Milton Keynes Core Strategy
Examination

Response to Milton Keynes Council's
Post-Examination Documents

Gallagher Estates

Respondent Ref: 273046

August 2012
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Barton Willmore on behalf of Gallagher Estates

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Beansheaf Farmhouse
Bourne Close
Calcot
Reading
Berkshire.  RG31 7BW

Tel: 0118 943 0000  Ref: 19535/P8a/A5/MK/dw
Fax: 0118 943 0001
Email: planningreading@bartonwillmore.co.uk  Date: August 2012

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0.0 INTRODUCTION

0.1 This Statement has been prepared by Barton Willmore LLP on behalf of Gallagher Estates. It provides our response to Milton Keynes Council's (MKC's) post-examination documents as listed in the note distributed on the last day of the hearing sessions in July 2012.

0.2 This statement covers the following issues relating to the policy requirements for the proposed Strategic Land Allocation (SLA):

- Direction of Growth / Future-Proofing
- Land West of Newport Road and Secondary School Provision
- Employment Provision within the SLA
- Grid Roads
- A421 Dualling
- Safeguarding for a Bedford to Milton Keynes Waterway
- Sustainable Construction / Community Energy Networks
- Affordable Housing

0.3 "In conclusion, this statement provides a consolidated set of proposed modifications to Policy CS5 of the Core Strategy as Appendix 1. These incorporate the changes proposed in our examination statement for Matter 6, changes which are agreed by MKC in MKC/36 which we support and further changes we now recommend responding to MKC/36 and the debate during the July 2012 examination hearings."
1.0 DIRECTION OF GROWTH / FUTURE PROOFING

1.1 MKC state in MKC/36 at paragraph 1 of Item 1 that:

“the developer’s interpretation seems to be that AD1 is acknowledgement that the Core Strategy should reallocate the SE SDA, as the embodiment of the SEP spatial strategy, and that the Plan:MK review will start from the SDA and then look at how much and where the borough should grow in the future.”

1.2 This statement is completely unfounded and unhelpful given the degree of co-operation given to MKC by the participants in co-ordinating and submitting the proposed policy presented as AD1. This policy was prepared by the participants at the request of the Inspector and responds to potential deficiencies which could, if left unresolved, result in the Core Strategy being found unsound.

1.3 We reserve our right to comment through any subsequent formal consultation process on the proposed modification under AD1.

1.4 In relation to MKC’s proposed additional wording set out in paragraph 6 of Item 1 (MKC/36) we consider that this should be clarified so the SLA is not contingent or held back by MKC’s commitment to undertake an early review of the Core Strategy in the form of Plan:MK. We therefore propose that this refers to additional allocations to be made through Plan:MK, as we set out at Appendix 1.
2.0 LAND WEST OF NEWPORT ROAD AND SECONDARY SCHOOL PROVISION

2.1 A separate statement of common ground entitled ‘the SLA and Secondary School Provision’ (Doc. MKC/31) has been prepared by Gallagher Estates and MKC Officers.

2.2 MKC/31 identifies potential benefits of the land west of Newport Road for accommodating the development of a Secondary School which are agreed between the parties (paragraph 2.7). MKC/31 also confirms that formal consideration of this proposal will form part of MKC’s public consultation on the draft SLA Development Framework SPD (paragraphs 2.12-2.17).

2.3 Importantly, MKC agree that the development of a 5 form of entry Secondary School with sixth form (6.8ha approx.) on the land west of Newport Road is feasible (MKC/31; paragraph 2.8). Furthermore, the site which is approximately 8.45ha in size and includes an additional 1.65ha which could be pursued by the local education authority for expanded school provision or an appropriate alternative use to meet local needs (paragraph 2.7).

2.4 MKC/31 includes at paragraph 2.16 MKC’s agreement to the proposed modification to Policy CS5 to make explicit reference to the land west of Newport Road / East of Stockwells Lane being included within the SLA boundary, for consideration for education use if required. This wording is included within our consolidated proposed modifications to Policy CS5 set out in Appendix 1.

2.5 We consider that this proposed change to the policy should be carried through as part of any proposed main modifications for formal consultation and any recommendations or interim findings to be prepared by the Core Strategy Inspector.
3.0 EMPLOYMENT LAND WITHIN THE SLA

3.1 It is our understanding that MKC accepted during the hearing for Matter 6 that a focus on B2/B8 provision within the SLA (at Eagle Farm North / SRA1) would be appropriate in this location. We have also been advised by MKC that a further revision to MKC/36 is proposed to Item 4 at paragraph 7, which should be read as follows:

“The Council’s view therefore is that SR1, Eagle Farm North, should be allocated for B1/B2/B8 uses subject to the criteria in the changed CS3 policy, (i.e. Eagle Farm will only be considered for B1a/B1b if the use cannot be accommodated within Central Milton Keynes), rather than for B8 development.”

