Dear Mr. Banks,

Milton Keynes Core Strategy Examination: MK List of Documents

Thank you for your e-mails dated 16 August and the attached documents that have been prepared by Milton Keynes Council (MKC) and the opportunity we have been given to comment upon them. We have set out below a response on behalf of the South East Milton Keynes Consortium, but in doing so you will appreciate that there has been only limited time available particularly because of the effect of the holiday period. Given the time constraints, this letter does not amount to a comprehensive response on behalf of the Consortium to all of the MKC documents. Instead the Consortium in this letter wishes to focus on the main issues on which it has made submissions previously and in particular the following:

- MKC 33: Matter 8 Infrastructure.
- MKC 34: Proposed change to Policy CS1 and related matters.
- MKC 36: The Strategic Land Allocation.
- MKC 37: Matter 5 Transport.

MKC 33 and MKC 37 are clearly linked in terms of the issues raised and we address those together later in this letter and commence our comments in relation to MKC 34.

In light of the approach taken in this letter, the Consortium wishes to reserve its right to make more comprehensive submissions in due course during a formal period of public consultation in the event that the Inspector decides that any of the changes suggested in the Council’s documents should be formally considered as potential modifications to the Core Strategy.

MKC 34: Proposed change to Policy CS1 and related matters

Clarification on Role of Plan MK

Savills, on behalf of the SEMK Consortium, was one of the parties that contributed to the drafting of Document AD/1. We therefore welcome the Council’s willingness to accept the insertion of a new policy as set out in AD/1 (albeit that the MKC proposes minor amendments to it). It is important that this context is identified as it has a direct bearing on the content of MKC 34. With this context in mind, the Consortium considers the wording of MKC 34 to be disappointing in its scope and ambition. What is particularly notable by its absence from the Council’s document is any reference to the importance of joint working with adjoining authorities.
The input of the adjoining authorities is a legal requirement arising from the ‘duty to co-operate’ in the Localism Act, a necessary part of plan-making as specified in the NPPF paragraph 157 and a policy requirement in the South East Plan (SEP), Policy MKAV4. In addition, it is explicit from AD/1 that the starting point for preparation of Plan MK is the housing and employment requirements and the spatial approach contained in the SEP. Given that the housing and employment land requirements in the SEP gave rise to the identification of Strategic Development Areas (SDAs) in the adjoining authorities (both Aylesbury Vale and Central Bedfordshire), it is essential that those two authorities should be engaged in the preparation of Plan MK from the outset. This should include participation in the production of a shared evidence base, for example analysis of the housing requirements across the Strategic Housing Market Area (SHMA) that overlaps each of the authority areas.

In light of the above, the Consortium considers that it is essential that any explanation of the role of Plan MK in the Core Strategy should include an explicit reference of the participation of adjoining authorities in both preparing the evidence base and meeting any land requirements that arise from that evidence base. To not make explicit the involvement of the adjoining authorities from the outset risks those authorities challenging either the evidence base and / or Plan MK at a later stage. The very high likelihood of this risk being realised has been underlined during the recent examination sessions, with both Aylesbury Vale and Central Bedfordshire questioning the expansion of the MK urban area into their authority areas despite this being a policy requirement of the relevant Regional Strategies.

The Role of the Site Allocations DPD

The added flexibility and contingency to the land supply that an interim Site Allocations DPD could achieve is to be welcomed in principle given the acknowledged shortfalls in land supply that are inherent in the Core Strategy as currently drafted. However, the Consortium is concerned that the Site Allocations process is at risk of undertaking a piecemeal approach to planning the expansion of MK unless it is prepared in the context of a clear understanding of the long term directions of growth of MK. This is in part addressed in the wording contained in Document AD/1, which incorporates reference to the spatial approach contained in the SEP. Notwithstanding this, the Consortium maintains that a clear commitment to the delivery of the SESDA should also be incorporated in the Core Strategy.

