

INSPECTOR'S PRELIMINARY QUESTIONS

Introduction

Further to the submission of the Milton Keynes Site Allocations Plan (SAP) for examination, I am writing, following an initial review of the SAP and accompanying evidence, to seek clarification on a number of points and to raise some initial concerns.

These are in no particular order of significance and I may have further questions before I am in a position to issue questions for any hearings. The responses will assist me in my consideration of how best to proceed and will, I hope, assist the Council by being raised early in the process.

It may be that some of the information that I require has already been supplied and that I have yet to find it. If that is so, I am happy to be directed to it accordingly. Where additional documents are supplied to me, the Council will need to ensure that they, like these questions, are available publically on the examination website.

The role of the SAP

The role of a site allocations plan is typically set by a superior development plan document, in this case the Milton Keynes Core Strategy (CS). The CS is not terribly specific itself when pointing to the role of the SAP and states at paragraph 5.3 (echoed in policy CS1) that:

In addition to the Strategic Land Allocation, other sites will be considered for development through the Site Allocations Plan to provide short term flexibility and contingency to ensure that at least 28,000 homes will be provided by 2026.

Nonetheless, it is unclear from what I have read so far, including the proposed focussed changes, what it is that the Site Allocations Plan (SAP) is setting out to do. This is a significant concern and one raised by a number of representors.

References are made by the Council to the need to maintain a five-year supply of deliverable housing land. The achievement of a five-year supply of deliverable housing sites could be an outcome of a site allocation process, but it is not a matter for me to assess. Indeed, given that the CS runs to 2026, I find it difficult to see how making allocations based on the Council's five-year housing land supply shortfall in 2016, which is a mere snapshot in time, would provide any certainty that such a supply could be maintained over the 10 years of the CS plan period remaining from that point.

Furthermore, if the Council felt that, during the SAP examination process, it was able to demonstrate a five-year supply of deliverable housing sites, the inference could be drawn that the SAP was, thus, without purpose.

My consideration must focus on whether the SAP does what the CS said it would do in relation to the overall quantum, nature and location of development proposed and the timeframe over which its delivery would occur. This being so,

can the Council please explain clearly and succinctly what the SAP will achieve in the policy context set for it by the CS, notably in relation to policies CS1 and CS2 and to the various different housing figures referenced in relation to the SAP throughout the CS. This should include answers to the following:

- Over what time period does the SAP run and how has this been determined? If not the CS plan period then what is the justification for an alternative period?
- What is the quantum of housing to be delivered by the SAP over the SAP plan period and how has it been calculated, taking into account other planned and/or committed sources of supply, against the overall CS housing requirement?
- If it was decided during the SAP examination process that it was not appropriate to allocate certain sites, what is the numerical 'tipping point' at which replacement sites would need to be identified in order to maintain delivery of the overall housing requirement?

Rural housing

The CS was very clearly anticipating allocations in both the rural and urban areas. I note, for example, the references to it addressing a future potential shortfall in the rural area; to sites being required "*especially in the rural area*"; to allocations in the Key Settlements; and to an allocation of between 20 and 40 dwellings in Sherington. Please can the Council explain:

- Why the SAP allocates sites solely in the urban area?
- How the assumed deficit in the rural areas articulated by the CS has been/will be addressed?
- Why there is no expected allocation to Sherington?

If, as is suggested, the SAP allocation strategy is on the basis of rural housing delivery being achieved through made Neighbourhood Plans, please can the Council supply the relevant sections of those plans to demonstrate allocations to the requisite level, in the context set by the CS, in the rural area.

Allocation of non-residential development

The SAP does not consider development beyond housing provision, yet the CS notes (pp51-52) that the SAP will address:

"opportunities to reallocate unused employment land to encourage the long term provision of office floor space in suitable locations, as identified in the Employment Land Study"

and that rural employment sites will be protected or allocated as appropriate through the SAP.

It also states, in relation to Services and Facilities (p52), that specific local requirements will be investigated through the production of the SAP. The representation from the Education Funding Agency supports this, referring to the need for the SAP to allocate new school sites (if required).

Finally, it notes that the SAP and Plan:MK will also include more detailed policies on issues such as housing density, which will support the creation of flexible and sustainable neighbourhoods.

