

Robinson, Fiona

From: Moore, Michael
Sent: 04 February 2015 16:26
To: 'JOHN SLATER'
Cc: 'Barbara.Sullivan@bfstc.co.uk'; Robinson, Fiona; Wilson, Bob
Subject: Examination of the Lakes Estate Neighbourhood Plan: MKC/BFSTC Response on Policy GP7
Attachments: Policy GP7 - BFSTC and MKC jointly agreed wording - clean.docx; Policy GP7 - BFSTC and MKC jointly agreed wording - tracked changes.docx
Importance: High

To Mr John Slater BA(Hons) DMS MRTPI
Independent Examiner of the Lakes Estate Neighbourhood Plan

Dear Mr Slater,

Further to your email and comments of 18 January regarding policy GP7. Please find attached to this email, changes to policy GP7 and text, which have been jointly agreed by Milton Keynes Council and Bletchley and Fenny Stratford Town Council, following a meeting on Tuesday 3 February of Bletchley and Fenny Stratford Town Council's Regeneration Committee.

I hope these additional written representations enable you to conclude your examination.

I will be away from the office from Thursday 5 February returning to the office on Tuesday 10 February, in my absence, if you require anything else please contact my colleague Fiona Robinson Tel 01908-252318 who will be covering for me and to whom I am copying this email.

On another matter, in your email of 18 January you asked for MKC's and the Town Council's responses to you, to be published on line when we submitted our additional representations to you.

I will be arranging for this email and Barbara Sullivan's email to me of 4 February together with the attached clean copy and tracked changes of the policy and text to be published on the MKC planning policy website.

I am copying this email to Barbara Sullivan for her to do the same on the Town Council website.

I hope this will be sufficient for your purposes, but if you require us to do anything else please let us know.

Yours sincerely,

Michael Moore

Michael Moore
Senior Planning Officer
Tel: 01908-252352

michael.moore@milton-keynes.gov.uk
<http://www.milton-keynes.gov.uk/planning-policy>

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Saxon Gate East |
Milton Keynes MK9 3EJ**

From: Barbara Sullivan [mailto:Barbara.Sullivan@bfstc.co.uk]

Sent: 04 February 2015 10:22

To: Moore, Michael

Cc: Francesca Robinson (frobinson@DavidLock.com); Robert Purton; Bletchley & Fenny Stratford Town Council Clerk; Jan Lloyd; Wilson, Bob; Van Geete, Paul; Wheatcroft, Nicola; Robinson, Fiona; Mackowiak, Marek

Subject: URGENT: Examination of the Lakes Estate Neighbourhood Plan: Policy GP7

Hello Michael

it was **agreed** at the Bletchley and Fenny Stratford Town Council Regeneration Committee meeting held on Tuesday February 3rd 2015, the proposed wording and suggested amendments from David Lock Associates and Milton Keynes Council officers, with reference to **Policy GP7** of the Lakes Estate Neighbourhood Plan should be final and therefore submitted to the Examiner.

Thank you all for your help and guidance.

Best wishes

Barbara

From: Francesca Robinson [mailto:frobinson@DavidLock.com]

Sent: 03 February 2015 12:21

To: Moore, Michael; Robert Purton; Barbara Sullivan

Cc: 'Jan Lloyd'; Wilson, Bob; Crawford, Miles; Van Geete, Paul; Wheatcroft, Nicola; Robinson, Fiona; Mackowiak, Marek

Subject: RE: URGENT: Examination of the Lakes Estate Neighbourhood Plan: Policy GP7

Michael,

Thank you to you and your colleagues for your reviewing and inputting into the proposed amendment to Policy GP7.

We have discussed this with Barbara Sullivan (BFSTC) and Jan Lloyd (Chair of the LENP Task and Finish Group) and we are happy with your suggested revisions and attach an updated tracked change document incorporating these, as well as a clean version. This jointly agreed BFSTC and MKC version will be discussed at the Town Council meeting tonight, and if agreed, will be then be formally submitted to the Examiner.

