Examination Matter 1: Overview

Issues: 1.1 – 1.3, 1.6 – 1.8
Matter 1: Old Road Securities 273017

Milton Keynes Core Strategy Examination
RPS Planning & Development on behalf of Old Road Securities

MATTER 1: OVERVIEW (PROCESS & JUSTIFICATION, LEGAL COMPLIANCE, NATIONAL POLICY, SUB-REGIONAL AND WIDER CONTEXT)

Introduction and Background

1. RPS Planning & Development (RPS) is retained by Old Road Securities (ORS) to present evidence on several Examination Matters in relation to their specific land interests at Newport Pagnell concerning residential development proposals on the Strategic Reserve site at Tickford Fields Farm to the east of the settlement. ORS controls the northern part of the Strategic Reserve site with Milton Keynes Council owning the southern part. ORS was instrumental in securing the land's previous allocation status through participation in the Milton Keynes Local Plan process. Plan RPS 1 identifies the location of this land for the avoidance of doubt.

2. The focus of ORS’ concerns in relation to the Core Strategy (MKCS) is within the context of Policies CS1, CS2, CS5 and CS9 and the adequacy of the proposed vision for the rural area in particular.

3. ORS has sought:

   • allocation or identification as a strategic location for growth of the Newport Pagnell Strategic Reserve to accommodate rural housing growth through the Core Strategy; or

   • at the very least, recognition of the saved Local Plan policy EA4A (4) through the text of the document.

4. ORS is prepared to work with the Council who are part owner of the Strategic Reserve site to secure its delivery and has sought collaboration on initial technical investigations so that a development brief for the site can be prepared. The confidence in promoting this Strategic Reserve site is borne about from its previous assessment through the Local Plan Inquiry and the conclusions of the Plan Inspector who considered that the reserve land would be a reasonable expansion area for the
town in the longer term (after March 2011) as the site could be developed in a way that would relate acceptably to the existing urban area:

“Further, Newport Pagnell and Milton Keynes are geographically closely related and there are opportunities for extending public transport facilities in association with development on the land. For these reasons I consider that housing on the reserve land could reasonably be regarded as sustainable in the context of some growth in the rural area after 2011.”

[Core Doc.B141 Local Plan – Inspector’s Interim (Part1) Report. Section 1 para 19.5]

Matter 1 - Overview: National and Regional Policy and Vision

5. This written statement relates to Matter 1 in respect of an Overview of the Strategy’s vision, objectives, and particularly its compliance with the sub-regional context and national policy.

National Planning Policy Framework Conformity

Plan Period

6. The NPPF encourages development plans to provide for a supply of housing land over a 15 year time horizon from their adoption (paragraphs 47 and 157 NPPF). Convention, based on monitoring periods, has been that housing requirements are set for periods concluding on 31 March in any given year. It is evident that the Milton Keynes Core Strategy (MKCS) has not been adopted before 31 March 2011 and therefore the plan should now extend to March 2028 to conform to national planning policy.

7. The overall housing supply figure provided through Policy CS1 which relates only to the housing requirement to 2026 does not meet the 15 year supply sought by the NPPF. The MKCS will be likely to be adopted by 31 March 2013 and therefore there will be a need to extend the plan period to 2028. The need for such an extension of the plan period, to ensure an adequate housing supply, has been recognised recently by other local planning authorities; for example by South Staffordshire Council who have extended their plan period accordingly to 2028 for this reason of compliance.
8. There is also a separate issue of concern in relation to what the level of annual housing should be, which is dealt with below in respect of conformity with the Regional Strategy and through our statement on Matter 3 on overall housing requirements. However, on the basis of the Council’s current proposals for the Rural Area, for example, the housing requirement in the plan period will need to be increased by 110 dwellings for each additional year added to the plan period to comply with national planning policy. The current delays to the Examination process caused by the need for robust evidence of scrutiny and assessment of alternatives may justify more than one additional year being added to the housing requirements and associated supply in the Core Strategy.

9. Without this change the Plan cannot be found sound.

**Regional Strategy Conformity**

10. RPS has identified two significant matters of concern to ORS where the Core Strategy fails to conform to the South East Plan which affects its soundness. These relate to overall housing provision, particularly in the Rural Area, and the consideration of publicly owned land.

