Milton Keynes Core Strategy Examination

Hearing Statement: Matter 1 - Overview

Gallagher Estates

Respondent Ref: 273046

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0.0 INTRODUCTION

0.1 This Statement has been prepared by Barton Willmore LLP on behalf of Gallagher Estates. As background, Gallagher Estates controls and is the promoter of development at various strategic locations at Milton Keynes including the Western Expansion Area (WEA); land within the Strategic Land Allocation comprising Glebe Farm, Eagle Farm North and Eagle Farm South; and land immediately to the south of Milton Keynes at Eaton Leys (which forms part of the site identified by the Council as ‘MKSA9’).

0.2 This Statement seeks to address the questions raised by the Inspector, setting out the case on behalf of Gallagher Estates regarding the soundness of the Core Strategy as submitted and whether the legal and procedural requirements have been met.
Q1.1 **Has the overall spatial strategy emerged from a sound process of assessment including evaluation of alternatives and sustainability appraisal, and public involvement?**

1.1.1 Whilst this is an issue which needs to be addressed by the Council, Gallagher Estates is satisfied that the procedural requirements have been adequately met.

1.1.2 The overall spatial strategy has emerged through a process of local decision making supported, as necessary, by the appropriate procedural undertakings through Strategic Environmental Assessment (SEA), sustainability appraisal (SA) and consultation. This includes an evaluation of reasonable alternative options concerning the overall level of housing provision in the area and strategic development site options.

1.1.3 The Council’s assessment of the overall spatial strategy appears to have focused on the various directions for growth and strategic site options surrounding Milton Keynes. These options are termed by the Council as reasonable alternatives. Whilst the term “alternatives” correctly reflects the SEA Directive and associated guidance, the other strategic sites which have been evaluated by the Council should be regarded as additional site options, if required to deliver a higher housing figure or to provide greater flexibility to meet the Council’s figure. For the reasons which are set out below, and also in our statements for Matter 3 and Matter 6, the Strategic Land Allocation (SLA) is at the heart of this and any strategy for the future growth of Milton Keynes. Other sustainable sites need to be considered as providing opportunities for additional growth.

1.1.4 In relation to the overall scale of housing provision, the Council’s decision-making process is summarised, notably, in Chapter 6 of the Consultation Statement (February 2011) (Doc. B118) and Chapter 1 of the Council’s Housing Technical Paper (February 2011) (Doc. B126A). One cannot ignore that the decision-making in preparing this Core Strategy has not followed a linear process and, out of necessity, has had to respond to changing expectations and requirements at central Government level.

1.1.5 In summary, the Council’s decision to review the housing figure was triggered by the Secretary of State’s advice that Regional Strategies (RSs) had been abolished and, as a consequence, local authorities should put in place “local targets”. Nevertheless, reasonable alternative options for the overall level of housing growth were considered by the Council on 26th August 2010 (see Doc. C5a; Annex A).
1.1.6 Whilst the Council’s decision to review the housing figure was based upon what proved to be incorrect guidance on the continued role and status of the RS, the Council has, in light of this material change in circumstances, assessed the social, economic and environmental effects of the Core Strategy housing figure compared with the RS. (see B107; Appendix 2). We understand that the Council’s environmental reports (including B107) have therefore taken into account a range of “local circumstances and conditions” and the Council has prepared an adequate assessment of its preferred option when considered against reasonable alternatives.

1.1.7 Taking into account the consultation and the appraisal of options which has been completed by the Council, we are satisfied that there are no procedural deficiencies which should lead the Inspector to conclude that the relevant requirements have not been met and the Core Strategy should not be adopted. An assessment of the Core Strategy against the relevant legal and soundness tests is presented in the statements submitted on behalf of Gallagher Estates.

1.1.8 The previous submissions and the evidence presented in these examination statements on behalf of Gallagher Estates have sought amendments to various policies, principally relating to the policy guidance for the development of the SLA. These proposed changes are presented in our examination statements in the form of ‘main modifications’, essential to address the following broad soundness issues:

- The evidence underpinning the overall level of housing provision proposed within the Borough and the identification of “unmet needs”;
- Specific requirements within and/or implied by the policies and guidance for the SLA; and
- The need for additional land at Eaton Leys to be allocated in this Core Strategy as a sustainable location for development, brought forward for development when required to meet identified needs.
Q1.2  Taken as a whole, is the Core Strategy consistent with the principles and policies set out in the National Planning Policy Framework (the Framework), including the presumption in favour of sustainable development? If it is not, how might any inconsistencies be rectified?

