

HAVERSHAM-CUM-LITTLE LINFORD NEIGHBOURHOOD PLAN REGULATION 14 ANALYSIS: STATUTORY BODIES

1. Introduction

1.1 This note summarises the representations made by the statutory bodies on the Pre-Submission version of the Haversham-cum-Little Linford Neighbourhood Plan (HcLLNP) during its recent 'Regulation 14' consultation period. It concludes by recommending main modifications to the HcLLNP so that it may be submitted to the local planning authority, Milton Keynes Council (MKC), to arrange for its examination and referendum. This remains subject to the same analysis being undertaken for representations made by the local community.

2. Representations

2.1 Representations have been received from:

- a. MKC
- b. Historic England
- c. Natural England
- d. Canal & River Trust
- e. National Grid
- f. Oneill Homer on behalf of landowners for land south of 27 High Street, Old Haversham
- g. Bidwells on behalf of the Vistry Group who control land to the west of Wolverton Road, New Haversham
- h. WebbPaton on behalf of TM Paton and Sons for Hill Farm
- i. Barton Willmore now Stantec on behalf of L&Q Estates who have land interests within the Parish
- j. Smith Jenkins Ltd on behalf of landowners for land east of the High Street, Old Haversham
- k. Aitchison Raffety on behalf of landowners for Haversham Manor

2.2 Other statutory bodies were consulted but none have made representations. The representations from Historic England, Natural England and the National Grid raised no specific issues on the HcLLNP and directed the Parish Council to its standard advice for neighbourhood plans and/or development.

3. Analysis

3.1 The representations, notably those of MKC and the Canal & River Trust, include suggested minor modifications to the text of the document, as well as those of more consequence. This note focuses only on those of greater substance as all those of minor consequence can be addressed in finalising the document.

Policy HLL2: Housing Development

3.2 MKC draws attention to its First Homes Policy Position Statement (FHPPS) in relation to the requirement of Policy HLL2 and how criterion B. ii. will be applied in

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light of the publication of the FHPPS and how this new requirement interacts with the evidence in the HcLL Community Housing Needs Survey (HNS). It also draws attention to the illustrative masterplan and whether it has demonstrated regard to the group Tree Preservation Order (TPO) for 6 Elm Trees. The Public Rights of Way Team has welcomed the provisions of criterion B. vii. In relation to public rights of way through and along the edge of the site. The Highways Team confirms the requirements of Policy HLL2 in relation access to the site is appropriate and highlights the conflict of Policy HLL2 with Plan:MK's Policy CT2 Movement and Access. MKC's Flood and Water Management Team also confirm the foul water strategy and sustainable drainage strategy requirements in Policy HLL2 are necessary.

3.3 Bidwells on behalf of the Vistry Group who control land to the west of Wolverton Road, New Haversham challenges the 1 Ha limit used in the assessment of sites when considering the evidence of need in the HNS; the outcome of the community survey; and the location of the site in relation to community facilities and services in meeting the basic conditions of having full regard to national planning policy and guidance and contributing to the achievement of sustainable development. WebbPaton on behalf of TM Paton and Sons for Hill Farm and Smith Jenkins Ltd on behalf of landowners for land east of the High Street, Old Haversham also objects to the process adopted for site selection and queries the quantum of development included in the HcLLNP.

3.4 Using the provisions of the FHPPS, the allocation for up to 16 new homes will result in a required tenure mix as follows:

Requirement	Result
31% affordable housing requirement in accordance with Plan MK policy HN2	4.96 5 affordable homes
Tenure mix <ul style="list-style-type: none"> • 1.24 first homes (7.75% first homes, 25% of affordable housing requirement) • 2.248 affordable rent homes (14.05% affordable rent, 45.32% of affordable housing requirement) • 0.8 social rented home (5% social rent, 16.13% of affordable housing requirement) • 0.672 shared ownership (4.2% shared ownership, 13.55% of affordable housing requirement) 	1 first home 2 affordable rent homes 1 social rented home 1 shared ownership

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NPPF requirement for 10% of homes to be for affordable home ownership (10% of 16 new homes)

(1.6) 2 new homes
The 1 x first home and 1 shared ownership home would meet the requirement for 10% of homes to be for affordable home ownership.

