29 August 2012

Dear Mr Banks

MILTON KEYNES CORE STRATEGY – MKC36 AND MKS/34

Thank you for providing copies of additional documents produced by the Council following the completion of the Hearings into the Core Strategy. Having examined the documents provided I wish to make additional comments on behalf of my client, Wavendon Properties, and set these out in detail below.

The additional report relating to matter 6 includes further commentary on Policy CS5 and directions for growth with specific regard to the issue of the potential for reference to future development to the South East in line with the South East Plan. As stated in oral evidence at the Hearing on behalf of my client, it was considered that in light of the strong policy support provided by the South East Plan, all of the background work associated with the Milton Keynes South Midlands Study and also the original draft Core Strategy, there was a strong case for setting out the South East option for growth as the preferred route should additional housing be required. Having read the Council’s latest position as set out in MKC/36, I remain concerned over their approach to this matter.

The issue lies at the heart of the Core Strategy and its soundness. The Council’s position throughout the process, and as evidenced in the latest document, seeks to effectively ignore all of the work that has preceded the proposed Core Strategy including most importantly, the South East Plan which remains part of the development plan. It remains a matter of significant concern that the Council continue to refuse to acknowledge the weight that should be attributed to the South East Plan and, consequently, the policies and detailed commentary which is contained within the Plan for the growth of Milton Keynes. The South East Plan was the subject of independent examination and the growth levels, together with the options for accommodating these, thoroughly assessed.

It is important to recognise that the South East Plan was underpinned by substantial evidence in terms of overall levels of growth and also, more specifically, the most sustainable means of accommodating this growth. Following detailed analysis, the South East Plan concluded that the most sustainable option for the continued growth of Milton Keynes was to the South East. The original draft Core Strategy prepared by the Council
accepted the conclusions of the South East Plan and had planned for growth accordingly. It was only subsequently that the decision to cut growth was taken by the Council. It has been shown in both written and oral evidence that the decision to substantially cut growth levels and to axe the South East expansion, was based simply on the 'hunch' of the Council relating to the need for housing growth in the area, together with its ability to deliver the levels set out in the development plan. It is a matter of ongoing concern that the Council is seeking not only to substantially reduce the levels of housing as set out in the development plan, but also to remove any reference to the preferred locations for growth that has been identified.

The document ADI was prepared by certain organisations at the Hearings in an attempt to address the fundamental deficiencies of the draft Core Strategy and, in particular, the issue of conformity with the South East Plan. It does, however, seem that the Council have adopted a particularly narrow view of ADI to an extent whereby it is considered that it would provide very little assistance if included within the adopted Core Strategy. The Council, in their latest document MKC/36, specifically distance themselves from the South East expansion option. Such a position cannot realistically be justified when this option has been adopted as part of policies in the South East Plan. The continued attempt to ignore the development plan by the Council is extremely concerning and cannot be justified given that no evidence has been presented on behalf of the authority, which could justify such a significant shift in policy. The wording of ADI was intended by its authors to enable the current version of the Core Strategy to be adopted on the understanding that these outstanding matters could be addressed fully in a swift review. Unfortunately, it is clear that the Council do not share this position. ADI, it is clear, would not serve the purpose envisaged by its authors and would simply enable the Council to avoid planning to meet the clear requirements for the area. It is of particular concern that the South East direction of growth that has been properly analysed as part of the South East Plan and which still forms part of the development plan has been abandoned by the Council without any justification or evidence to suggest there has been any change in circumstances.

The justification for this position by the Council is that they do not wish to prejudge the review process. What this fails to acknowledge, however, is of course, the fact that the South East growth option forms part of the planning policy for the area. Furthermore, it was proposed by the Council in the original draft Core Strategy. The fact is that the expansion to the South East of Milton Keynes has been considered as the most appropriate location for further growth and has, apparently, been ignored and the results of all of the work which culminated in the South East Plan dismissed. The approach that has been adopted by the Council and which is continued in MKC/36 is unacceptable and unjustified. The development plan process must be based on evidence. The Council recognised, in oral evidence, that the most recent SHMA confirmed the growth levels set out in the South East Plan. Furthermore, it was accepted that no review of this had been carried out in order to inform either the redirection in overall growth levels or indeed, the locations for the growth identified. In the absence of any evidence to back up the Council's position, it is of concern that they remain unwilling to include reference to the South East growth option as being a preferred location should the review of the Core Strategy in the form of plan MK confirm the need for higher growth levels to meet the requirements for the area.

In summary, therefore, it is considered that document MKC/36 simply confirms the Council's overall approach and unwillingness to prepare a Core Strategy which is in conformity with the development plan or which meets the established and accepted growth needs for the area. The statements in MKC/36 are of continued concern. It is
considered that on the basis of the position as set out in the proposed Core Strategy, the plan cannot be found to be sound.

In terms of document MKC/34, I wish to comment on a number of points. Firstly, it is of concern that the Council have stated an intention for an early review of the Core Strategy. This concession given during the oral Hearings was a result of an attempt to address the issues of conformity with the South East Plan. When this concession was originally made, the Council proposed a timescale for this review. It is of concern that there is no longer any mention of a specific timetable proposed by the Council.

The absence of any specific timetable for review would provide the opportunity for the Council to simply delay the work on the basis that they are likely to wish to protect the position which they have been promoting in the Core Strategy for as long as possible. It is essential that if the Core Strategy is to be accepted, a clear timetable for a review is in place. This is because the review must be based on an acceptance that the South East Plan growth levels remain appropriate and must be addressed in due course subject to the outcome of the SHMA review.

The Council are clearly seeking to adopt a position which does not follow the South East Plan, which is clearly not the understanding of the oral evidence at the Hearings. The open ended timeframe would be inappropriate.

The Council, in MKC/34, also fail to properly address the issue of how the housing figure of 28,000 should be viewed. The term the Council are now seeking to use is that the growth should be in the region of 28,000. This is unacceptable and again fails to respond to the South East Plan and its associated evidence base. The Council have sought to substantially reduce housing growth within the Core Strategy and the validity of this in policy terms was set out in oral and previous written evidence. It has, however, been understood following the Hearings, that the Council has reduced the growth levels due to economic circumstances and an inability to deliver the growth necessary. In such circumstances, the figure of 28,000 has been anticipated as a minimum level, rather than a ceiling.

The wording the Council are now seeking to use to clarify the position provides more ambiguity. In considering this issue, it is necessary to examine the policy background for the levels of growth. In such circumstances, it is clear that the 28,000 level must be a minimum given the acknowledged needs for the area as evidenced in the SHMA which seek a higher level of growth. Any ambiguity could provide the opportunity for even lower levels of housing delivery.

I trust these comments will be taken into consideration in assessing the soundness of the Core Strategy.

Yours sincerely,

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