Fox Land and Property

Written Submissions to the Hearing of the Independent Examinations of the Milton Keynes Core Strategy DPD

Matter 1: Overview (Process and Justification, legal compliance, national policy, sub-regional and wider context)
Introduction
This Matter been prepared by Fox Land and Property (FLP) on behalf of the Bow Brickhill Consortium. They do not seek to replicate written submissions already provided for the Core Strategy or additional consultations although where relevant appropriate references will be made.

Matters 1: Overview (Process and Justification, legal compliance, national policy, sub-regional and wider context)

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 No – FLP consider that MKC rely on a very limited and thus unsound evidence base to inform key areas of the Core Strategy, as compared to the previous version which was supported by the huge quantum of evidence gathering in the preparation of the South East Regional Plan (RS). The evaluation of alternatives and the sustainability appraisal is flawed in respect of its singular support of the Strategic Reserve Areas (now the Strategic Land Allocation) and its inadequate assessment of the reasonable alternatives (specifically the FLP landholding at Bow Brickhill (MKSA8) for which reasons will be advanced in responses to other Matters.

1.2 The Council’s substantial downward amendment to the Housing Land Supply is merely based on an unjustified interpretation of the deliverability of the growth and not on any additional robust and analytical needs based studies. Put simply, Milton Keynes have taken the opportunity, as a result of the Chief Planning Officers Letter dated 6th July 2010 to seek to cut housing numbers at the time where it is so necessary to support and plan for recovery through economic growth. We do not believe that a remit to reduce housing numbers was the intention of the Government as part of the suggested ‘review’ process by Local Authorities. The purpose was to consider the potential for changes due to revocation of the RS process (at the time), to ensure that a local rather than a regional perspective was at the forefront of strategy formulation in order that any emerging CS would remain resilient and deliverable.

1 MKC Post Submission Response Alternative Sites July 2011
MKC Post Submission Response Employment Technical Paper July 2011
MKC Post Submission Response Housing Technical Paper July 2011
MKC Post Submission Response Strategic Land Allocation November 2011
1.1.3 In the likely absence of the RS, the strategy should have been to plan how the overall forward growth trends for Milton Keynes to 2026, provided for in the RS and subsequent Strategic Housing Market Assessment of 2009, can be achieved within the Borough Boundary, as opposed to a backward looking perspective driven by the recent recession, which proposes:

- A suggested arbitrary figure of 1,750 dwellings per annum based on the MKC perception of what can be achieved going forward, based on past build rates
- A substantially reduced supply including a former Local Plan allocation (the Strategic Reserve Areas) assessed pre 2006 with no reasoned or transparent process.
- Reducing the jobs per dwelling employment growth ratio from 1 job per dwelling to 1.5 jobs per dwelling, where there are adverse economic implications of seeking to utilise the ratio as a perceived mechanism to reduce housing needs.

1.1.4 FLP’s earlier representations to the Core Strategy questioned whether the Strategic Reserve Areas (SRAs) were appropriate, deliverable, the most sustainable alternative and had sufficient capacity to deliver 2,500 homes. The Council’s Officers also appear to have had the same doubts. After the Core Strategy Consultation had closed in November 2010 MKC produced an internal assessment on whether there were possibly more sustainable alternatives than the SRAs. The first draft published in January 2011 was not subject to consultation or public examination until the CS examination was suspended in July 2011. As such there has been no proper and transparent examination to ascertain which sites contained within the SHLAA would be the most appropriate to deliver suitable growth and presently likely to accord with the National Planning Policy Framework (The Framework) and more appropriately adequately than merely ‘lifting’ the former Local Plan SRA allocations.

1.15 The latter area adjustment of the SRAs as a result of the Strategic Land Allocation (SLA) Consultation does not address the soundness principle. Merely introducing a golf course between SR1 & 2 to ‘close the gap’ and to try to feed in legitimacy by consulting on a Development Framework for Church Farm (SR4) only, does not constitute a transparent process. FLP will make detailed comments on the SLA under Matter 6.

1.16 FLP considered that the MKC Sustainability Appraisal Addendum October 2010 did not sufficiently deal with the CS housing (shortfall) differential from the RS provision.
There has also been limited detailed work on the impacts of the proposed reduction as well as other matters identified in the RS such as:-

- Delivery of Local Transport Infrastructure
- Potential for increased car borne in-commuting to the City
- Consideration of Alternative sites to create sustainable patterns of development without the SE & SW Development area coming forward in favour of the SRAs
- The potential to achieve more sustainable transport patterns
- The distribution of employment sites against alternative sites
- The direct effect on the delivery of East West Rail Link with the reduction in housing proposed in the CS.