Please can the Council explain why these matters have not been addressed in the SAP?

Residential allocations on employment land

Several proposed allocations are current or vacant employment sites, or have in the past been earmarked for employment use. A number of representors have objected to the inclusion of these sites on the basis of the area's need for more employment land going forward.

In its response to these objections the Council references National Planning Policy Framework paragraph 22, which seeks to ensure that Council's avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.

Some of the proposed allocations assessed in the Employment Land Review and Economic Growth Study Phase 1 (ELREG) and are in the bottom 50% of that study's rankings. This does not (with the possible exception of SAP11) necessarily equate to them being poor sites for employment development, however, merely a reflection of their place relative to what appear to be a large number of sites with similar scores.

This being so, please can the Council explain how it has come to the view that the proposed allocations have no reasonable prospect of being used for employment uses, particularly bearing in mind the Council's plan to allocate *more* employment land in the future? On what basis have they been chosen for allocation over other vacant employment sites?

I will also be grateful for ELREG reference numbers for all SAP sites considered as allocations, so that I can more easily identify them in the ELREG.

Repetition of other development plan documents

My inference from the SAP is that some sites are already allocated in the made Walton Neighbourhood Plan. It is also suggested that some are already allocated in the CS, although it is unclear where. If this is so, what is the rationale for their allocation in the SAP?

Reference is also made by the Council to some sites already being allocated in the Milton Keynes Local Plan 2005. Can the Council please clarify the status of this plan and these sites. Notably:

- Is the MKLP 2005 still current?

- If so, does it contain allocations that are now in the SAP and, if so, why allocate them again if they remain extant?
- If not, are these actually sites that were allocated, never came forward and have now been superseded as (the relevant part of) MKLP 2005 is now defunct?
- If they have not come forward in the past 12 years, why is the Council of the view that they will do so now?

The Parks Trust

The response from The Parks Trust notes that several proposed allocations include land that is leased to them. What are the implications for the development of these sites, and the overall housing target, if their developable area has to be reduced accordingly? Please see also my comment below in relation to SAP18.

Natural England

Natural England (NE) is the government's advisor for the natural environment. As such, I give its views significant weight. NE raises concerns in relation to a number of the proposed allocations. The Council appears to be suggesting that the issues raised can be deferred for resolution by any future planning application.

Please explain the rationale for this approach, given that the issues around open space and biodiversity strips could have implications for site layout and dwelling numbers, which, in turn, could impact upon site viability and the SAP delivery figures, if the affected allocations were determined as being otherwise appropriate.

Self-build and custom housing

Concerns have been raised that the Council is not addressing custom and self-build housing in the SAP. Can the Council please provide with me with details of how it is addressing its obligations under the Self-Build and Custom Build Housebuilding Act 2015 more broadly.

Site Specific Matters

SAP1

- a) This site appears to be a non-designated heritage asset, the potential demolition of which has attracted an objection from Historic England. As it is the government's adviser on built heritage, I give its concerns significant weight.

Please can the Council explain how it has taken the non-designated heritage asset status, and National Planning Policy Framework policy about such

status, into consideration in allocating the site for residential development, particularly given bullet four of the final objective of the SAP.

The Council's response to Historic England's objection notes that "*the site assessment reports that the site has major structural issues*". Please provide clarification as to whether this means the site or the building upon it and the nature of said issues. What are the implications of this?

- b) CS policy CS17 protects community facilities and seeks alternative uses for facilities that are no longer required for their current use. Please explain the rationale behind the allocation of this site, which has a community facility upon it, and comment on whether it can realistically be regarded as available, and therefore deliverable over the SAP period, given the CS policy requirements, which do not appear to have been met.

SAP2

Representations have been made that this site is inherently inappropriate for residential use, in practical and market attractiveness terms, as it is accessed through and is in very close proximity to light industrial uses, is poorly related to any other residential properties, and is very close to the railway. Please can the Council provide comments on these concerns, with particular regard to implications for site delivery.