11. RPS recognises the Coalition Government's intention to revoke the South East Plan and the announcement on 6 July 2010 to this effect has resulted in significant conformity issues between the MKCS and the Regional Strategy. Following the High Court judgment on the CALA challenge, the South East Plan continues to be part of the development plan and is the most up to date part for Milton Keynes Borough.

12. RPS interprets the reference in the South East Plan to land east of the M1 motorway as referring to a potential later development of a new expansion area for Milton Keynes City to the south of Newport Pagnell rather than as referring to the growth of Newport Pagnell on land allocated as a Strategic Reserve in the adopted Local Plan. RPS understands that the Council concurs with this interpretation as evidenced by the Sustainability of Reasonable Alternatives (January 2011) document which assessed MKSA2 and MKSA3 in the area east of M1. The SR5 site at Tickford...
Fields, Newport Pagnell was identified on the Annex B Plan in that report but has not been assessed as part of an Alternative Strategy that includes the identification of a strategic site in the Rural Area.

13. The Sub-regional context for Milton Keynes recognises the city’s growth potential and paragraph 23.9 of the RSS that housing growth will be delivered through the expansion areas identified in the Local Plan with specific mention to the ‘other areas’ as accommodating growth. The MKCS does not provide an adequate strategy for the accommodation of this rural growth and therefore is not compliant with the themes of the RSS.

14. Specifically paragraph 23.10 advises strategic growth sites directly east of the M1 should only be considered in the longer term on review of the local development plan. These references are not considered to relate to the SR at Tickford Fields, rather the areas of the assessed sites MKSA2 and MKSA3 which demonstrates their unsuitability at this stage of housing delivery.

**Rural Area Housing Requirements**

15. Regional Strategy Policy MKAV1 clearly requires delivery of 2,400 dwellings within the rural area at a rate of 120 dwellings per year between 2006 and 2026. This is clearly defined in paragraph 23.9 as meeting only local needs.

16. The MKCS identifies a level of housing for the rural area that equates to a reduced level of 110 dwellings a year. This level of rural growth is not in accordance with the Regional Strategy and is therefore unsound on the grounds of non-conformity. It is not accepted that there is any basis for revisiting this requirement.

17. As stated above, RPS has prepared a statement in the context of Matter 3 which provides a fuller commentary of this matter. However, in brief, an annual scale of development of 120 dwellings within the rural area is demonstrated to be an appropriate minimum level as it is stated to reflect past delivery rates over the past 10 years (paragraph 9.1 of the MKCS refers) which includes periods of high and low market strength. It is also noted that in the Housing Technical Paper (February
2011) at Para B.4 (page 45) total housing completions in the Rural Area were 1,706 dwellings between 1997 and 2009. Division by 12 results in the annual average actually being 142 dwellings over this period.

18. The updated Housing Topic Paper March 2012 is consistent with this as it records that 1,944 dwellings were completed in the rural area between 1997 and 2012. Division by 15 results in the annual average of 129 dwellings over this period.

19. Therefore, the housing level for the Rest of the Borough should be increased by a minimum of 160 dwellings for the period 2006 to 2026 (i.e. +10/year over 20 years), to which further annual requirements of 120 dwellings should be added to satisfy the national planning policy requirement for at least 15 years housing supply from adoption of the plan. This will require the addition of 240 dwellings to the rural area requirement to 2028.

20. RPS has seen no justification for a reduction in rural housing provision (from 120 to 110 dwellings annually) despite the Housing Technical Papers purporting to do so, as well as over reliance on rural housing being delivered through small scale windfall development. The provided evidence however supports the maintenance of the higher rural housing figure. There should also be recognition that the intended strategy in the rural area is only to meet local needs and it is principally through the operation of an affordable housing target policy that significant delivery of rural affordable housing will be achieved. Undue restraint in the overall provision of development in the Rural Area alongside a potential lack of site allocations will result in lower delivery of rural affordable housing and a less effective strategy delivery in terms of meeting the rural area’s needs.

21. Failure to provide the required level of rural housing is a non conformity with regional strategy policy MKAV1 and conflicts directly with the advice provided by Section 3 of the NPPF which advises that the need for rural housing should be actively planned for rather than reliance upon ad hoc windfall development. Paragraph 48 of the NPPF also clarifies that windfall development should not include development of residential gardens, whilst paragraph 53 goes on to actively resist the ‘inappropriate'
development of residential gardens. This is intended to reduce the over reliance upon windfall housing delivery in the rural area where low levels of brownfield site exist and existing residential properties and gardens are redeveloped as a result. The MKCS is accordingly unsound in this respect. Instead the MKCS should actively plan for the housing required within the rural area through the support of settlement expansion, such as at Newport Pagnell, which NPPF paragraph 52 advises as being ‘best achieved through planning for large scale development’.

