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended) and salient regulations of the Neighbourhood Planning (General) Regulations 2012.

- **The Plan Period**

3.5 Any neighbourhood plan must specify the period during which it is to have effect. The Astwood and Hardmead Neighbourhood Plan clearly states on its front cover and in its introductory sections that it addresses the period between 2020 and 2031. I note that this reflects the Milton Keynes Development Plan review period (Plan:MK adopted in March 2019). I am satisfied that this matter is clear and appropriate.

- **Excluded Development**

3.6 From my review of the documents before me, the proposed policies within the NP do not relate to any of the categories of excluded development, as defined by statute and extant regulations, or to matters outside the neighbourhood plan area. While I find there are some areas which would benefit from improved clarity or amended text, and I note these later in this report, in terms of the proposed policies, I find that the Plan meets legal requirements.

- **Development and use of land**

3.7 Any neighbourhood plan's policies, in accordance with current regulations, should only contain policies relating to development and/or use of land. While supporting text can reflect the goals and ambitions of any community, unless directly relating to development or use of land, this should not be included within or be confused with specific policies.

3.8 Had I considered that a policy or part of a policy was ambiguous, duplicated other policies or statutory regulations or concerned matters that do not relate to the development or use of land or property, I would have recommended that it be modified or clearly explained as such within the text of the Plan.

3.9 However, I have found that the Plan complies with the regulations on this matter and have explained my findings in Section 5 of this Report.

- **Public Consultation**

3.10 Planning legislation requires public consultation to take place during the production of neighbourhood plans. Any public consultation should be open and accessible, and any information presented should be easy to understand and to comment upon. It should enable all sectors of the local community the ability to comment on and hence shape the policies which may have a bearing on where they live, work or spend their leisure time.

3.11 I have reviewed the Consultation Statement prepared by the QB. As a requirement of the salient regulations of the Neighbourhood Planning (General) Regulations 2012, this was submitted to the Council and made available via the LPA and Parish's websites.

3.12 A range of stakeholders including statutory bodies appear to have been given the opportunity to take part in proceedings. I am of the opinion that the consultation

exercise was thorough and a wide a spectrum of the community was approached through a range of initiatives.

- 3.13 I have reviewed all salient surveys and documents relating to the consultation work undertaken by the QB and consider that the various initiatives and the general approach adopted was inclusive and, in most places, sufficiently robust.
- 3.14 I consider that the response to representations made to the Neighbourhood Plan, as it progressed through its preparation stages, were clear and an appropriate approach was taken by the QB. I should stress that my role has not been to undertake a detailed analysis of the consultation details but moreover review the general process and approach taken and, in this light, I believe changes to the draft version of the NP were appropriately assessed, undertaken and then explained.
- 3.15 As noted elsewhere in this Report, given the evidence before me, I did not feel it necessary to hold a public hearing as the comments made by Regulation 16 parties and the stance of the LPA and QB was clear. No issues have been ambiguous.
- 3.16 I conclude that an appropriate consultation exercise was undertaken and that stakeholders had the opportunity to input into the Plan's preparation and as such, Regulation 15 and 16 have been addressed.

4.0 THE BASIC CONDITIONS AND HUMAN RIGHTS

4.1 BASIC CONDITIONS STATEMENT

- 4.1.1 I have reviewed the Basic Conditions Statement and find it to be comprehensive and well written document. It addresses the Basic Conditions in a clear and logical manner, and I highlight these as follows;

4.2 NATIONAL POLICY, ADVICE AND GUIDANCE

- 4.2.1 As noted earlier, the NPPF (2018 and revised publications in 2019 and 2021) explains that a presumption in favour of sustainable development means that Neighbourhood Plans should support the strategic development needs set out in the Development Plan and plan positively to support local development.
- 4.2.2 The Framework is clear that Neighbourhood Plans should be aligned with the strategic needs and priorities of the wider local area, i.e. they must be in general conformity with the strategic policies of the Development Plan. The NPPF advises that they should not promote less development than is set out in the Development Plan or undermine its strategic policies. Neighbourhood Plans should provide a practical framework

within which decisions on planning applications can be made with predictability and efficiency. It is stressed that the examination has been of the Plan, as a whole.

