

WORKING DRAFT**Modifications required for legal compliance and/or soundness**

Note: Some consequential changes to supporting text may only amount to minor modifications and are therefore not the focus of the examination or necessarily a subject for public consultation. However in other cases they will be essential for soundness since they go to the heart of a consistent, coherent plan. Where feasible I have identified where consequential changes are likely to be essential for soundness and therefore should form part of the Main Modifications schedule. However this is not a comprehensive list and the Council will need to complete a thorough check to identify all consequential modifications that should be made for a clear, consistent, effective plan i.e. for soundness. Therefore the final list of modifications necessary for soundness is likely to be more extensive than is set out below. Please note also that I may wish to add some additional modifications to the list and will advise on this as soon as possible. The aim is to include all modifications necessary for soundness in a schedule of main modifications that will be subject to public consultation for 6 weeks.

Updating of factual information in the CS will generally be desirable but may not be essential for soundness. It depends on the context. I will leave it to the Council to review this in the process of drawing up a schedule of modifications to the CS. Some factual updating is likely to amount to minor modifications and therefore for the Council to address in due course, before the CS is adopted.

It is not necessary to publish a schedule of minor modifications for consultation alongside the schedule of main modifications, although the Council could do so for information if it wished.

The Council has suggested some amendments to the CS that are not specifically referred to below e.g. changes to the introduction to the CS as set out in MKC/6 and the various changes in MKC/2b. Some have been overtaken by events and others are of a minor nature. I will leave it to the Council to review these as part of the drafting of a composite schedule of main modifications and a separate schedule of minor modifications.

My reasons for concluding that certain main modifications are required are briefly set out where this is likely to be helpful.

Presumption in favour of sustainable development

1. In accordance with the government's wishes, the CS should be modified to set out a policy on the presumption in favour of sustainable development. The wording on the Planning Portal is recommended but it is for the Council to consider how best to integrate it into the CS.

Conformity with RS and soundness of the housing provision

2. Include new policy that generally reflects the wording put forward in MKC/21A. However, the wording "with a projected end date of 2015" is not entirely clear. I think it should be replaced by "with the aim of having an adopted plan in place in 2015".

3. Modify the supporting text, broadly as set out in MKC/21A, but make consequential changes to Table 5.2, paragraph 5.14 and elsewhere as necessary to clarify that the overall housing target is an *interim* one, and that 28,000

dwellings over the plan period and an average of 1,750 dpa are regarded as floors, not ceilings i.e. they are minimum figures. And also make explicit reference to the need to work with adjoining authorities in bringing forward Plan:MK and to fulfil the duty to co-operate.

4. Make consequential modifications to the CS to confirm that the South East Plan (RS) remains the adopted regional strategy, notwithstanding government's intention to revoke it, and to remove any references that contradict this or imply that the CS does not need to be in general conformity with RS. [Note: significant editing will be required to various parts of the CS].

Overall Strategy, Housing Supply, Plan:MK and the Site Allocations DPD

5. Modify Policy CS 1 as set out in MKC/34 and make consequential changes to the supporting text (some may be required that have not been specifically identified in MKC/34).

6. MKC/34 proposed new paragraph before paragraph 5.2 of CS should be amended by addition of the following, "..and to help ensure that at least 28,000 dwellings will be provided over the plan period"..

7. MKC/34 re-wording of paragraph 5.3 should be further amended to refer to approximately 1,500 homes and to clarify that the allocated land would also address the deficit in identified supply in the rural parts of the borough (see Table 5.2), taking account of the contribution from windfalls. The uplift from the suggested figure of 1,000 is considered necessary for reasonable flexibility and contingency.

8. MKC/34 proposal for replacement of second comment in column 3 of Table 5.2 and re-wording of CS paragraph 8.9 is agreed.

9. Add a new sentence to CS paragraph 5.13 to clarify the role of Plan:MK in reviewing need, demand and provision for the longer term.

10. Make consequential changes to Monitoring and Managing chapter, including paragraph 17.5.

Strategic Land Allocation (SLA) and related issues:

11. Modification of the boundary of the SLA to include the western part of MKSA4, thus providing a justified allocation that achieves a sustainable balance of all the factors examined in the sustainability appraisal work. This modification is necessary to ensure that the SLA is properly integrated with the urban area to the west and south-west while also securing a long-term defensible green buffer for Wavendon. The enlarged allocation will also provide additional flexibility for school provision and some additional land for housing/mixed uses and other facilities. [note: an addition to the sustainability appraisal report will be required].

12. Addition of a new paragraph broadly on the lines set out in MKC/36, paragraph 6.2A of the consolidated proposed revisions to Policy CS 5, that sets the SLA within its South East Plan SDA context but omitting the word 'previously', and amending the final sentence to clarify that Plan:MK will make additional provision for new homes and other needs at and adjoining the urban area, looking to 2031 or beyond.