1.2 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 No. FLP consider that MKC’s approach to planning for housing growth for the plan period adopts a restrictive approach based on historical and recession influenced housing completion rates. It is not based on the most recent or tested housing market evidence available as set against the reinforced presumption in favour of sustainable development referenced as the “golden thread” for both plan-making and decision taking, as advocated by The Framework.

1.2.2 Paragraph 12 of The Framework confirms that the Development Plan remains as the starting point for decision making. As such the final version of the RS remains part of the Development Plan in Milton Keynes and the most up to date evidence that has been tested as sound. This has been corroborated by the Secretary of State as recently as January 2012 in responding to neighbouring Aylesbury Vale District Council in respect of a 350 dwelling residential development at Newton Leys. The Secretary of State confirms in paragraph 2 of his decision letter dated 19th January 2012 that “For the reasons given by the Inspector at IR 134, The Secretary of State agrees that at present, the SEP housing figure remains the only reliable evidence regarding need in this area.” It will be a matter for significant debate in Matter 3 that the level of housing provision proposed by MKC is not in conformity with the RS housing policies and inconsistent with the policies of The Framework.

---

2 In part subsequently dealt with in the SA Addendum Jan 2011 (MK doc B138))
3 Published May 2009
4 APP/J0405/A/11/2152198/NWF – Appeal by O&H (Q6)Ltd
1.2.3 Paragraph 14 of The Framework advises plan makers that local planning authorities should positively seek opportunities to meet the development needs of their area and Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

1.2.4 The Councils approach to the CS housing provision is based on a replication of past trends being 1,750 dpa rather than objectively assessed future needs. This is significantly below the 2,337 dwellings per annum provided for in the 2009 adopted RS (inc AVDC provision for MK) and the 3,366 dwellings per annum required over the next five years identified in the Council’s 2009 SHMA update, which is the most up to date needs based assessment giving the clearest indication of the extent of underlying housing need.

1.2.5 As well as not planning for objectively assessed needs, the Core Strategy also fails The Framework Paragraph 14 test of flexibility to adapt to rapid change. The Council propose only to deliver 28,000 dwellings to 2026, of which nearly 26,000 are existing commitments and urban capacity. Only one additional Strategic Land Allocation is proposed, the former SRAs. There are no identified sites for the Council to fall back on should the SRA or the large committed 6,550 dwelling Western Expansion Area and CMK apartment schemes continue to stall. There is little or no flexibility in the housing strategy to respond to the increase in housing demand in a recovering housing market. Moreover, there are no adverse policy impacts in providing for greater levels of housing provision as the RS with support from MKC, proposed the significantly higher level of housing delivery; a position that MKC now seek to retract.

1.2.6 The restrictive housing policies of the Core Strategy could have related impacts, constraining sustainable economic growth, counter to The Framework principles of building a strong, competitive economy.

1.2.7 To rectify the fundamental shortfalls and inconsistencies of the Core Strategy against the presumption in favour of sustainable development, MKC must substantially

---

5To be further examined by FLP in Matter 3
6To be further examined by FLP in Matter 4
increase the levels of housing provision, not just to reflect the evidence base underpinning the RS (as recently referenced by the Newton Leys Inspector⁴) but also to reflect the most up to date evidence contained in the SHMA. At least one of the “Reasonable Alternative Sites” including the objectors own landholding at Bow Brickhill (MKSA 8) must be revisited and considered for allocation to address the major deficiencies in housing provision, which renders the CS unsound.

1.3 Does the Core Strategy make reasonable, appropriate provision for meeting the strategic priorities for the area?

1.3.1 No. Policy MKVA1 in the RS makes clear that the expectation is for sufficient housing land to deliver 41,360 Homes within the Borough. The proposed CS Housing figure of 28,000 does not fulfil this requirement. Previous evidence has been disregarded and there is no sound alternative evidence base.

1.3.2 Furthermore on the basis of the RS being the most relevant evidence base, added to the 41,360 homes for MK is arguably (1) the additional 5,390 (SE Plan RS) that was previously to be provided within Aylesbury Vale (Salden Chase proposal), and (2) the 5,600 dwellings adjacent to the South East Development Area within Central Beds (East of England RS) proposed to serve the specific needs of Milton Keynes. AVDC now has no intention of supporting such an allocation along the MK Borough Boundary and Central Beds now has an adopted Site Allocations DPD (April 2011) which is compliant with the East of England RS yet does not accommodate any of its housing on the boundary with MK. As such to technically comply with the RS, MKC would now need to identify sufficient land within the Borough for 52,350 homes. (An annual rate of 2,618 as against the 1,750 stated in the CS.) Thus over the remaining 14 years of the plan a shortfall of sufficient land could be as great as 17,083 Homes⁸