A long-term commitment to the SESDA is required so that those parties, particularly landowners and developers, with interests in its geographical extent can have certainty that their land will come forward as part of the comprehensive planning and delivery of the SDA. Failure to do so could give rise to those landowners promoting their interests through the Site Allocations DPD in a manner that is contrary to the strategic, long-term objective of achieving the most sustainable spatial outcome. This might be, for example, because the proposed land use is not the most appropriate in the context of the wider SDA and / or the proposal proceeds without making appropriate financial contribution to wider strategic infrastructure requirements. The Consortium addresses this matter further in relation to the Strategic Land Allocation (MKC 36 below).

Is the housing target of 28,000 a maximum figure?

Simply stated, the Consortium does not consider that MKC’s response represents a clarification of the position. Regional policy and all available evidence demonstrate that a total of 28,000 dwellings is substantially below the level of the actual housing requirement. The figure of 28,000 should therefore be acknowledged as a minimum requirement that solely reflects past levels of completions and has only interim status until such time that the evidence base is finalised so as to provide a replacement figure that will be formalised via the Plan MK process.

Revised Text in paragraph 5.3

The evidence base does not support the contention that is made by MKC in this section of the document nor in the subsequent explanation of the proposed level of land to be allocated in the Site Allocations DPD. Whilst it is understandable that MKC may wish to demonstrate that it has a deliverable 5-year land supply, this simply cannot be substantiated by the evidence that the Council has provided.
MKC’s response on Item 1 commences on the basis of a false premise and on the basis of that false premise proceeds to an unacceptable outcome. The request for a comprehensive approach to the planning and delivery of the south east direction of growth does not emerge from the proposed new policy AD/1. It was Savills submission during the examination session on Matter 6 that it was not adequate simply to state in the Development Brief for the SLA that future development within the wider SESDA was not to be compromised. Instead a comprehensive framework should first be established for the SESDA within which the SLA should be planned to ensure its delivery is consistent with the long term objectives for the area. The Consortium’s position is not therefore simply drawn out of new policy AD1 as the Council suggest, but is underpinned by the available evidence base, is a matter of compliance with the SEP and is also a matter of soundness. The strength of the Consortium’s submission on this matter can also be measured by the degree of support that it had during the examination session with near unanimity of opinion in favour of a comprehensive approach to the SESDA among the developer/landowner representatives.

The recent experience of the examination for the Taunton Deane Core Strategy also underlines the importance of a comprehensive approach to urban extensions of a similar scale to the SESDA. In the Taunton Deane example, the Council identified Comeytrowe as a ‘broad location for growth’ with long-term potential for between 6,000 – 8,000 dwellings with an initial phase of between 1,000 and 2,000 dwellings to be provided up to 2028. The draft Core Strategy required that a comprehensive masterplan should be produced for the whole site before the release of the early phase. The reasoning for this was provided in paragraph 5.80 as follows:

‘It would be premature to permit piecemeal development in this area before the masterplan for the strategic urban extension has been prepared, because ad hoc stand alone developments could limit the delivery of the optimum solutions and prejudice the delivery of the strategic infrastructure required for a sustainable new community. For these reasons planning permission will not be granted for piecemeal development in the short term’

The inspector’s report for Taunton Deane CS at paragraphs 61-62 discusses the shortcomings of an early phase progressing without having proper regard for the wider direction of growth as follows:

‘... A policy which simply stated that development would be ‘without prejudice’ to the longer term proposals would not be sound; the policy must explicitly relate to the longer-term development area in the interests of good planning.

Only after a comprehensive masterplanning exercise has been undertaken will it be clear how the essential infrastructure for the wider area can be delivered. …’

Whilst the proposed scale of growth and the timing of delivery is specific to the location in Taunton, the principles of good planning and issue of soundness have a wider application including in relation to the SESDA. We therefore request that, contrary to MKC’s stated position, Policy CS5 does contain a commitment to the preparation of a comprehensive masterplan for the whole of the SESDA ahead of a grant of planning permission for the SLA. The wording that was endorsed by the Inspector for Policy SS7 of the Taunton Deane Core Strategy provides a useful template for such wording as follows:

‘Comeytrowe / Trull is a broad location for a mixed use strategic urban extension for development after 2016 for between 1,000 and 2,000 dwellings up to 2028. A masterplan will be prepared to identify the full long term potential for comprehensive development in this south west sector of Taunton and infrastructure required to provide a sustainable new community. The masterplan will phase and co-ordinate development to provide necessary physical, social and green infrastructure. A piecemeal approach to development in this area will not be permitted.’