- 4.2.3 The Basic Conditions Statement clearly explains how the NP responds to specific core planning principles, as set out in the NPPF and makes appropriate cross reference to specific NP policies. **Given the recent revision of the NPPF as of July 2021, it would be appropriate to expressly explain that the referencing is to the 2019 version of the NPPF.**
- 4.2.4 Given the guidance found within National Planning Practice Guidance (NPPG) which accompanies the NPPF, I have considered the extent to which the NP meets this first basic condition in Section 5 below and **find the Plan compliant.**

4.3 SUSTAINABLE DEVELOPMENT

- 4.3.1 Any Neighbourhood Plan should contribute to the achievement of sustainable development. The NPPF explains that there are three dimensions to sustainable development: economic, social and environmental. I consider that the approach taken and explained in the Basic Conditions Statement is robust.
- 4.3.2 Whilst there is no legal requirement for any Plan to be accompanied by a separate Sustainability Appraisal, it is helpful for it to acknowledge and explain how its policies have reflected sustainability matters in all forms as expressed in the NPPF. I consider that the NP has achieved this.

4.4 THE DEVELOPMENT PLAN AND STRATEGIC LOCAL POLICY

- 4.4.1 I note that the 'Development Plan' for Astwood and Hardmead Neighbourhood Area comprises the Milton Keynes Local Plan 2011 – 2031, known as Plan:MK. Appropriate reference is made to this in the Basic Conditions Statement (BCS).
- 4.4.2 Table 3 within the BCS explains how the proposed NP policies are in general conformity with strategic policies and highlights specific policies from Plan:MK. I find this to be appropriate and helpful.
- 4.4.3 **Hence, I find that the NP policies are in general conformity with the relevant strategic policies of the Development Plan.**

4.5 EUROPEAN UNION (EU) OBLIGATIONS AND CONVENTIONS

4.5.1 Notwithstanding the decision by the UK to leave the European Union, any Neighbourhood Plan must still be compatible with European Union (EU) obligations, as incorporated into UK law, to be legally compliant.

- Strategic Environment Assessment

4.5.2 Directive 2001/42/EC, often referred to as the Strategic Environment Assessment (SEA) Directive, relates to the assessment of the effects of certain plans and programmes on the environment, and has relevance here. Similarly, Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds (referred to as the Habitats and Wild Birds Directives respectively) aim to protect and improve Europe's most important habitats and species and can have a bearing on neighbourhood plans.

4.5.3 I note that an SEA screening was undertaken by Milton Keynes Council in February 2021. The screening response advises that policies within the Astwood & Hardmead NP are not expected to have any significant environmental effect and hence an SEA is not required. The BCS helpfully includes the following:

'Having screened the Astwood and Hardmead Neighbourhood Plan and consulted with Historic England, Natural England and the Environment Agency, it is the view of Milton Keynes Council that the Plan's effects are unlikely to have any significant impacts beyond the Neighbourhood Area and it is considered that overall the Plan will not have significant effects on the environment. It is, therefore, concluded that the Astwood and Hardmead Neighbourhood Plan does not need to be subject to Strategic Environmental Assessment.'

4.5.4 **I concur with this and find that the Plan meets the legal requirements of the EU's SEA Directive and conclude that in respect of this EU obligation, the Plan is compliant.**

- Habitat Regulations and Environmental Impact Assessment

4.5.5 I note the LPA also confirmed that the Astwood & Hardmead NP is not in close proximity to any European designated nature sites and that no Habitats Regulation Assessment (HRA) is required of the plan under the EU Habitats Regulations. Again, the BCS including the following:

'Given the role of Neighbourhood Plans and the nature of the Astwood and Hardmead Neighbourhood Plan which seeks mainly to maintain the status quo of built development in the parish, it is considered that Appropriate Assessment of the plan is not required.'