Kind regards

Fran

Francesca Robinson

Principal Planner

David Lock Associates

50 North Thirteenth Street

Central Milton Keynes

MK9 3BP

T. 01908 666276 F. 01908 605747

e-mail: frobinson@davidlock.com

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David Lock Associates
Town Planning and Urban Design

From: Moore, Michael [<mailto:Michael.Moore@Milton-Keynes.gov.uk>]

Sent: 02 February 2015 16:43

To: Francesca Robinson; Robert Purton; 'Barbara.Sullivan@bfstc.co.uk'

Cc: 'Jan Lloyd'; Wilson, Bob; Crawford, Miles; Van Geete, Paul; Wheatcroft, Nicola; Robinson, Fiona; Mackowiak, Marek

Subject: URGENT: Examination of the Lakes Estate Neighbourhood Plan: Policy GP7

Francesca and Robert,

I have circulated your revised wording around colleagues in the Council and whilst we are generally happy with your revised wording to meet the Examiner's concerns.

Feedback from colleagues is that Milton Keynes Council (MKC) would like to suggest two changes

1. The first change is to delete the following words shown in red "on a private housing element" so policy GP7 would read :-

All planning applications which result in the creation of new commercial premises or residential schemes that exceed 10 new housing units must demonstrate how they can contribute towards the delivery of enhancements, including improving community and recreation facilities within the Plan area, in consultation with the community. Such enhancements/ improvements will be delivered through a combination of Section 106 Agreement or Unilateral Undertaking; and payment of any future CIL (delete: on a private housing element) that is available to MKC for direct investment in the community and recreational facilities of the Lakes Estate.

The reason for this change is although the Council is not planning to do the Community Infrastructure Levy (CIL), if the Council did subsequently undertake CIL, the effect of the changed wording would be to enable financial contributions to be obtained (where appropriate) from non-housing planning applications for community and recreational facilities on the Lakes Estate.

In other words contributions from CIL would not be limited to schemes with a private housing element as the current wording of the policy indicates.

2. The Council's solicitor has suggested part of paragraph 5.15 be amended as follows

'If any such contribution is proposed to directly deliver any of the objectives set out below, (delete 'the acceptability of any scheme must first be agreed in writing by') Bletchley and Fenny Stratford Town Council must be consulted on the acceptability of any scheme.' Following text unchanged

The reasons for this change are we have agreed where any contributions will be spent in policy GP7. Milton Keynes Council is the Local Planning Authority and it cannot effectively give away responsibility for planning obligations to the Town Council, we are happy to consult the Town Council on how the money is spend in relation to the projects set out in the text to policy GP7 and the amendments we have made are intended to reflect this.

Please let me know if you are happy to accept these changes on behalf of your client? I am copying this email to Barbara Sullivan and Jan Lloyd and to colleagues at MKC for information. The Town Council has a meeting tomorrow evening and it would be beneficial if the Town Council could agree on a jointly agreed policy and text at that meeting tomorrow, which Barbara could subsequently email to the Examiner.

If you have any concerns on this email then please do not hesitate to contact me. Please note I will be away on leave after Wednesday 4th Feb and my time this week is limited so I am keen to wrap this matter up before I go away on leave.

With best wishes

Michael

Michael Moore
Senior Planning Officer
Tel: 01908-252352

michael.moore@milton-keynes.gov.uk
<http://www.milton-keynes.gov.uk/planning-policy>

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From: Crawford, Miles
Sent: 02 February 2015 15:09
To: Moore, Michael; Van Geete, Paul; Robinson, Fiona; Wheatcroft, Nicola; Mackowiak, Marek; Wilson, Bob
Cc: Cotton, Jane
Subject: RE: Urgent: Examination of the Lakes Estate Neighbourhood Plan: Policy GP7 please respond before 2pm on Monday 2 February

Michael

As discussed, I agree with the revised wording of GP7 as set out below, with Bob's deletion.