The Consortium proposes that this wording be adapted to refer to the location to the south east of Milton Keynes as a direction of growth for the urban area (including land in the adjoining authority of Central Bedfordshire). The wording should also reflect the evidence base and SEP with reference to the overall
capacity of the area being some 10,400 dwellings. It is only by such a clear policy commitment that the most sustainable outcome for this preferred area of expansion for Milton Keynes can be ensured.

The Comeytrowe example also provides a template for the relationship between the comprehensive plan for the urban extension and the preparation of the Site Allocations DPD. The Taunton Deane Core Strategy at paragraph 5.70 states that once the masterplan is in place then this should guide the subsequent allocation of a strategic site within the ‘broad location’ of Comeytrowe as part of the preparation of the Site Allocations DPD. The original wording of the Core Strategy anticipated that the masterplan should inform the review of the Core Strategy, but the inspector concluded (and the council accepted) that there is no procedural reason why allocations within the identified ‘broad location’ should not be made through the Site Allocations process. Paragraph 5.70 (incorporating Main Modification MM09) therefore reads as follows:

‘5.70 ... The masterplan will accompany the allocation of a strategic site at Comeytrowe / Trull in the Site Allocations and Development Management DPD. ...’

As previously stated, this approach is not directly comparable to the SESDA given that the SLA is already identified as a strategic site in the MK Core Strategy. However, it does indicate a sequence of stages in the planning process by which the SESDA can be planned and delivered on a comprehensive basis subsequent to the adoption of the Core Strategy. This sequence would require a masterplan to be prepared for the whole SESDA and for this to be in place before planning permission is granted for the SLA (possibly as part of the Development Brief currently being prepared). Subsequently, for the area of the SESDA to be allocated through the Site Allocations process. This would allow the phased release of the SESDA as required to meet development land requirements within the context of an overall masterplan.

Such an arrangement would provide a mechanism for addressing the risk identified by the inspector of housing completions being achieved more quickly than the Council’s trajectory anticipates (as referred to MKC 34). It would thus also allow for the possibility that housing completions will approach those specified in the SEP and provide a mechanism for the SESDA to be delivered under this Core Strategy. Without that mechanism, or similar arrangement, we cannot see how the Core Strategy can be considered to be in conformity with the SEP having regard to the meaning of conformity as explored in the hearings and submitted papers (and in particular with reference to Persimmon v Stevenage Borough Council).

**MKC 33: Matter 8 Infrastructure and MKC 37: Matter 5 Transport**

**A421 Dualling**

The delivery of dualling of the A421 from the Fen Roundabout to M1 Junction 13 is of key importance to the future of MK. As MKC 33 identifies, this project is one of only four that remains to be delivered from the original list of 34 projects in 2009-2011 LIP and is fundamental to facilitating the planned expansion of MK.

Given the importance of the project, the Council’s evidence on the funding of the project at the examination was uncertain and at times appeared contradictory. The uncertainty remains in document MKC 37, which refers to the part of the project within MK being funded ‘(partially or wholly) by development adjacent to the A421; in this case the Core Strategy allocation of the Strategic Land Allocation’. Furthermore, the part of the project in Central Beds is identified as being funded ‘as part of a regional / sub-regional project’ although neither the mechanism nor timescale is identified and the proponents of any bid have yet to be finalised; either MK/Central Beds Councils or SEMLEP.

Given the fundamental importance of the project to the expansion of MK, the dualling of the A421 remains uncertain and is therefore a potential obstacle to the delivery of any significant growth. The uncertainty lends further support to the Consortium’s case for a comprehensive approach to the planning and delivery of development and infrastructure within the SESDA. The LIP has yet to be finalised on this matter and it is therefore open for the LIP to be amended alongside revisions to the Core Strategy to allow for the present uncertainty to be resolved by way of a comprehensive masterplanning process (as outlined in the Consortium’s response to MKC 36 above).
Council position on J13A and bridge over M1

The Consortium has previously objected to the inclusion in the Core Strategy of wording related to this infrastructure and therefore welcomes its proposed deletion.