13. Para 6.3 of the consolidated proposed revisions to Policy CS 5 (as set out in MKC/36) requires modification since Plan:MK should not be constrained by the

principles of this CS. Instead, the original wording of paragraph 6.3 in relation to "the Site Allocations DPD or otherwise" is appropriate, but the final sentence of paragraph 6.3 should be amended along the lines of "Any such proposals must be robustly evidenced and justified in accordance with the principles of this Core Strategy and should not foreclose options for further sustainable extension of the urban area that will be explored through Plan:MK."

14. Paragraph 6.4 should retain the reference to the Site Allocations DPD, along with the new reference to Plan:MK in order to ensure that the comprehensive, master planning approach is applied to all proposals that come forward. In addition to the components already identified, paragraph 6.4 should make explicit that one of the key aims of the master planning approach will be high quality 'future-proofing', to ensure that infrastructure and other requirements for any longer-term sustainable urban extensions and the wider needs of Milton Keynes are properly considered at the earliest possible stage.

15. Paragraph 6.5 currently refers to the need for a policy framework to be in place by 2011. This requires updating or deletion.

16. Paragraph 6.6 reference to safeguarding for a future crossing or junction with the M1 should be deleted.

17. Delete principle 8 and amend principle 7 along the following lines "Apply as a minimum the highest standards of sustainable construction required under the Building Regulations in force at the time." And delete footnote 49. These modifications are necessary to ensure that the policy does not impose demands that have not been adequately justified. See also the modifications necessary for Policies CS 14 and CS 15. The reference in principle 7 to the aim of creating a zero carbon and water efficient development is implicit and should be deleted.

18. Delete the reference in principle 10 to "where possible, improve facilities in the existing settlements" since it lacks justification and reasonable precision.

19. Modify principle 15 to refer to "...affordable housing in accordance with Policy CS 10 or successor development plan policy."

20. Modify principle 16 to replace reference to "weekly" by "top-up".

21. Delete principle 18 since there is insufficient evidence that the SLA or other planned developments require the dualling of the A421 or development of the transport interchange.

22. Modify the proposed alignment for the Bedford-Milton Keynes waterway, to be reflected in a revision to the Proposals Map, but no change is required to Principle 19 of the policy which requires safeguarding of the alignment.

23. Modify the supporting text to Policy CS 5 to clarify that employment development in the SLA will be guided by Policy CS 3, including the sequential approach to the location of office development.

24. Taking all of the above SLA changes on board, consequential modifications to other policies and supporting text of the CS will also be required. Not all of these are identified in this note.

Affordable Housing

25. Modify Policy CS 10 and the supporting text as set out in MKC/30.

Sites for Travellers

26. Modify Policy CS 10 and the supporting text as set out in MKC/30.

Transport

27. The Council needs to revise section 11 of the CS so that it reflects LTP3. Some of the amendments/updating may entail main modifications. I will advise further when I see a copy of the suggested revised content. Paragraph 11.15 should be consistent with LTP3. There is a particular need for clarity on the nature of the priority for A421 dualling within Milton Keynes i.e. as a regional/sub-regional priority for improved east-west links and not because it is required for development of the SLA.

28. However, I do not consider that Policy CS 11 should be set out in order of priority since the strands and interventions are interrelated and this should be made clear in the CS. That said, the identification of grid roads as the first point in the policy raises doubts about the Core Strategy's alignment with the vision of the LTP that MK will be the most sustainable city in the country by 2031. And it does not underline the message in 11.3 that the Council must seek to introduce changes to the way people travel around the city. For clarity and effectiveness, the item on the grid road network should be inserted before item 7, thus raising the profile of the public transport/behaviour change/demand management elements of the policy.

29. The amendments suggested in MKC/37 concerning J13a and the road bridge over M1, East-West rail, and Park and Ride should be put forward as main modifications.

Place-shaping principles for SUEs in adjoining authorities

30. Policy CS 6, principle 4, should be modified to make clear that design of the development should respect its context (i.e not only the character of the adjoining areas of the city); principle 6 should also refer to traffic impact on the adjoining rural areas. The changes refs 24-26 in MKC/2b should also be included in the main modifications.

Sustainable Construction and Community Energy Networks

31. Policy CS 14 fails the test of justification since it has not been demonstrated that it is supported by sufficiently up-to-date evidence of technical feasibility and economic viability. Even if the Council has successfully operated LP Policy D4 to achieve high standards of sustainable construction and carbon offsetting, this does not satisfy the requirements of NPPF (including paragraphs 173-174) and the particular need to consider viability (and feasibility, so far as is reasonable) in advance of setting requirements. The CSH is a voluntary scheme, distinct from the Building Regulations. In the absence of evidence that CSH standards that exceed the requirements under the Building Regulations are feasible and viable, there is inadequate justification for imposing them. The caveat in Policy CS 14 places the burden of proof on the developer and this is not acceptable. For these reasons, Policy CS 14 should be modified so that it *encourages* the achievement of the highest possible standards of sustainable construction but does not *require* more than is required under the Building Regulations in force at the time. The setting of thresholds would not be necessary or justified in a policy that is modified along these lines. The requirement for a contribution from developments above a certain threshold to the carbon offset fund should be deleted since it is

not justified for the reasons above. Consequential modifications will be required to the supporting text.