3.2 Whilst we broadly support the above statement as revised, we wish to respond to MKC’s summary of the justification for seeking to require B1 office development within the SLA.

3.3 Item 3 of MKC/36 sets out the Council’s consideration of B1a or B1b use within the SLA. This presents a confused review of the SLA’s suitability and potential to provide B1 office development. MKC acknowledge at paragraph 4 of this section that the SLA, in an out of centre location, would compete with CMK as the primary focus for office development and other main town centre uses.

3.4 MKC’s statement confirms that the proposed inclusion of B1 does not accord with the ‘town centre first’ sequential approach set out national planning policy and advises that any applications including B1 would be subject to meeting the criteria in amended Policy CS3. In our view, it is unsound for a policy to be subject to such a caveat.

3.5 MKC appear to suggest that Eagle Farm North (SRA1) could be attractive to prospective B1 occupiers due to its accessibility to the strategic road network (the A421 and junction 13 of the M1). Equally MKC acknowledge that the site is likely to be developed for B8 if left to the market. These statements are unhelpful and do not provide an evidential basis for considering the most appropriate form of employment development for the site to meet sound planning and economic objectives.
3.6 Having regard to the above, and in the absence of a clear policy direction within the Core Strategy, we recommend that Policy CS5 (criteria 14) should incorporate the revised wording provided by MKC above and identify the site as an appropriate location for B8 warehousing. Proposed revised wording is included within the modifications set out at Appendix 1.
4.0 GRID ROADS

4.1 Section 6 of MKC/37 draws upon documents to justify the expansion of the Grid Road Network at Milton Keynes. ‘The Plan for Milton Keynes’ (Doc. B54) and ‘The Milton Keynes Planning Manual’ (Doc. 53) are significantly out of date and conflict with national planning and related guidance and objectives for sustainable development. Importantly, we note that other participants have been highly critical of the requirement for Grid Roads due to its potential impact upon promoting more sustainable travel choices and reducing car use.

4.2 We maintain our previously submitted recommendation (Matter 6 statement; Appendix 5) to replace references to Grid Roads within Policy CS5 with a broader reference to the City’s road system and network. This change is reflected within our consolidated changes at Appendix 1.

4.3 In our view, this minor change to the policy wording would allow for a more sustainable and ‘contemporary’ approach when designing the “Grid Roads”, with the potential for a reduction in the width of corridor required reflecting a more appropriate and efficient use of land.

4.4 Alternatively, Policy CS5 (and Policy CS11) should be amended to refer to the provision of City Streets within new expansion areas, an approach advocated by other participants.
5.0 **A421 DUALLING**

5.1 As drafted, part 18 of Policy CS5 suggests that financial contributions could be sought in addition to the Tariff payment towards the cost of new or upgraded infrastructure. Within Milton Keynes Borough, this includes the implementation of MKC’s policy aspiration for the A421 dualling between the Fen roundabout and the proposed Eagle Farm roundabout.

5.2 In examining the justification for this infrastructure requirement, MKC accepted during the hearing for Matter 5 that the MK Traffic Forecast Report (Doc. B143) does not include the proposed A421 dualling. This evidence concludes that the expected growth in traffic on the network would be acceptable. This is confirmed in MKC/37. It cannot therefore be demonstrated that this infrastructure is necessary and directly related to the development of the SLA.

5.3 On this basis, the proposed A421 dualling relating to the Core Strategy including the SLA fails the tests for planning obligations which are set out in paragraph 204 of the NPPF (Doc. NP16) and the Community Infrastructure Levy (CIL) Regulations 2011.

5.4 In our view this reference to a specific, unnecessary and unjustified element of infrastructure is unsound. We therefore include a change to Policy CS5 revising our previously proposed change, and now seek the deletion of clause 18 of Policy CS5 in its entirety.
6.0 SAFEGUARDING FOR A BEDFORD TO MILTON KEYNES WATERWAY

6.1 Whilst we support the revised alignment of the proposed Waterway which MKC has put forward placing the route adjacent to the M1 Motorway, we maintain our objection on behalf of Gallagher Estates to the principle of this ‘aspirational’ proposal.

6.2 We wish to highlight that MKC has given evidence confirming that no funding is available and that no detailed proposals have or are due to be prepared. No evidence has been submitted to this examination to demonstrate that there is any prospect that this aspiration is deliverable. In our view, there is no sound basis for land being safeguarded for this proposal.