I would also suggest that the Explanatory Text 5.15 is amended as follows (deleting the text in yellow and inserting the underlined text):

"5.15 Provision towards community development, either through direct provision of new facilities or through financial contributions, will be expected from all development subject to the guidance set out in Paragraphs 203 and 205 of the National Planning Policy Framework. Any contribution secured as a result of development within the Plan Area shall be prioritised towards the delivery of the following targeted community objectives wherever possible and consider opportunities to co-locate services and facilities. If any such contribution is proposed to directly deliver any of the objectives set out below, **the acceptability of any scheme must first be agreed in writing by** Bletchley and Fenny Stratford Town Council must be consulted on the acceptability of any scheme. Otherwise, it is intended that Bletchley and Fenny Stratford Town Council will prioritise any general financial contribution to contribute towards the following:"

Kind regards

Miles Crawford
Solicitor
Legal Services

Milton Keynes Council
Civic Offices
1 Saxon Gate East
Milton Keynes
MK9 3EJ
Tel: 01908 254575

Please note that Milton Keynes Council no longer uses a DX service

From: Moore, Michael
Sent: 02 February 2015 12:39
To: Crawford, Miles; Van Geete, Paul; Robinson, Fiona; Wheatcroft, Nicola; Mackowiak, Marek; Wilson, Bob
Subject: FW: Urgent: Examination of the Lakes Estate Neighbourhood Plan: Policy GP7 please respond before 2pm on Monday 2 February
Importance: High

Colleagues,

Final call for any changes to the attached policy and text before I respond to David Lock Associates and Bletchley and Fenny Stratford Town Council suggesting one minor change to policy GP7, which has been suggested by Bob.

That change is to delete the words “*on a private housing element*” for reasons explained in his email below.

The justification for this change is although the Council is not planning to do CIL, if the Council did subsequently undertake CIL, the effect of Bob’s proposed change would be to enable financial contributions to be obtained (where appropriate) from non-housing planning applications for community and recreational facilities on the Lakes Estate.

Contributions from CIL would not be limited to schemes with a private housing element as the current wording of the policy indicates.

The revised policy GP7 with Bob’s amendment would read:-

All planning applications which result in the creation of new commercial premises or residential schemes that exceed 10 new housing units must demonstrate how they can contribute towards the delivery of enhancements, including improving community and recreation facilities within the Plan area, in consultation with the community. Such enhancements/ improvements will be delivered through a combination of Section 106 Agreement or Unilateral Undertaking; and payment of any future CIL (~~delete: on a private housing element~~) that is available to MKC for direct investment in the community and recreational facilities of the Lakes Estate.

If there is any other changes we want to make please let me know as soon as possible.

Many thanks

Michael

Michael Moore
Senior Planning Officer
Tel: 01908-252352

michael.moore@milton-keynes.gov.uk
<http://www.milton-keynes.gov.uk/planning-policy>

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From: Wilson, Bob
Sent: 30 January 2015 12:11
To: Moore, Michael; Crawford, Miles; Van Geete, Paul; Robinson, Fiona; Wheatcroft, Nicola; Mackowiak, Marek
Subject: RE: Urgent: Examination of the Lakes Estate Neighbourhood Plan: Policy GP7 please respond before 2pm on Monday 2 February

I have looked at this revised policy and consider that if we are going to refer to CIL (as yet undetermined) then it would be better if we deleted the phrase 'on a private housing element'.

This is because the inclusion of this phrase may mean if we received a commercial proposal on its own it may argue the CIL on this is not payable under the policy due to the specification of 'on a private housing element', which effectively excludes any other uses.

R Wilson
Development Plans Manager
M.R.T.P.I. MSc Dist BA Hons
T: 01908 252480
bob.wilson@milton-keynes.gov.uk

Plan: MK

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From: Moore, Michael
Sent: 29 January 2015 12:19
To: Crawford, Miles; Van Geete, Paul; Robinson, Fiona; Wheatcroft, Nicola; Mackowiak, Marek; Wilson, Bob
Subject: Urgent: Examination of the Lakes Estate Neighbourhood Plan: Policy GP7 please respond before 2pm on Monday 2 February

Colleagues,

Further to my email of 20 January, I have now received revised wording from consultants David Lock for the one policy, policy GP7 and accompanying text that John Slater, the Examiner of the Lakes Estate Neighbourhood Plan raised concerns about. His reasons are explained in the attached email. There is also an email below from Francesca Robinson of David Lock's, which you may wish to read, which gives additional background to the thinking behind the proposed amendments to this policy to meet the Examiner's concerns.