1.2.1 There are two fundamental aspects to the NPPF against which the Core Strategy should be assessed. Firstly, the NPPF establishes that the ‘presumption in favour in sustainable development’ is at the heart of the NPPF (paragraph 14). Secondly, the NPPF provides a set of core planning principles which should underpin plan-making (paragraph 17), with more detailed Plan-making policies at paragraphs 150-185.

The Presumption in Favour of Sustainable Development

1.2.2 In relation to the SLA, the Council has positively sought and identified a sustainable opportunity for additional strategic development in order to maintain the growth of Milton Keynes. As we explain in our response to Matter 6, the development of the SLA will deliver a high quality sustainable urban extension and will make an important contribution to meeting the development needs of the area during the plan period.

1.2.3 Applying the presumption in favour of sustainable development, the central question for this Core Strategy examination must be whether additional development opportunities are required to meet any higher objectively assessed level of need for development and/or to provide greater flexibility to adapt to rapid change should be identified in the Core Strategy.

1.2.4 We have explained in our response to Matter 3 that an objective assessment of the full development needs of the area could conclude that the level of need and demand for housing is above that proposed through this Core Strategy. We do however consider that the evidence available is inconclusive and should in any event be a matter for judgement balancing seeking to meet needs with other considerations (NPPF; paragraph 14).

1.2.5 We agree with the Council that the RS housing requirement represents a substantial challenge in the short term at Milton Keynes and potentially exceeds that required to meet needs at a local level. We are satisfied that the Core Strategy is based upon and adequately reflects the presumption taking into account short term market issues. The Core Strategy, as submitted, is planning for a significant level of growth at Milton Keynes, including enabling the delivery of the SLA, and is therefore consistent with the NPPF taken as a whole.
1.2.6 If evidence for a higher figure is accepted, we do not consider that opportunities for additional development have been positively sought by the Council. As we have shown in other statements submitted on behalf of Gallagher Estates, such opportunities include an additional strategic development allocation at Eaton Leys (as discussed in response to Matter 7).

**Core Planning Principles**

1.2.7 The NPPF provides 12 core planning principles (paragraph 17). Whilst these need to be taken as a whole, we note in particular that the 3rd principle reiterates that plans should meet development needs, respond positively to wider opportunities for growth, and allocate sufficient land which is suitable for development in their area.

1.2.8 For the reasons which we have presented in our response to Matter 6, the SLA, which is central to the Core Strategy, is a clear example of consistency with the NPPF, contributing as part of the overall strategy towards the achievement of the core principles and the delivery of sustainable development at Milton Keynes.

1.2.9 Should additional opportunities be identified through the overall assessment of the Core Strategy, these will need to comply with the principles and policies within the NPPF. As stated above, this includes land at Eaton Leys (forming part of MKSA9) which has been assessed and is confirmed as a suitable opportunity for additional sustainable development.
Q1.3 **Does the Core Strategy make reasonable, appropriate provision for meeting the strategic priorities of the area?**

1.3.1 The NPPF identifies the strategic priorities which local planning authorities should plan for in their areas (paragraph 156). We are satisfied that the Core Strategy adequately addresses and generally includes sound policies to deliver the strategic priorities for the area.

1.3.2 We also draw the Inspector’s attention to our response to Matter 6 which explains how the SLA makes a positive contribution towards meeting the strategic priorities for the area.
Q1.4 **Does it take appropriate account of the sub-regional and wider context, including cross-boundary impacts?**

1.4.1 As explained in our statement for Matter 6, the allocation and planning of the SLA has taken appropriate account of any sub-regional and cross-boundary effects.

1.4.2 An important consideration in establishing the appropriate level of growth to be planned for within the wider area is the level of any unmet need which will not be delivered through this Core Strategy within Milton Keynes Borough. In our view, this Core Strategy should be taken through to adoption subject to necessary modifications to help facilitate early delivery of additional growth within the Borough, including the SLA.

1.4.3 This Core Strategy was submitted in March 2011 and therefore we understand the legal Duty to Co-operate does not apply. Importantly, this obligation should guide a short term review of this Core Strategy together Local Plans to be prepared by adjoining authorities within the wider housing market area.

1.4.4 To guide the preparation of these future plans, where the Duty to Co-operate will apply, this Core Strategy should identify the broad scale of housing and other cross-boundary development needed if it is found that there would be unmet needs within the Borough which would not be delivered. Furthermore, the Core Strategy should confirm that the Council will engage in continuous and close joint working with its neighbouring authorities to assess and meet the identified full development needs of the area.

1.4.5 In this regard, we note that Aylesbury Vale District is currently preparing its Local Plan, with an examination currently scheduled for 2013. Under the Duty to Co-operate, the preparation of the Aylesbury Vale Plan should make every effort through meaningful joint working to deliver unmet development needs which should be planned across boundaries. This should include consideration of cross-boundary development opportunities including land at Eaton Leys which should be positively sought within Aylesbury Vale and Milton Keynes administrative areas.
Q1.5 Does the Core Strategy provide clearly articulated and justified guidance about the way in which cross-boundary issues and joint working will be addressed?