4.5.6 **I concur and find that the NP meets the legal requirements of the EU and HRA Regulations and conclude that, in this respect, the Plan is compliant.**

- **Human Rights**

4.5.7 The Basic Conditions Statement makes reference to compliance with the European Charter on Human Rights (ECHR) and Human Rights Act 1998 in para 5.6

4.5.8 I am unaware of any matters proposed in the NP that challenges issues of human rights and no evidence has been put forward through the public consultation period, to indicate that this is not the case. I conclude that the Plan does not breach and is otherwise compatible with the ECHR.

4.5.9 I am not aware of any other European Directives which apply to this particular Neighbourhood Plan, and **hence am satisfied that the Plan is compatible with EU obligations.**

5.0 ASSESSMENT OF THE ASTWOOD AND HARDMEAD NEIGHBOURHOOD PLAN POLICIES

5.1 THE OVERALL PRESENTATION AND FORM OF THE PLAN

5.1.1 The NPPF advises that plans should provide a practical basis within which decisions on planning applications can be made with a high degree of predictability and efficiency. I consider that this can be interpreted as 'having a clear document'. I find the Astwood and Hardmead Neighbourhood Plan is straightforward, well written and generally well explained and expressed.

5.1.2 As mentioned in my opening remarks, technically this is a Neighbourhood Development Plan. However, I acknowledge that many groups use the phrase 'Neighbourhood Plan' and clearly the whole of the Astwood and Hardmead NP uses the latter. Providing there is consistency throughout the document I do not consider this detracts from its purpose and I have not suggested that the whole document should be amended to use the phrase 'Neighbourhood Development Plan (or the abbreviation NDP).

5.1.3 I am content with the extent and nature of Figures and Tables within the NP.

5.1.4 The statutory context and relevant background to the Astwood and Hardmead NP is well set out in the introductory section of the Plan. This helpfully and succinctly sets the scene for the subsequent policies which reflect the vision for the area which is '*To sustain and enhance rural village life through sympathetic expansion*'. The

subsequent policies are appropriately based on economic, social and environmental principles which reflect both the strategic policies of the development plan and the NPPF.

- 5.1.5 I note some consultees, during the preparation of the Plan and at both Reg 14 and Reg 16 stages, suggested additional initiatives and amended text that have not been included in the Submission Version of the NP. I should stress that it is not the role of the Examiner to add further detail or policies that may have been considered by the QB through the Plan preparation, but not included in the Submission Version.
- 5.1.6 Sections 2 through to 7 of the NP present specific policies under the subheadings of Housing, Economy, Environment, Design, Landscape and Community Facilities. In terms of evidence to support the NP policies, I have reviewed a mix of digital and hard copy documents. I have considered the list of third parties and statutory consultees who were approached during the preparation of the draft and submission version of the Plan and have reviewed the comments issued by the QB through the Plan's preparation.
- 5.1.7 I consider that a proportionate amount of background information and an appropriate evidence base has been used by the QB to prepare draft policies to address the vision and objectives of the NP.
- 5.1.8 Further to the above, I now consider the NP policies against the Basic Conditions and for ease of reference follow the structure and headings as adopted in the Plan. As I have set out above, I find that the Plan is compliant with Basic Conditions 4 and 5 and the following section of my Report assesses whether I consider it complies fully with:
- Basic Condition 1 (Compliance with National Policy);
 - Basic Condition 2 (Delivery of Sustainable Development); and
 - Basic Condition 3 (General Conformity with the Development Plan).
- 5.1.9 I wish to stress that my examination has comprised a review of the policies and supporting text in the context of their compliance with the Basic Conditions. It has not comprised a forensic review of the rationale behind each policy. Had I found that the evidence base was weak or erroneously interpreted or proposals had been suggested that conflict with extant statute or are ultra vires, I would have suggested appropriate modifications. In the event, I consider that no modifications are required.
- 5.1.10 I confirm again that I have reviewed all comments made as part of the Regulation 16 process, particularly where they have raised matters relating to compliance with national policy, sustainability and general conformity with the strategic policies of the Development Plan.