Could you please look at the attached wording of the revised policy and text and let me know if we can live with it and accept it or if we would want to suggest some amendments?

Although the formal deadline for any comments back to the Examiner from MKC and Bletchley and Fenny Stratford Town Council is Monday 9 February. I am away on leave next week and my last day in the office is Wednesday 4 February, so I would want to conclude this matter before I go away, otherwise I will have to ask someone to deal with this matter in my absence.

If at all possible, I am also keen to avoid getting into protracted correspondence and/or having to arrange meetings between representatives of the Town Council and ourselves.

I look forward to hearing from you at your earliest convenience and no later than **2pm on Monday 2 February** . If this causes a problem for you please let me know.

Thanking you for your help in this matter. If any questions on this email please do not hesitate to give me a ring.

With best wishes

Mike

Michael Moore
Senior Planning Officer
Tel: 01908-252352

michael.moore@milton-keynes.gov.uk
<http://www.milton-keynes.gov.uk/planning-policy>

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From: Barbara Sullivan [<mailto:Barbara.Sullivan@bfstc.co.uk>]
Sent: 29 January 2015 10:05
To: Moore, Michael
Subject: FW: The Examination of the Lakes Estate Neighbourhood Plan

From: Francesca Robinson [<mailto:frobinson@DavidLock.com>]
Sent: 27 January 2015 12:10
To: Barbara Sullivan
Cc: Lisa Courtney; Robert Purton; Val Conway
Subject: Re: The Examination of the Lakes Estate Neighbourhood Plan

Barbara,

We have now considered the Inspector's comments and have reviewed the submitted Policy GP7. This was always the trickiest policy to get right and sits at the heart of "No new development = No Improvements". The intention of the policy is to ensure that the local community/ residents, through the Town Council, are part of the discussions as to what improvements will be funded alongside qualifying development within the Plan Area. I remember much discussion within the working groups as to how the policy should be phrased, and I think it was re-written a number of times so as to ensure there are sufficient opportunities for community consultation with regard to the delivery of improvements.

Secondly, there are changes to legislation that have emerged since the submission of the Plan which we need to take account of. These relate primarily to the way in which funding can be sought to deliver improvements, and the schemes that qualify for payment of contributions towards any such improvements, as set out in his email – market housing, more than 10 units (his bullet points 1 and 2)

The main implications are in respect of the Inspectors concerns about including non ring-fenced funding streams (bullet point 3). You will know that we sought to include reference to any and all possible funds, so we could cast our net as wide as possible – you will recall that MKC said we couldn't include New Homes Bonus (NHB) as a funding source for the Lakes as they have an agreed method of allocation which is directly related to the Local Investment Plan, that supports delivery of major strategic projects – that are new facilities and not replacements and does not include the regeneration areas. We included NHB anyway, in the event that the method of allocation could change, subject to successful lobbying. However, the Inspector is concerned that by including a reference within the policy to non ring-fenced funds, it strays into budgetary decisions that can't be weighed in the planning balance when determining the acceptability of the scheme.

Non ring-fencing of monies, has always been a concern, the implications of which are that green space in the estate could be lost and Milton Keynes Council can then spend any cash it receives wherever it thinks the greatest need exists – which of course goes against everything we have set out to do.

Another point made by the Inspector, and justifiably so, is in respect of the unilateral undertaking - a one sided agreement that can still deliver funding/ improvements, but one that the Local Planning Authority is not party to and therefore, there would be no opportunity for agreement with the Town Council, or MKC for that matter.

Will all these priorities in mind, and having to ensure the wording is compliant with overarching Government Policy and legislation, we have suggested some amendments to the wording – attached.

Principally, we have split Policy GP7 into two parts. The first requires the items/ improvements (whatever they may be) to be agreed in consultation with the community (in line with the spirit of Policy GP8 which requires engagement with the Town Council, stakeholders and local resident groups).

The second sentence references the mechanism through which the items are secured - this is fairly likely to be a fait accompli as the regulations will state whether it will be CIL/ s106 or indeed the developer may choose the unilateral route.

I think if the Town Council keep a hand in discussions of what will be delivered, acknowledging that the mechanism through which it is secured is likely to be determined by statute and/or MKC that would be a good outcome.