22. Under Matter 3, RPS examines the implications for the required level of housing allocations in the rural area.

Publicly Owned Land

23. South East Plan (RSS) Policy CC9 addresses the use of public land. This regional policy encourages Councils to engage with developers in relation to their land assets and use such linkages to secure positive development scenarios in relation to housing and infrastructure delivery.

24. In this context, ORS and RPS have the reasonable expectation that Milton Keynes Council would apply this policy to its land-holdings within Strategic Reserve sites allocated in its Development Plan for meeting development needs in a plan review period, especially where the operative period of the previous plan has expired.

25. This scenario applies to the Tickford Fields Farm and land adjoining North Crawley Road (SR5) allocated under adopted Local Plan Policy EA4A (4) in which Milton Keynes Council has a significant landowner interest.

26. The use of publicly owned land is also a feature of the Coalition Government’s growth strategy as announced in parallel with the national budget in March 2011. This factor is especially relevant when considering the ‘Radical changes in housing and planning will drive local growth’ statement by the Secretary of State Mr Pickles on 23 March 2011 which expressly refers to the role of public sector land in supporting the creation of new homes and jobs.
Milton Keynes Core Strategy Examination
RPS Planning & Development on behalf of Old Road Securities

27. Despite repeated efforts by RPS and ORS to engage with the Council's Estates Department, directly and through the planning policy team, Milton Keynes Council have resisted attempts so far to undertake a comprehensive approach to the SR5 at Tickford Fields and propose its allocation or identification as a strategic location required to meet planned rural growth through the Core Strategy. As expressed throughout RPS's case on behalf of ORS, the SR5 site’s recognition through MKCS policy is justified by its current development plan status (as a saved policy), the scale of housing need in the rural area, Newport Pagnell's pre-eminent role and status within the Rural Area (as evidenced by the SR5 allocation and the town's size and town centre role) and the demonstrable need for early release of additional housing to meet a 5 year supply. In addition, a site of this nature is of a scale that it can make a significant contribution towards affordable housing provision in the rural area and other social infrastructure, which smaller scale windfall sites are unable to deliver.

28. The MKCS’ lack of recognition of the Tickford Fields SR’s potential for development, given the significant public ownership, is therefore considered not to be in conformity with Policy CC9 of the South East Plan.

Vision and Objectives for the Rural Area

29. Crucially, the NPPF advises that Local Plans should allocate sites to promote development and the flexible use of land, bringing forward new land where necessary, and provide detail on form, scale, access and providing for a quantum of development where appropriate. As such the MKCS should be expected to identify an overall vision for how the whole area and the places within it should develop. Paragraph 50 of the NPPF specifically requires Local Plans to actively plan to provide a mix of homes whilst responding to specific area needs, an example of this is the need for rural affordable housing which will not be satisfied through the MKCS’ current over-reliance upon housing delivery through windfall sites. The vast majority of windfall sites developed within the rural area of Milton Keynes are redevelopment of existing residential plots and their gardens and are below 11 dwellings in size. Accordingly, such sites will not deliver affordable housing as the current Local plan policy and Affordable Housing SPD requires an affordable housing contribution on
developments of 15 – 25 dwellings within the rural area dependent upon settlement size. Taking into account past trends of small scale site development and the lack of available brownfield sites within the rural area, the reliance on windfall sites for rural housing delivery and the failure to allocate a strategic development site within the rural area will mean that the MKCS will not provide rural affordable housing or housing to meet specific needs within the rest of the borough.

30. The current strategy provides insufficient analysis of the rural area and its constituent parts, whilst the key issues and challenges that face the rural area are not appropriately considered through the proposed strategy or a specific Vision for the Rural Area. The most up to date evidence for the Rural Area is understood to be the Core Strategy Preferred Options: Rural Area Spatial Options Technical Background Paper in June 2007.