3.5 The HNS identified a need for affordable and open market housing for younger people as starter homes, older parishioners to downsize and a 'middle market' to allow parishioners and their families movement from smaller or larger homes. The HNS also notes that it is considered that downsizing would release smaller properties into the local market for the 'middle market'. Nearly two thirds of households wanting to move preferred to buy on the open market or build their own home. The single biggest reason for wanting to move was for wanting to live independently, followed closely by those looking to downsize and those whose properties were currently too small. In terms of household makeup, the largest groups expected to need/want new homes were single adults, adult couples and families. Given the emerging households many were looking for 2 and 3 bed properties and the majority wanted to buy on the open market, expecting to purchase homes below and above £250,000. It is therefore considered that the new requirements set out in the FHPPS continues to provide a sensible starting point for the proposed mix of affordable products. It is also noted that the new local plan will consider the need for increasing the minimum discount and setting local standards/criteria in relation to First Homes. **It is however recommended that, in the interest of clarity, this matter is clarified in the supporting text of the policy and criterion B. ii. of Policy HLL2 is modified as follows:**

ii. The housing scheme shall comprise a tenure mix of 31% affordable housing and 69% open market housing in accordance with Local Plan policies, **including the First Homes Policy Position Statement of March 2022 or any subsequent updates**, with an emphasis on smaller open market and affordable homes suitable for downsizers;

3.6 MKC has specifically queried the consideration of the designated Areas of Attractive Landscape in criterion B. iii. of Policy HLL2 as it considers that this designation has been superseded by Plan:MK's Policy NE5 (Conserving and Enhancing Landscape Character). This matter has also been raised by Bidwells on behalf of the Vistry Group who control land to the west of Wolverton Road, New Haversham and WebbPaton on behalf of TM Paton and Sons for Hill Farm. Plan:MK's Policy HN12 (Travelling Showpeople) requires new sites to be located in areas outside of Areas of Attractive Landscape. **This matter therefore remains unclear, and it is recommended this is clarified with MKC.**

3.7 The supporting text and policy requirements of Policy HLL2 clearly indicates that the site continues to be subject to specific site surveys which may have an impact on the indicative layout provided to date. Oneill Homer on behalf of landowners for land south of 27 High Street, Old Haversham has also confirmed that the land subject to allocation at Policy HLL2 remains in single ownership and is available for development in accordance with the criteria set out in the policy. **It is therefore**

recommended that the Parish Council highlights MKC's comments to Oneill Homer on behalf of landowners for land south of 27 High Street, Old Haversham and seeks their response on this specific matter.

3.8 The draft Site Assessment Report seeks to demonstrate the “*proportionate, robust evidence that has been used to support the choices made and the approach taken*” (as per §072 Ref ID: 41-072-20190509). It details that the provisions of the NPPF, strategic policy provisions, particularly those set out in Policy DS2 Housing Strategy, informal assessment against sustainable development objectives, a formal SEA focussed on heritage matters, and early community engagement exercises informed the priority policy objectives and the site selection process, including the particular consideration for smaller sites and the quantum of housing. The provision to give particular consideration to smaller sites is also set out in §70 of the NPPF.

Policy HLL3: First Homes Exception Sites

3.9 MKC queries the approach taken at Policy HLL3 in relation to development avoiding areas at risk of flooding and how this operates with the NPPF's sequential approach/vulnerability of housing. NPPF §161 a) requires all plans to apply a sequential test and then, if necessary, an exception test. The aim of the sequential test is to steer development to areas with the lowest risk of flooding from any source. Land to the south of New Haversham, adjoining its settlement boundary, falls within a flood risk area for reservoirs, rivers, and surface water. Other parts of New Haversham are also subject to flood risk from surface water. MKC's Flood and Water Management Team welcomes the criterion and recommends the inclusion of mapping demonstrating these risks and confirms that Haversham is identified as a Critical Drainage Catchment and therefore subject to the provisions of Plan:MK Policy FR1. The policy therefore alerts applications to this vulnerability in parts of New Haversham for the application of the sequential/exception approach set out in the NPPF and Plan:MK Policy FR1. **It is therefore recommended that, in the interest of clarity, this matter is clarified in the supporting text of the policy and criterion A. v. a. of Policy HLL3 is modified as follows:**