I will let you review, but please do call if you need to discuss any part of this. I wonder whether this should include circulation to Jan Lloyd as Chair of the Task and Finish Group to discuss. Make sure you/ Town Council are comfortable with the amends proposed before you pass onto Michael at MKC.

Thanks
Fran

Francesca Robinson
Principal Planner

David Lock Associates
50 North Thirteenth Street
Central Milton Keynes
MK9 3BP

T. 01908 666276 F. 01908 605747
e-mail: frobinson@davidlock.com

Visit our website at www.davidlock.com



From: Barbara Sullivan [<mailto:Barbara.Sullivan@bfstc.co.uk>]
Sent: 20 January 2015 13:15
To: Francesca Robinson; Robert Purton
Cc: Lisa Courtney
Subject: FW: The Examination of the Lakes Estate Neighbourhood Plan

Hello Fran and Robert

Not sure if I have said 'Happy New Year' to you yet but best wishes to you all.

Please see the response from the examiner. I have just spoken to Michael and he feels this is a very positive response and glad that we may not have to schedule a public hearing.

His suggestion is to ask you if you can rewrite / reword the text and or policy on GP7? Is this a possibility? Michael also suggested that when this was completed he would pass the 'rewrite' to his colleagues for advice. We may need to meet up to discuss, but the deadline is Friday February 6th. So no a lot of time. Lisa would also like the reworded Policy to be presented (emailed) to the Cllr's before or at the February Regen agenda (3rd).

MKC have already published John Slater's email on the MKC website. I will ensure it is on ours as well as he requests.

Can either of you give me a call to discuss when you are free?

Thanks

Barbara

From: JOHN SLATER [<mailto:johnslaterplanning@gmail.com>]
Sent: 18 January 2015 13:03
To: Moore, Michael; Barbara Sullivan
Subject: The Examination of the Lakes Estate Neighbourhood Plan

Dear Michael and Barbara

I have commenced the examination of the Lakes Estate Neighbourhood Plan including making a visit to the area on 2nd January 2015.

In considering the policies contained in the Submission Version , the wording of one policy, Policy GP7 is troubling me. I fully understand that one of the Plan's underlying objectives is to utilise new development to help fund improvement to the Estate, especially its community and recreational facilities.

However I do have reservations that the policy as currently written does not meet the "basic conditions test", in terms of whether it is consistent with recent changes to government policy and advice and secondly whether it goes beyond being a policy covering the use and development of land and is straying into the area of budgetary decisions.

I am therefore writing to invite further written representations from the Town Council as qualifying body and Milton Keynes Council as Local Planning Authority covering the following matters.

- the implications of recent changes to the published Planning Policy Guidance altering the threshold where contributions should be not be sought on residential development to 10 units or less.
- the implications of the Community Infrastructure Levy not being payable on affordable housing.
- the implications of the New Homes Bonus being a non ring fenced fund and how the consideration of the acceptability of planning applications can be affected by budget decisions of the local authority.
- how the requirement for a unilateral undertaking to be agreed with the Town Council can be imposed bearing in mind that it is not an agreement but an undertaking.

The Town Council may wish to seek the advice of its planning consultants David Lock Associates in preparing its response.

I would be pleased to receive the additional written representations as soon as possible to enable me to conclude my examination, if possible within the next 21 days. It is still currently my intention to conclude this examination without recourse to a public hearing.

In order to assist the transparency of this examination process I would be grateful if a copy of this email could be placed on the appropriate pages of the Council's and Town Council's respective websites. Similarly both parties responses to me should be published on line when you submit your additional written representations.

My final point is that whilst it is not possible for the Submission Plan to be changed at this stage - if either party consider that the wording of the Policy GP7 needs to be changed to ensure it meets " basic conditions" I would be happy to accept recommendations on any revised wording, if it is considered necessary

Yours Sincerely

John Slater BA(Hons) DMS MRTPI
Independent Examiner of the Lakes Estate Neighbourhood Plan
Independent Planning Consultant
John Slater Planning
Tel 07592 644760
01730301940
johnslaterplanning@gmail.com
www.johnslaterplanning.com

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