31. RPS considers the lack of detail within the MKCS’s Vision for the Rural Area, including for places within it, is a weakness in the Plan that goes to question its soundness. The published guidance of the NPPF reinforces this concern by advising that Local Plan policy should take account of different geographic areas and in rural areas actively plan to meet local housing needs. RPS’ concern about the lack of rural strategy has been consistently presented through the consultation stages of the Plan on behalf of ORS.

32. The Introduction of the MKCS identifies in paragraph 1.8 that the Plan seeks to set out a rationale for identifying new sites in the rural area. However, this foundation for establishing rural sites is not apparent in the document, apart from the identification of a rural housing delivery target and little reference is made to the geographic location or scale of such sites.

33. RPS contends that ensuring the delivery of a realistic affordable housing supply and infrastructure delivery specific to the rural population, it is critical to provide a viable spatial strategy for the Rural Area. This cannot best be delivered through piece-meal dispersed development and an apparent willingness to rely on a high yield of windfall development. A stronger commitment to formal allocation of land is sought by ORS.
and the starting point for this should be the identification of the existing SR5 site for planned delivery of growth to address the immediate shortfall in supply as well as delivering required new homes across a significant part of the plan period. As stated above, this will be consistent with national and sub-regional policy, including the clear requirement to have regard to sustainable development options for development on publically owned land.

34. Given that the scale of development identified for the rural area is well in excess of 2,000 homes it should not be referred to as ‘limited development’ [Spatial Vision point 14] when taking into account the characteristics of the rural area. It is an appropriate level intended to address locally generated needs. Although the scale is significantly lower than that proposed for Milton Keynes City, such a level of provision will necessitate the allocation of a substantial quantum of land and the revision of settlement boundaries as it cannot be delivered within existing defined limits of towns and villages. This is especially relevant now that the NPPF specifically advises that any windfall allowance should not rely upon residential property or garden redevelopment, the largest area of windfall site source within the rural area. Instead, rural growth requires further guidance through the Core Strategy and a greater reliance upon allocated sites to ensure delivery and the provision of affordable housing.

35. The Vision should make a positive statement about growth in the Rural Area and the benefits that are sought to accrue in terms of the support for Newport Pagnell Town Centre, delivery of rural affordable housing and support generally for sustainable rural services. The vision should confirm that Newport Pagnell will continue as the principal centre and settlement within the Rural Area of the Borough. The town’s population of over 15,000 people is more than the combined total of the other 6 settlements in the Milton Keynes Borough Rural Area of approximately.

36. The lack of guidance, as addressed further under Matter 2 in particular, is concluded to render the MKCS’s vision unsound in this respect and contrary to the NPPF.
Conclusion

37. RPS concludes that there are significant matters of unsoundness in the Submitted Core Strategy relating to:

- The length of the plan period, which should extend beyond 2026 to include at least 15 years from adoption, does not conform with the basic expectation of national planning policy. Development requirements need to relate to the proper plan period.

- The housing requirements in the Core Strategy do not conform with the Regional Strategy and are contrary to the requirements of the NPPF.

- The Core Strategy has not taken proper regard to Regional Strategy Policy CC9 in respect of use of publicly owned land.

- The Vision for the Rural Area has not been adequately developed and there is an over reliance on rural windfall sites despite the fact that garden redevelopments should no longer be taken into consideration [paragraph 48 NPPF].

38. These matters can be remedied through:

- Extending the plan period to 2028 with the addition of development requirements at the appropriate annual rate for the extended period.

- Increases to the housing requirement, particularly in the Rural Area (Rest of Borough), where the evidence supports the application of the Regional Strategy annual rate.

- Introduction of appropriate Policy wording and detailed explanatory text for Policy CS9 directly referring to the development of the Tickford Fields Strategic Reserve (SR5) site at Newport Pagnell in delivering the strategy for the Rural Area, consistent with Regional Strategy Policy CC9 and the
Milton Keynes Core Strategy Examination
RPS Planning & Development on behalf of Old Road Securities

evidence base, saved Local Plan Policy EA4A and the Core Strategy’s approach to other Strategic Reserve sites from the adopted Local Plan.

- Broadening the Plan’s Vision to explain more clearly the extent of new development that will be delivered in the Rural Area, where it will be focused and the positive benefits that will have resulted from it.

39. The Inspector is requested to recommend that these changes to the Plan are made or that the Plan not be adopted and a new Plan be submitted incorporating these changes.