1.3.3 From an employment development perspective, The CS does not comply with Paragraph 23.7 of the RS (p261) in that the aspiration of a 1:1 new jobs and dwellings ratio has been amended to 1:1.5 without any substantive evidence. The ultimate goal is to secure no net change in overall commuting. By reducing the quantum of housing (which is to support the increase in the economically active population) the change of the ratio can only have the potential to encourage travel by car to MKC. Indeed, as housebuilders’ liquidity has reduced the housing supply

---

⁷ The Framework
⁸ 52,350 -10,159 completions less MK current planned supply 25,108
over the last few years the City has seen an increase in commuting from 16,000 people net in 2001 to 35,000 by 2008\(^9\) (218% increase)

1.3.4 The outcome of the Ministerial Planning For Growth Statement (now embodied in the Framework) in a CS review should actually have been to increase the prospects of new homes being delivered in Milton Keynes and therefore allocate alternative sites. The way the CS is drafted places unnecessary restrictions on land availability that should respond to positive economic growth for the City.

1.3.5 A further relevant consideration is the aims and objectives of the South East Midlands Local Enterprise Partnership (SEMLEP)\(^10\) This LEP Partnership comprising of both local public and business and community leaders advocates four priorities

- Attract new growth
- Remove barriers to growth
- Deliver growth effectively and speedily
- Grow in a sustainable and cost effective way

1.3.6 By reducing the level of housing supply and assumptions on jobs to household ratio the CS simply does not provide the framework to achieve this

1.4 **Does it take appropriate account of the sub-regional and wider context, including cross-boundary impacts?**

1.4.1 No, the Core Strategy fails to take appropriate account of the wider context, including cross boundary impacts.

1.4.2 The most fundamental example is that of the substantive dismantling of the RS housing provision. The overall housing framework for MKC as set out including provision within neighbouring Aylesbury Vale (5,390) to the SW and Central Bedfordshire (5,600) to the SE has been abandoned. Neither of these authorities are now proposing to accommodate the housing needs for Milton Keynes. Central Bedfordshire now have an adopted Core Strategy that makes no adjacent housing provision for Milton Keynes, and Aylesbury Vale are in the early stages of reviewing their housing numbers and are likely to consider "local needs" only. AVDC went to committee on the 15\(^{th}\) May 2012 with a proposal to embark on a new Vale of Aylesbury Plan, indicating a housing supply of around 16,300 dwellings (including

---

\(^8\) Housing Technical Paper:Feb 2011 (MK doc B126) Paragraph 2.100

\(^9\) Getting Down to Business SEMLEP April 2012-March 2013
7,300 already in the delivery pipeline), substantially below the 26,890 dwellings proposed in the South East plan, and no contiguous extension to the south west of Milton Keynes.

1.4.3 MKC’s Core Strategy housing provision does not seek to compensate for the ‘non-delivery’ of its objectively assessed housing needs in the neighbouring authority areas, or even meet its own allocated provision from the RS. Consequently, the economic, affordable housing delivery and commuting implications of MKC’s intended provision, in isolation, is exacerbated across its borders by a similar approach of intended contraction of housing supply by its immediate neighbours.

1.5 **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 the light of the response to question 1.4 above, the paragraphs informing Core Policy CS6 are non-specific and currently amount only to a toothless aspiration to agree with adjoining authorities. Although sufficient housing land supply now needs to be identified within the MK Borough boundary, cooperation between the Councils remains a high priority with an urgent need to:

- Agree structure between authorities
- How is the joint organisation to be funded
- How will elected decision makers ensure the required infrastructure, if situate between districts, can be implemented in a timely manner and paid for on an equitable basis.

1.5.2 The Joint Memorandum of Understandings (JMU) that are posted on the Council’s website have lapsed as a result of a number of planning and investment changes.

1.5.3 The now superseded Local Area Agreement refers to Agencies that are no longer in existence (GOSE & SEEDA). Further, the Milton Keynes South Midlands (MKSM) Strategy & Board has also been disbanded.

1.5.4 The absence of any formalised structure for joint working will have a profound effect on the delivery of the plan. Policy CS6 does not take account as to the specific steps that are needed to deal with - for example:
• An arrangement to distribute/centrally hold any payments via New Homes Bonus to fund joint infrastructure in Milton Keynes that clearly is likely to service the wider region.
• How the Community Infrastructure Levy will be applied in practice. As the methodology is still in its infancy (and is up to the LPAs to decide the vagaries of specific methodology) this could be a real barrier to delivery without joint working.
• There is no mention of cross-boundary funding in the Policy CS6 and therefore the paragraphs in the CS are merely a Development Control Statement and do not demonstrate how delivery would happen in practice.