6.3 We therefore maintain our objection and seek removal of clause 19 of Policy CS5.
7.0 SUSTAINABLE CONSTRUCTION / COMMUNITY ENERGY NETWORKS

7.1 MKC/36 at paragraph 1 of Item 4 refers to the NPPF and the text at paragraph 96 which advises LPAs should expect new development to comply with adopted local requirements for decentralised energy supply unless it can be demonstrated by the applicant that this is not feasible or viable. This must however be read with the proviso that the adopted “local requirements” accord with paragraph 95 (third bullet) of the NPPF. We therefore do not share MKC’s view that the NPPF supports the approach set out in Policy CS15 and also CS5.

7.2 We note that MKC/36 indicates that MKC will undertake preliminary feasibility work to demonstrate that a community energy network serving the SLA is feasible and viable as part of the SLA Development Framework process.

7.3 In our view, the Core Strategy should not restrict potential low carbon technologies which could be more cost effective, efficient and feasible in seeking to meet “nationally described standards”. We therefore seek the removal of reference to any requirement within Policy CS5 for community energy networks.

7.4 As regards sustainable construction, point 7 of Policy CS5 should refer to Code for Sustainable Homes and Building Regulations, as the relevant nationally described standards, together with reference to the Milton Keynes Carbon Offset Fund, if appropriate.
8.0 AFFORDABLE HOUSING REQUIREMENTS

8.1 Part 15 of Policy CS5 refers to affordable housing provision to be made in line with the MKC’s current SPD, or successor policy. This is unchanged through MKC/36.

8.2 We understood that MKC accepted during the hearings that Policy CS10 of the Core Strategy should be revised to include reference to saved policies H4 and H5 of the adopted Milton Keynes Local Plan which require 30% affordable housing provision. This should therefore establish the requirements for the SLA, rather than MKC’s Affordable Housing SPD or the Development Framework SPD (as is suggested in paragraph 10.7 of the Core Strategy).

8.3 Taking the above into account, we consider that part 15 of Policy CS5 should be revised to cross-refer to Policy CS10 (as amended) of the Core Strategy.
6 Future Development Areas

6.1 The Milton Keynes Local Plan identifies four Strategic Reserve Areas (SRAs) in or adjoining the Milton Keynes urban area.

SR1 - Land east of Fen Farm
SR2 - Glebe Farm
SR3 - Eagle Farm
SR4 - Church Farm

6.2 The Core Strategy in Policy CS 5 ‘Strategic Reserve Areas Land Allocation’ allocates these areas along with the land between SR2 and SR3, as a sustainable urban extension to Milton Keynes. Additional land between Newport Road and Stockwell Lane is included within the allocation as a suitable location for the development of a new Secondary School, if required. The allocation is shown on Figure 5.2 ‘Key Diagram - Urban Area’ and the Proposals Map Amendment.

6.2a The Strategic Land Allocation lies on the eastern edge of the city within the South East Strategic Development Area previously identified in the South East Plan. We estimate that the Strategic Land Allocation can accommodate in the region of 2,500 homes (plus other uses), meeting the housing targets of the Core Strategy. In line with Policy AD1, The Council is committed to undertake an early review of the Core Strategy in the form of Plan:MK to identify additional allocations.

6.3 In addition to the Strategic Reserve Areas Land Allocation and existing expansion areas already identified within the Core Strategy it is recognised that other proposals may come forward at some later date through the Site Allocations DPD Plan:MK or otherwise. Any such proposals must be robustly evidenced and justified in accordance with the principles of this Core Strategy.

Strategic Reserve Areas Land Allocation

6.4 There will be a comprehensive approach to master-planning the Strategic Reserve Areas Land Allocation and any sites identified through the Site Allocations DPD Plan:MK that may come forward at some later date. This work will take into account the need to avoid coalescence (settlements joining together), the need to protect their setting and distinctiveness, and the importance of integrating long term defensible boundaries and landscape buffers into the development.

6.5 The Strategic Land Allocation includes four Strategic Reserve Areas (SRAs) located to the South East (SR1: Land East of Fen Farm, SR2: Glebe Farm, SR3: Eagle Farm
and SR4: Church Farm) which were identified in the Local Plan as potential development areas. SR1, SR2 and SR3 fall within the area covered by the existing Milton Keynes Tariff agreement; there is a requirement for a policy framework for these areas to be in place by 2011.

6.6 The Land East of Fen Farm (SR1) SRA lies to the north of the A421 and includes a transport reservation for the Bedford and Milton Keynes waterway (Local Plan Policy T13), and land safeguarded for any potential future crossing of, or junction with, the M1 motorway.

6.7 The allocation also includes the land between SR2 and SR3, which includes Wavendon's nine-hole par 3 golf course. The inclusion of this land alongside the SRAs improves the sustainability of the land allocation.