5.2 NEIGHBOURHOOD PLAN POLICIES

5.2.1 Turning to Sections 2 through to 7 of the Plan and the specific policies and supporting text, I consider that, generally, the policies are well constructed and clear. Very few elements are ambiguous and accompanying text provides a relevant and useful context for the overall vision of the Plan.

HOUSING

5.2.2 **POLICY H1: HOUSING REQUIREMENT** is accompanied by explanatory text which is clear in its presentation and clarifies the classification of Astwood and Hardmead as part of hierarchy of settlements across the district.

5.2.3 The QB considered it pragmatic to identify slightly more land for housing needs, within the NP area, over and above the nominal single unit identified by the LPA. To this end I note the work undertaken in assessing potential sites. I specifically endorse the Site Assessment Report which has clearly set out the nature and extent of assessment undertaken.

5.2.4 **Accordingly, I endorse the approach taken in Policy H1 and find it compliant without modification.**

5.2.5 **POLICY H2: LAND TO THE NORTH WEST OF FORMER ST PETER'S CHURCH** and the supporting text is clear and sets out clear guidance to anyone considering developing the land for housing purposes. I find the criteria accompanying the policy well written and clear.

5.2.6 **Accordingly, I find POLICY H2 compliant without modification.**

ECONOMY

5.2.7 **POLICY EC1: COMMERCIAL DEVELOPMENT** and the supporting text is pragmatic in that it identifies extant business / commercial activity and acknowledges that most of the working community will commute beyond the area for work. The policy clearly acknowledges the rural nature of the area and supports suitable commercial activity providing this does not present unacceptable impact in terms of traffic generation considering the highway network.

5.2.8 There is a realistic understanding of permitted development rights and an encouragement to pursue rural diversification where appropriate.

5.2.9 **Accordingly, I find that POLICY EC1 compliant without modification.**

ENVIRONMENT

5.2.10 **POLICY EN1 RENEWABLE ENERGY** and the accompanying explanatory paragraph is well expressed and reflects community and stakeholder views. The policy also appropriately references the use of Landscape and Visual Impact Assessments (LVIA).

5.2.11 **Accordingly, I find Policy EN1 compliant with no modification.**

DESIGN

5.2.12 **POLICY D1 DESIGN** and the accompanying text notes that the two settlements do not benefit from statutory conservation areas but there is an identifiable 'historic form'. The community have clearly highlighted this and wish to retain it. The policy refers to 'appropriate design' which is considered ambiguous given that there are a variety of house styles and construction and hence one user of the NP might consider their preferred design 'appropriate' while another might not. I have not been presented with any design code for the area and hence consider that the policy might be overly 'open'.

5.2.13 However, I note that there is a refreshing attitude in the NP to not unwittingly restrict new development and hence I consider that the wording of the policy, accompanied by the clear direction to any developer / architect, inter alia, to use high quality materials and to complement the street scene, is acceptable.

5.2.14 **Accordingly I find Policy D1 compliant with no modification.**

LANDSCAPE

5.2.15 The aim of this section, supporting text and tables are well presented and clear. The NP rightly notes that the NPPF presents guidance and specific policies within Plan:MK identifies sites within the NP area that benefit from specific protection.

These do not need to be repeated in the NP. However, appropriately, areas of specific value in accordance with the criteria listed in the NPPF for Local Green Spaces have been highlighted by the local community.

- 5.2.16 I note Table 1 presents a clear assessment of three LGSs with helpful cross reference to the criteria as set out in the NPPF.
- 5.2.17 I find **POLICY L1: LOCAL GREEN SPACE DESIGNATION** well presented and clear and accordingly **I find it compliant without modification.**
- 5.2.18 **POLICY L2** relates to the need to appropriately address **RIGHTS OF WAY**. Rights of way, their deviation, alteration or modification need to adhere to specific regulation and statute and would come under the governance of a County Council / unitary authority. Hence, they are not normally included in a NP policy as they duplicate extant guidance / regulations that any developer or user of the NP would need to adhere to in any event.
- 5.2.19 However, I note that Policy L2 reflects an issue that was specifically highlighted by the community during the plan's preparation and its inclusion as written does not detract from the overall vision. As it emphasises a degree of flexibility for any developer and is not presented as a constraint to new development, I find it appropriate for it to remain.
- 5.2.20 **I consider Policy L2 acceptable without modification.**