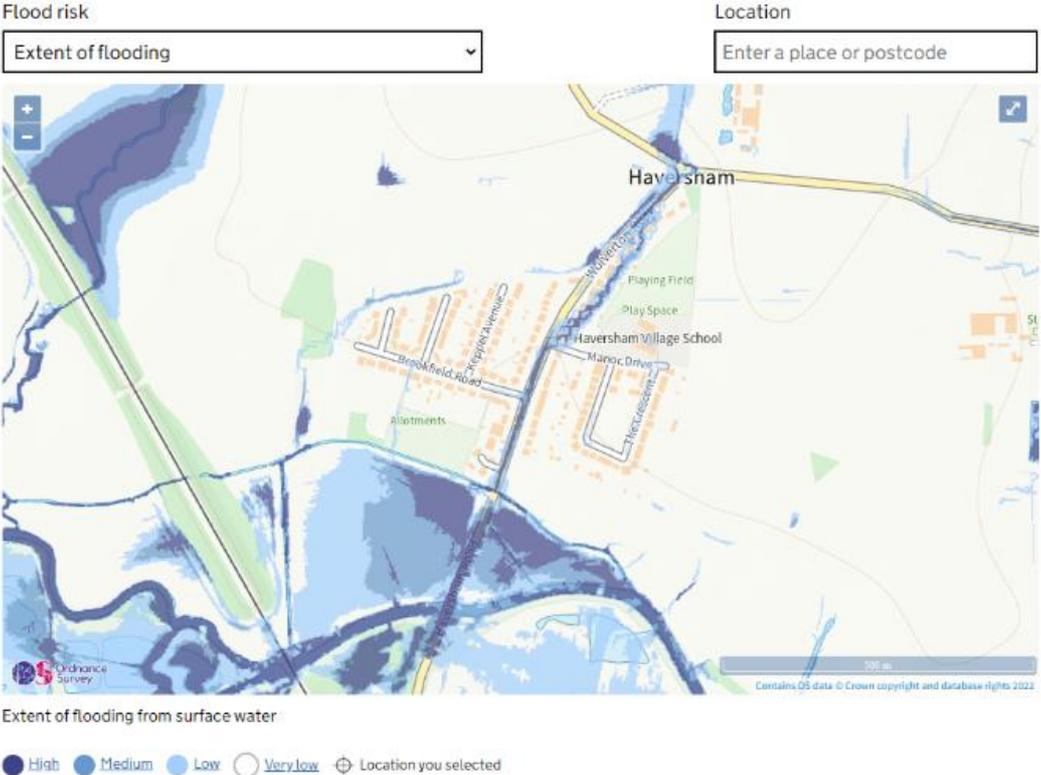
- v. It can be demonstrated that the scheme will:
 - a. ~~Avoid areas at risk of flooding~~ **be located and designed to take account of all sources of flood risk in accordance with national and Local Plan policies paying particular attention to flood risk impacts in New Haversham, as shown on Plans F – H below, and its location within a Critical Drainage Catchment area;**