1.5.5 In the absence of support for cross-boundary working arrangements, to deliver the housing needs for MK established through the RS evidence base, Policy CS6 is ineffective and thus potentially unsound. This situation draws parallels with the Stevenage Core Strategy where the Inspector reporting back to Stevenage Borough Council in May 2011, concluded

21."In summary, cross boundary issues, which are so important to the soundness of this Core Strategy, have not been satisfactorily resolved. There is so much uncertainty surrounding this plan that it does not provide a realistic and achievable spatial planning strategy for the future development of the town. Taken with my conclusion on the first issue, I find that this Core Strategy is unsound”

1.6 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 CS is not in general conformity with the RS. The Policy deficiencies of the CS has a significant impact in the likely failure of the plan to deliver sufficient housing and economic growth as required by The Framework which presumption in favour of sustainable development (14) building a strong competitive economy (18-22) and boosting significantly the supply of housing(47). These will clearly remain in place after the RS is rescinded. Thus to maintain compliance with the RS and indeed The Framework it is essential that Core Strategy Policies are put in place to enable unfettered housing supply when and where it is needed, and not constrain growth by:

• Only identifying land for 28,000 homes for the period 2010-26

11 LDF000809 –Stevenage Core Strategy 2011
• Applying a jobs to homes ratio which could leave insufficient housing supply to feed the City’s growth and encourage greater in-commuting by car bound journeys

1.7 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 CS does not exhibit an ‘opportunity to be proactive in driving and supporting growth that this country needs’\textsuperscript{12}

1.7.2 Growth is restricted by this CS by taking a very cautionary approach to forward planning which is based on recent past performance in preference to implementing the best possible strategy to meet the demands of a more positive increase in growth.

1.7.3 This CS does not make ‘every effort to identify and meet the housing business and other development needs of their areas and respond positively to wider opportunities for growth.’\textsuperscript{13}

1.7.4 The CS does not take account and ‘consider fully the importance of national planning policies aimed at fostering economic growth and employment’\textsuperscript{14} By pursuing a reduction in the ratio required to ensure sufficient housing is available for economic growth (contrary to the RS) this CS is not designed to set the most favourable parameters for growth.

1.7.5 Responses in other matters raised by the Inspector will highlight the consistency in the CS consultation responses made, that the revised CS does not ‘take account the need to maintain a flexible and responsive supply of land for key sectors, including housing’

1.7.6 By reducing the land supply to match housing growth to 1,750 dpa in preference to planning for the increased opportunity for growth as directed by the RS of 2,068 per annum, as upgraded to 3,366 dwellings per annum by the 2009 SHMA, this Core Strategy does not meet the Government’s aspiration for a local policy framework to assist the Country out of recession.

\textsuperscript{14} Planning for Growth Ministerial Statement: Annex A (i). March 2011
1.8 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 No. FLP consider that the CS does not satisfy the tests of ‘positive preparation’ as required by the paragraph 182 of the Framework.

1.8.2 FLP contend that the MKC historical delivery and capacity based approach to deriving the housing requirement does not accord with the principles of The Framework, and the considerable emphasis that is placed on local planning authorities to identify what their housing needs are and then plan to accommodate this objectively assessed need (paragraphs 14, 17, 47, 159 & 182). What has happened here is that MKC negatively are applying historical completion rates (1750 dpa) as a capacity constraint, and dismissing without reasoned justification, the need whether as confirmed by the RS (2337 dpa) or indicated by the SHMA (3366dpa). The Council should have been seeking to review constraints restricting supply and then planning positively for growth and economic recovery.

1.8.3 Paragraph 182 sets out three other tests of positive preparation. Again, FLP consider that the Core Strategy fails all these tests for reasons covered in responses to this matter. FLP assert that the Milton Keynes Core Strategy is not currently:

**Justified** – in respect of its limited and contrived evidence base

**Effective** – in terms of its failure to plan positively for objectively assessed needs or engage in effective joint working with neighbouring authorities as required by the Framework other parts of the development plan to deliver previously justified sustainable growth targets.

**Consistent with national policy** – in its cautionary approach to housing provision is completely at odds with the growth focus of The Framework. Milton Keynes should be at the forefront of leading this country out of recession with a positively prepared CS document which signals that the City remains open for business and welcomes significant and sustainable growth. The CS as currently drafted fails to provide this framework for growth.