COMMUNITY FACILITIES

- 5.2.21 **POLICY C1: LOSS OF COMMUNITY FACILITIES** is well expressed, and the accompanied text is helpful in emphasising the value of the local public house and village hall.
- 5.2.22 I note that the criteria accompany the policy has been reviewed by the QB further to comments from the LPA but accept that the text, as presented, is appropriate.
- 5.2.23 **Accordingly, I find Policy C1 compliant without modification.**

5.3 PLAN DELIVERY, IMPLEMENTATION, MONITORING AND REVIEW

- 5.3.1 Reference is made, in Section 8 of the NP, to the future review of the Plan and that this will be led by the Parish Council's Steering Group and comprise an annual monitoring review and a formal review to coincide with the Development Plan (Plan:MK) review in 2031. **I find this appropriate.**

6.0 REFERENDUM

- 6.1 Further to my comments above, I recommend to Milton Keynes Council that the Astwood and Hardmead Neighbourhood Plan should proceed to a Referendum. I am required, however, to consider whether the Referendum Area should reflect the approved Neighbourhood Area or whether it should extend beyond this, in any way.
- 6.2 As noted earlier, the Neighbourhood Area reflects the whole of the Astwood and Hardmead Parish and **am content that this should also reflect the area for any forthcoming Referendum.**

7.0 SUMMARY AND RECOMMENDATION

- 7.1 I find that the Astwood and Hardmead Neighbourhood Plan is a succinct, well-written and presented document and has been the subject of effective consultation. The resulting vision and ensuing policies reflect the findings of those consultations and drafts of the NP have been the subject of appropriate amendments to take on board relevant comments from statutory consultees and key stakeholders.
- 7.2 This is one very few NPs that I have examined and found that no modification are required and the policies, as presented, are compliant with the basic conditions. There is no ambiguity introduced in the policies or the accompanying text and, other than in one instance, the policies do not duplicate extant policy or other regulations. (I have noted above at Policy L2 why I consider that policy can remain).
- 7.3 Overall, I consider that the document is well written and appropriately justified with appropriate use of the evidence base.
- 7.3 In summary, the Plan complies with the legal requirements set out in Paragraph 8(1) and 8(2) of Schedule 4B to the Town and Country Planning Act 1990 and the relevant regulations relating to the preparation of a Neighbourhood Plan.
- 7.4 I do not have any concerns over the defined Plan Area nor with that area forming the basis for any Referendum.

7.5 **Hence, I recommend that the Astwood and Hardmead Neighbourhood Plan should proceed to a Referendum forthwith.**

Louise Brooke-Smith, OBE, FRICS, MRTPI

August 2021

Appendix A - Documents reviewed by the Examiner

- National Planning Policy Framework (The Framework) (2018) and subject to MHCLG clarification in 2019 and revision in July 2021.
- Town and Country Planning Act 1990 (as amended)
- The Planning and Compulsory Purchase Act 2004 (as amended)
- The Localism Act (2011)
- The Neighbourhood Planning (General) Regulations (2012) and additions
- The Neighbourhood Planning Act 2017 and associated guidance and regulations.
- Draft Version of the Astwood and Hardmead Neighbourhood Plan
- Submission Version of the Astwood and Hardmead Neighbourhood Plan
- Documents identified in the Astwood and Hardmead Neighbourhood Plan pages of the LPA and Parish Council Websites

Appendix B – Examiner's use of Abbreviations

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|--|---------------|
| • Astwood and Hardmead Neighbourhood Plan; | NP |
| • The Plan / The Neighbourhood Plan; | NP |
| • Astwood and Hardmead Parish Council; | PC |
| • Qualifying Body; | QB |
| • Milton Keynes Council; | MKC / Council |
| • Local Planning Authority; | LPA |
| • National Planning Policy Framework; | NPPF |
| • National Planning Practice Guidance; | NPPG |
| • Basic Conditions Statement; | BCS |