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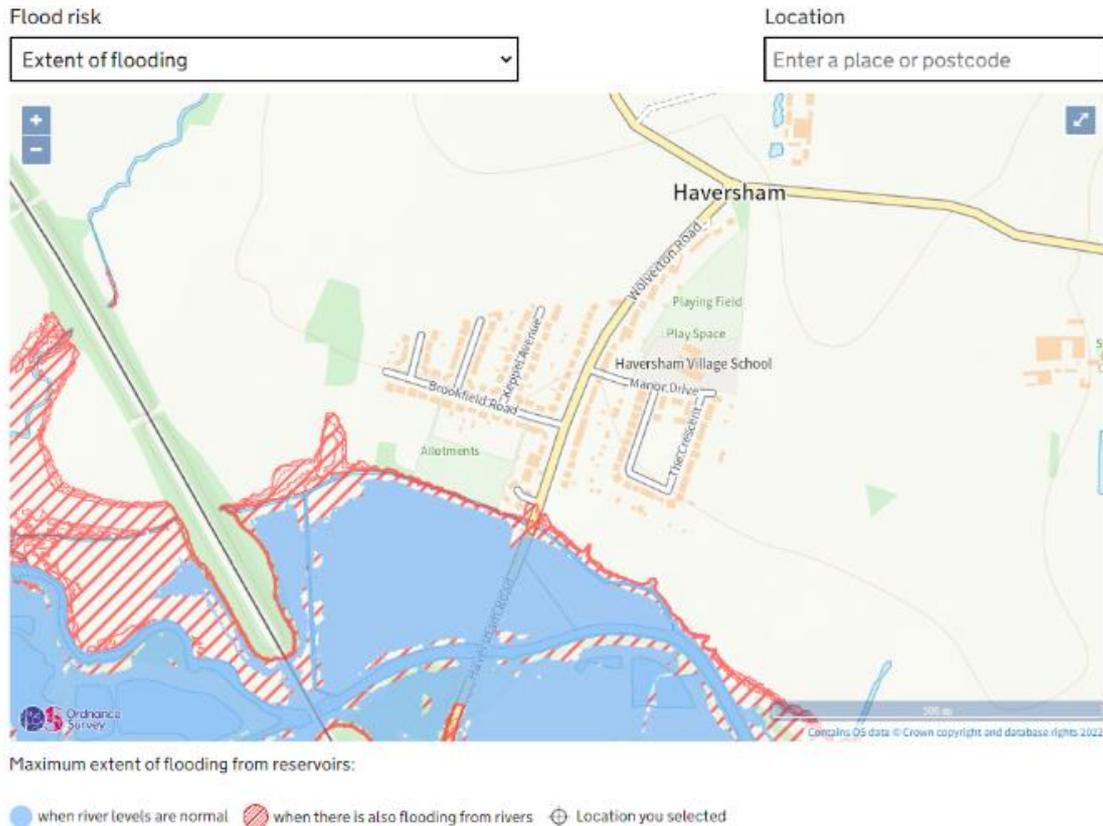
Plan F: Extent of flood risk from rivers or the sea in New Haversham Source: [GOV.UK](https://www.gov.uk)



Plan G: Extent of flood risk from surface water in New Haversham Source: [GOV.UK](https://www.gov.uk)

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Plan H: Extent of flood risk from reservoirs in New Haversham Source: [GOV.UK](https://www.gov.uk)

3.10 Smith Jenkins Ltd on behalf of landowners for land east of the High Street, Old Haversham objects to the HcLLNP defining what 'proportionate in size' means in its Policy HLL3, further recommending that the definition for entry-level housing should be adopted. The HcLLNP has taken the opportunity to use the provisions of §026 Ref ID: 70-026-20210524 in Planning Practice Guidance which states that "For plan making, local authorities and neighbourhood planning qualifying bodies are encouraged to set policies which specify their approach to determining the proportionality of First Homes exception site proposals, and the sorts of evidence that they might need in order to properly assess this."

Policy HLL4: Zero Carbon Buildings

3.11 MKC incorrectly identifies that a neighbourhood plan policy cannot set requirements, such as the requirement of planning conditions to be imposed or specific assessments to be submitted, for development coming forward in the designated neighbourhood area that the Local Planning Authority should apply. MKC correctly identifies that overall, the acceptability of Policy HLL4 relies on its ability to meet the basic conditions and sets out one reason why it considers that Policy HLL4 does not meet one of the basic conditions: the policy relies on viability evidence that is not based on Milton Keynes land values and development costs. Smith Jenkins Ltd on behalf of landowners for land east of the High Street, Old Haversham and Bidwells on behalf of the Vistry Group who control land to the west

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of Wolverton Road, New Haversham also challenges the viable implementation of the policy with the latter also querying its compatibility with Policy SC1 of Plan:MK.

3.12 The policy uses the evidence produced by Cornwall Council and compares it with the earlier evidence which indicated that costs associated with building to Passivhaus levels are already less than 5% and will fall to zero well within the period of this Neighbourhood Plan, as per both the Government's and CCC's impact assessments and research by the Passivhaus Trust. The Parish Council also considers that the evidence drawn upon is '*proportionate, robust evidence*' required of neighbourhood plans to support their policy choices (Paragraph 040 Reference ID: 41-040-20160211).