32. For similar reasons Policy CS 15 fails the test of justification and is unduly prescriptive. The policy should be modified to retain the first sentence, replace the second sentence and points 1 and 2 by text that encourages the development of CENs where technically feasible and viable, and retains point 3.

[Note 1: consequential main modifications will be necessary to references elsewhere in the CS that require compliance with the Council's adopted standards for energy efficiency etc. This includes references in Policy CS 10].

[Note 2: The Council may wish to add text to the CS to clarify that i) in bringing forward Plan:MK it will consider new/revised policies to support delivery of technically feasible, economically viable development to the highest standards of sustainability that are justified, and ii) it will assess the feasibility and viability of providing a CEN as part of on-going work on the SLA in co-operation with developers and other partners].

Employment and Town Centres

33. Modify the supporting text as set out in MKC/28, to ensure a consistent approach to employment and housing in Plan:MK [correct typo in 5th line of paragraph 5.21 (omission of "term")].

34. Modify Policy CS 3 and the supporting text in accordance with MKC/38 but subject to i) the deletion of the reference to Eagle Farm, and ii) the addition of text to clarify that applications that seek to circumvent the 1,000 sq m limit for Class B1a or B1b development on sites outside CMK through fragmentation of sites will not be acceptable.

35. Modify Policy CS 3 to incorporate the additional paragraph set out at 2.1 of NLP response to MKC/35 but excluding the final sentence that commences "To meet the need for local and inward investments,....".

Retail and Leisure Development

36. Query whether Council wishes to retain the paragraph in Policy CS 4 referring to the scale of food store development in the Expansion Areas? It appears to require up-dating.

37. Subject to the above clarification, modify Policy CS 4 and supporting text as set out in MKC/39 except that:-

i) in the proposed new paragraph to be inserted below new Table 5.6b, the first and second sentences should be amended to read "On this basis, about 85% of the identified requirement for additional comparison floorspace should be directed to the primary shopping area of CMK. The remainder of the requirement (about 15%) should be directed to other Town and District Centres on a scale that is consistent with their role in the hierarchy."

ii) The second part of the paragraph should be prefaced by 'However' i.e. "However, it is very difficult to forecast retail requirements.....".

The above are necessary to avoid undue prescription and possible misunderstanding of the status of the retail study's recommendations.

38. Note that a number of modifications will be required to take account of the changed title of the Policy CS 4 but these are minor modifications.

Central Milton Keynes; Denbigh Stadium

39. Modify Policy CS 7, its supporting text, Table 5.7 and Figure 7.1 as set out in MKC/39 except that i) I see no need for the proposed reference to the defined Primary Shopping Area in Policy CS 7 and since the policy cross-refers to Policy CS 4; ii) the amended paragraph 1.9 should clarify that the Primary Shopping Area refers to the PSA in CMK.

[Note: consequential minor modifications will be required to take account of the proposed change to Table number (5.6a) and policy title of CS 4].

40. Modify references throughout the CS to ensure that there is clarity about CMK's role as a regional centre. Unless the Council needs more guidance on this I will leave it to the Council to put forward appropriate amendments.

Delivering Infrastructure

41. The amendments suggested in MKC/13 are noted but can be regarded as minor in nature. For information, the suggested new paragraph 16.14 should follow on from paragraph 16.9.

Monitoring and Managing

42. Appendix 2 of MKC/13 suggests consolidation of Tables 17.1 and D.1. This is helpful but for consistency, justification and effectiveness some amendments are required and the revised appendix should form part of the main modifications schedule. The necessary amendments are:

Row 1, replacement of 'maximum' by 'in the region of' re dwelling capacity of SLA capacity; under Risks and Events, addition of a risk that 'Housing demand improves significantly but the supply of land does not provide an adequate buffer or range of sites; under Actions and Contingencies, addition of an action that refers to the bringing forward of the Site Allocations DPD in parallel with the work on CS review through Plan:MK in order to ensure that there is a 20% buffer in the 5-year supply of sites and reasonable choice and competition in the market.

Row 5, under Indicator Bundles, add 'gross additional office, retail and leisure floorspace that is 'out-of-centre' (i.e so that the out-of-centre floorspace is monitored for comparison).

Row 10: modify entries referring to sustainable homes for consistency with the modifications to Policies CS 14 and CS 15.

Mary Travers

Inspector

20 September 2012