Policy CS 5

Strategic Reserve Areas Land Allocation

The adopted Local Plan identifies four Strategic Reserve Areas (SRAs) in or adjoining the Milton Keynes urban area:

SR1 – Land east of Fen Farm
SR2 – Glebe Farm
SR3 – Eagle Farm
SR4 – Church Farm

The Core Strategy allocates these areas, along with the land between SR2 and SR3, as a sustainable urban extension to Milton Keynes. Additional land between Newport Road and Stockwell Lane is included within the allocation as a potential location for the development of a new Secondary School, if required. The allocation is shown on Figure 5.2 'Key Diagram - Urban Area' and the Proposals Map Amendment.

Development in the SRAs Strategic Land Allocation will be permitted in accordance with other relevant policies in the LDF and the principles of development set out below. These principles will be defined in more detail through the preparation of a single Development Framework for all four SRAs, which will be produced jointly between Milton Keynes Council and Milton Keynes Partnership (or any successor bodies), with the involvement of the Homes and Communities Agency, the landowners and developers, stakeholders and the community.

In order to ensure that the SRAs are Strategic Land Allocation is brought forward in a strategic and comprehensive manner, planning permission will only be granted for development following the approval of the Development Framework. Development briefs and Design codes will also be required for each phase or site, to be prepared by the developer and approved by Milton Keynes Council and Milton Keynes Partnership (or any successor bodies).

The principles of the development are that development should:

1. Provide a sustainable urban extension to Milton Keynes, providing a maximum in the region of 2,500 homes.
2. Create a sustainable, safe and high quality urban extension which is well integrated with and accessible from the existing city. Its structure and layout should be based on the principles that have shaped the existing city, especially the grid City's road system, the linear parks and strategic flood water management.
3. Maintain the character and integrity of existing settlements.
4. Maximise opportunities for sustainable travel patterns, including reducing car use by locating development close to public transport nodes and routes.
5. Link to the surrounding road and redway and grid road network.
6. Safeguard land for the provision of a multi-modal transport hub high quality transport interchange incorporating a park and ride site in line with the requirements of Policy CS11.
7. Apply, as a minimum, the highest standards of sustainable construction in force at the time with the aim of creating a zero carbon and water efficient development.
8. Meet the requirement in Policy CS15 for a strategic approach to the delivery of a community energy network unless it can be proven that this is not feasible on technical or economic grounds.
9. Provide residents and businesses with access to a high quality telecommunications and ICT network.
10. Provide new social and commercial facilities and services, and where possible improve facilities in the existing settlements, to meet the day to day needs of new and existing residents.
11. Create strategic landscape boundaries to the outer edges of the development area and to soften reduce the impact of the development on the adjacent and surrounding open countryside.
12. Take a strategic and integrated approach to flood management and provide a strategic and sustainable approach to water resource management, including Sustainable Urban Drainage Systems (SUDS) and flood risk mitigation.
13. The delivery of development will be through the Milton Keynes Tariff an updated tariff and/or framework and/or Section 106 and/or Community Infrastructure Levy agreement to provide for contributions to necessary and directly related on and off-site strategic and local infrastructure in an effective and timely way, assuming the development gains (outline) planning permission before a Community Infrastructure Levy Charging Schedule is adopted (or April 2014, whichever is sooner). This must include financial contributions to the improvement and extension of infrastructure and facilities in nearby existing settlements.
14. Employment provision for B1, B2 or B8 uses to contribute to the Borough-wide target of 1.5 new jobs per new home.
15. Homes with a range of sizes, types and tenure, including affordable housing at a level in line with Policy CS10 [as revised] the Council’s current SPD, or successor DPD policy.
16. Retail and commercial development of an appropriate scale to ensure the weekly day to day local convenience shopping needs of new and existing residents in the development area are met.
17. Dependant on the size of development, and in terms of the Council’s current standards of provision, a range of community facilities, including schools and education facilities, health, sports and leisure facilities, provision for the emergency services and the voluntary sector to meet the needs of the new and existing residents. As far as possible these facilities should be located close to each other in accessible locations.
18. A contribution to new or upgraded transport infrastructure. The infrastructure will include the dualling of the A421 between the Kingston Fen roundabout and the M1 Junction 13, and a new multi-modal hub high quality transport interchange incorporating a park and ride site in line with the requirements of Policy CS11.
19. Safeguard the proposed alignment of the Bedford to Milton Keynes waterway.
20. Safeguard land for a future bridge over and/or junction with the M1 (J13a).

49 Council standards will apply unless these are exceeded by national standards.
50 See Appendix A ‘Glossary and Abbreviations’.
51 Milton Keynes Employment Land Study 2007.
52 Supplementary Planning Document.