East-West Rail

The third paragraph under ‘Additional Paragraph 11.15’ refers to seeking to realise more sustainable forms of ‘non-car borne journeys’. This wording limits examination of the potential benefits of East-West Rail to passenger journeys only, but does not refer to the potential for freight. This omission should be addressed and indeed is addressed elsewhere in the MKC documents, including in the bullet-point 9 proposed as an addition to Policy CS11. In addition, we note that MKC 35 acknowledges at paragraph 3.21 that:

‘Provision of a rail freight link or facility within the Borough is something the Council would like to investigate ... as this is something Milton Keynes currently lacks’.

Demand in the logistics market is increasingly for rail-linked logistics sites as a specific requirement and this was evidenced at the examination i.e. recent history of warehouse occupiers relocating away from MK to locations that are rail-linked. In light of this evidence (and the recommendations of the MK Local Plan inspector) the identification and delivery of such a facility should be a priority in accordance with NPPF paragraphs 17 (responding to market signals) and 60 (addressing barriers to investment). Whilst the Consortium therefore welcomes the Council’s commitment, such investigations should not be limited to locations solely within the borough boundary, but should also assess the potential of locations in adjoining authorities including land within the SESDA that is located alongside East-West Rail/electric spine’. Such an approach is consistent with NPPF, paragraph 31.

In relation to the Council’s explanation of the relation between the East-West Rail business case and the SEP housing numbers, we note the Council’s acknowledgement (which accords with our submissions at the examination) that the business case is indeed formulated on the basis of those numbers. The Council goes on to make the case that the business case ‘still represents good value for money’ even set against reduced housing targets. That does not overcome the fact that reducing the planned delivery of housing in the Milton Keynes area (and elsewhere along the route) will diminish the business case for operating services on East-West Rail. Whilst this may not have impacted the Secretary of State’s decision to fund EWR and the creation of the electric spine, it may impact the decisions of train operating companies on the line and the frequency/capacity of services they are able to operate. This potential adverse effect works against the Council’s commitment as set out in ‘Additional Paragraph 11.15’.

Park and Ride

The proposed rewording of Policy CS11 is a further indication of the uncertainty that exists in relation to key transport infrastructure in the Core Strategy. The LTP makes clear that a substantial modal shift towards public transport is required in MK if congestion on the grid-road network is to be avoided in the plan period. However, the principal interventions for delivering such modal shift i.e. park and ride and associated high quality bus services, are unable to be identified as a result of MKC’s proposed changes. There is therefore a very concerning dislocation between public transport objectives in the Core Strategy/LTP and information concerning how, where and by which agencies the relevant infrastructure is to be delivered.

Park and ride is a key component of comprehensive proposals for the SESDA; located near to M1 Junction 13 and adjacent to East-West Rail. This location is even more appropriate when considered alongside the Government’s announcement on funding for East-West Rail. It is also consistent with the wording in ‘Additional Paragraph 11.15’ i.e. to maximise non-car borne journeys. It is therefore a further factor that argues for a comprehensive approach to the planning and delivery of the SESDA.
In light of the Consortium’s comments above, it is our view that the Council’s documents and the specified proposed wording changes do not go far enough to address the issues of ‘soundness’ that the Consortium has raised in its submissions to date. As a contributor to Document AD/1, the Consortium remains of the view that there is a ‘public interest’ case for putting in place a Core Strategy for Milton Keynes to guide growth albeit for an interim period ahead of Plan MK. The risk is that such an interim document might compromise the ability of Plan MK to secure the most sustainable solution for the long-term growth of the area. The Council’s current proposals exacerbate that risk to an unacceptable degree in the Consortium’s consideration. We therefore respectfully request that the inspector in her recommendations seeks to mitigate that risk. The Consortium maintains that one important way that can be achieved is to ensure a mechanism is put in place now to guide the planning and delivery of the SESDA on a comprehensive basis as envisaged in the SEP.

If you require any further information or have any questions concerning the above comments or the information attached then please do contact me.

Yours sincerely

David Jackson MA MRTPi
Director

cc: Consortium Principals
enc: Taunton Deane Core Strategy Inspector’s Report