1.5.1 In addition to our response to Q1.4 above, we consider that this Core Strategy avoids ‘facing-up’ to the needs for effective co-operation with adjoining authorities. The strategy including Policy CS6 unduly places the onus on the adjoining authorities to assess and allocate land on the edge of Milton Keynes, without any clear signal what is required to meet the full development needs of the area.

1.5.2 Responding to the NPPF, we consider that a more pro-active approach is needed to drive and support the sustainable economic development needs and address larger than local issues which were considered through the previous 10 or so years of strategic planning for this area. If required to meet the full development needs of the area, we recommend that this Core Strategy should identify land at Eaton Leys as a suitable strategic site opportunity for cross-boundary expansion.

1.5.3 We comment in more detail on this issue in our statement for Matters 3 and 7.
Q1.6 On the basis that the South East Plan (RS) remains part of the development plan, is the Core Strategy in general conformity with it? If it is not, what are the specific elements of the strategy that lead to non-conformity? How might these be rectified?

1.6.1 The legal requirement for Core Strategies to be in general conformity with the relevant RS allows for a degree of variance. The Inspector will also be mindful that the legal and procedural requirements are separate to an assessment of the soundness of the plan, which we have addressed elsewhere.

1.6.2 The principal issue to be considered is the level of growth proposed in the Core Strategy when compared with the RS. In this regard, the Core Strategy housing figure is approximately 16% below the annual housing requirement in the RS, excluding any cross-boundary growth at Milton Keynes within adjoining authorities proposed through the RS. Taking this issue in isolation, we consider that such a reduction is likely to be at the limit of what one could reasonably be considered in general conformity.

1.6.3 Turning specifically to cross-boundary growth, the RS recognised that the housing and other development needs of Milton Keynes which were identified through that process should not be delivered wholly within its own administrative boundaries (we address this issue in our statement for Matter 3). Having regard to the NPPF, this should be a matter for (future) cooperation with the relevant adjoining authorities with an imperative to identify opportunities to deliver the growth needed in the area.

1.6.4 We conclude that cross-boundary development should be evaluated through plans prepared by adjoining authorities to fully meet the development needs of Milton Keynes and the strategic needs of the wider area.
Q1.7 If RS is abolished as currently proposed, are there any specific policy deficits that would ensue and how should these be addressed in the Core Strategy?

1.7.1 The Core Strategy provides an adequate framework for which decisions on planning applications can be made, subject to the specific modifications which we present in the examination statements submitted on behalf of Gallagher Estates. Importantly, the Core Strategy will be supported by the NPPF as a material consideration which provides a sound strategic policy framework for decision taking at the local level.
Q1.8 Overall, does the Core Strategy satisfy the test of ‘positive preparation’ (paragraph 182 of the Framework)? If not, how might any deficiencies be resolved?

1.8.1 We have indicated above and in our response to Matter 3 that a level of housing provision above that proposed by this Core Strategy might be supported by an objective assessment of the development needs of the area.

1.8.2 Against this background, we have considered whether it would be unreasonable and inconsistent with achieving sustainable development if the Council were to plan for a higher level of housing than proposed in the Core Strategy. Our conclusion is that further growth might be accommodated including at Eaton Leys, which represents an additional opportunity for sustainable development to be delivered within the plan period.

1.8.3 The fundamental issue which needs tackled is whether the Council is planning for a realistic level of growth in the short term, reflecting market and economic conditions currently being experienced during the worst recession for decades. As explained in our statements responding to Matter 3 the Core Strategy goes some way towards meeting needs focusing on delivery in the short term.

1.8.4 The proposed SLA is a clear example of the Core Strategy being positively prepared, delivering significant additional growth in the short term as a sustainable urban extension to Milton Keynes. Our statement for Matter 6 identifies however that the proposed ‘cap’ on the scale of housing development within the SLA does not satisfy the tests of soundness including ‘positive preparation’.

1.8.5 For the reasons explained in our statements for Matters 3, the SLA should be regarded as a ‘fixed’ part of the strategy for Milton Keynes with any planned additional growth adding to this strong foundation.

1.8.6 Should this examination conclude that additional growth is required to meet the full development needs of the area, and such a higher level of growth is deliverable, we strongly encourage the Inspector to identify mechanisms for resolving any such issues in the medium term which will lead to adoption of the plan. Such a positive approach will help enable the short term delivery of significant additional growth at Milton Keynes through the SLA.