3.13 In assessing the planning policy space on this matter, the Parish Council established that:

- Policy SC1 of Plan:MK was developed prior to Government committing the UK in law to 'net zero' by 2050 as per the Climate Change Act 2008 (as amended) and was therefore prepared under an outdated legal framework;
- Policy SC1 of Plan:MK will require homes to be retrofitted to a later date, while in the shorter term increasing the risk of fuel poverty;
- The Tyndall Centre for Climate Research Carbon Budget Tool confirms that for MKC to make its fair contribution to delivering the Paris Agreement's commitment, an immediate and rapid programme of decarbonisation is needed. At 2017 CO₂ emission levels in the borough of MKC will exceed the recommended carbon budget available until 2050 in 7 years from 2020 (by 2027);
- If the borough is to achieve the 2050 carbon target and its own commitment to be carbon neutral by 2030 and carbon negative by 2050, new homes built now need to be zero carbon ready.

3.14 It was therefore clear that the HcLLNP needed to act to fill the policy space if it was to demonstrate that its policies contributed to the achievement of sustainable development, particularly ensuring that any new homes built now meet the needs of present and future generations, had full regard to the NPPF, and expressed the community's wishes within the confines of planning policy. It is of course accepted that a borough-wide approach is urgently required in relation to this matter and the Parish Council hopes that MKC will take the opportunity offered through the review of Plan:MK to pursue radical measures for the borough as proposed by Policy HLL4.

Policy HLL6: Non-Designated Heritage Assets

3.15 Aitchison Raffety on behalf of landowners for Haversham Manor objects to the inclusion of Land at Old Haversham as a non-designated heritage asset, in particular the buildings surrounding the church relating to the farm complex. **It is recommended that the evidence base is updated to respond to the concerns raised specifically and any necessary changes identified is incorporated in the final version of the HcLLNP.**

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Other Policies and Matters raised

3.16 MKC (including the Flood and Water Management Team in relation to Policy HLL9; and the Highways Team in relation to Policy HLL12) has also supported the approach of Policies HLL5; HLL7; HLL9; HLL10 and HLL12 but has suggested the policies are either more consistently worded or that the evidence base is bolstered. Bidwells on behalf of the Vistry Group who control land to the west of Wolverton Road, New Haversham, WebbPaton on behalf of TM Paton and Sons for Hill Farm and Barton Willmore now Stantec on behalf of L&Q Estates who have land interests within the Parish also challenges the evidence to support Policy HLL10. The suggested amendments do not change the policies intent and the recommendations on bolstering the evidence base is agreed is necessary. **It is recommended that MKC's suggested amendments to Policies HLL5; HLL7; HLL9; HLL10 and HLL12, and the evidence base where applicable, are made.**

3.17 WebbPaton on behalf of TM Paton and Sons for Hill Farm highlights concerns that the provisions of the HcLLNP will hamper the ability of landowners to pursue opportunities to diversify out of agriculture. It also objects, as landowner, to some of the opportunities identified for improvements to rights of ways and wildlife connections.

3.18 The HcLLNP makes no additional provisions in relation to the development and/or conversion of agricultural buildings for First Homes, farm workers dwellings, diversification out of agriculture, tourism and leisure activities and national and strategic planning policy provisions, including permitted development provisions, will continue to apply in these respects. It is recognised that landowner permission will still be required to deliver any improvements in public rights of ways and in the improvements of wildlife connections. The policies seek to highlight the opportunities available so that those opportunities are not lost unnecessarily. **It is however recommended that the supporting text of Policies HLL8 and HLL9 recognises that the Parish Council will seek to work with landowners to realise such opportunities where possible.**

3.19 Barton Willmore now Stantec on behalf of L&Q Estates who have land interests within the Parish objects to the descriptive nature of the provisions of Policy HLL5 on design principles. The NPPF contains a heightened emphasis on design standards in new developments. §126 states: "*The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve*". §127 confirms that "*Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics*". Policy HLL5 is therefore considered to establish the importance of high-quality design and the need for new development to reflect the special qualities and local distinctiveness of the Parish. However, MKC also queried the effectiveness of criterion B. viii. **It is therefore recommended that criterion B. viii. Of Policy HLL5 is amended as follows:**

viii. Proposals **should include the use of a variety of architectural styles and traditional building materials.** ~~that will result in one building material or style dominating the area will not be supported.~~

4. Conclusions & Recommendations

4.1 The representations are generally supportive of the HcLLNP. Once comments have been sought from MKC and the land promoter for Land south of 27 High Street, and proposed modifications from this report are made, **it is recommended that the HcLLNP can proceed to the Regulation 15 submission stage without further consultations.**