SAP4

- a) This site appears to conflict with CMK Alliance Plan policy CMKAP G1, covering classic infrastructure. Please can the Council comment upon CMK's view that this conflict with an adopted neighbourhood plan means that the site is not policy compliant and cannot, therefore, be considered to be deliverable.
- b) The rationale for the multi-storey car park's (MSCP) upfront delivery appears partly to be to accommodate vehicles that currently park on the SAP4 site and which would be displaced by the proposed residential development.

One of the focussed changes seeks to remove the prerequisite for the delivery of the MSCP before development on SAP4 comes forward. What evidence is there of the potential highways and parking implications should this focussed change be considered appropriate?

- c) The Council's response to some representors' comments is that mixed-use development may be appropriate for this site. What would be the implications for housing numbers upon, and delivery of, the site if this approach was to be pursued?
- d) The Site Assessment notes that "*access is generally a constraint to the site's development...*" and the Sustainability Appraisal that "*further detailed work regarding access...*" is required. What is the nature and severity of what appears to be a significant constraint; what is the evidence that it can be overcome; and, if there is none, can the site be regarded as deliverable during the SAP period?

SAP7

The Site Assessment raises concerns in relation to noise and biodiversity mitigation. It also suggests that the site acts as a buffer between extant residential development and the supermarket delivery bays. Given these apparent shortcomings, which may limit market interest in the site according to the Site Assessment, can the site be considered developable and, if so, how many dwellings could it realistically accommodate given the possible mitigation measures required?

SAP8

It appears that this site may be a statutory allotment. If this is so, as the Council is aware, there are potentially significant legal obstacles to its redevelopment. It also appears from the Site Assessment that the site has a clawback covenant upon it, "*which unless lifted would limit the viability of any redevelopment*". Can the Council please provide further details in relation to these matters, which would suggest, on an initial reading, that the site may not in fact be deliverable within the SAP period.

SAP9

- a) The representation from the Education Funding Agency appears to imply an understanding that the site will, in fact, be retained for education use. How has this been taken into account when considering the site's allocation?
- b) Historic England has significant concerns about the impact of residential development on this site upon the neighbouring Scheduled Monument (SM) and upon local archaeology, to which I must afford significant weight.

Please provide any heritage assessment that has been undertaken by the Council, which demonstrates consideration of any impact upon the SM's significance. If none has been carried out, please explain what the Council considers the implications of this lack of assessment to be for the site's deliverability.

SAP11

- a) The policy relating to this site states that mixed uses to encourage accessibility to the canal frontage will be acceptable. What are the implications of this approach for dwelling numbers on the site?
- b) The Site Assessment flags up potential contamination and access issues. Please provide further details in relation to these matters and any impact upon the site's deliverability.
- c) The Site Assessment also notes that the current occupier would need relocating before the site becomes available and that the canal frontage "*may hinder construction and the land budget*". If the site is not, in fact, available, has potential viability issues and uncertainty around the impacts upon access of the East-West rail upgrades, how realistic is it to consider that it is deliverable over the SAP period?

SAP13

The Site Assessment raises concerns in relation to highway capacity. What are the implications of this for the potential quantum of development on the site? Is 28 dwellings a realistic maximum?

The Site Assessment also raises concerns about contamination and noise. What work has been done to ascertain whether these are surmountable issues, notably given the Council's concerns about the marketability of the site and viability of development upon it? If none, what certainty is there that the site can be considered deliverable over the SAP plan period?

SAP14

- a) Please can the Council provide further details of the "*wider regeneration work being undertaken by Your MK in Bradville*", including a timetable for the completion and formalisation of any formal regeneration plans.
- b) Please can the Council also comment on whether this site can reasonably be considered to be deliverable for housing development given the explicit uncertainty within the policy about whether or not it will be required for, as the policy states, "*other purposes*".
- c) Has the presence of the wildlife corridor been taken into account in assessing likely dwelling numbers for this site? If not, what would its impact be upon the developable area of the site and thus, a maximum dwelling figure?

SAP15

- a) The site's promoter states that the development brief for the site allows for a mix of residential and retail, which could reduce the residential component considerably. What are the implications of this for the estimated dwelling numbers on the site?
- b) The Site Assessment notes that consideration needs to be given to whether the sites are required for (rather than are most attractive for) commercial and higher education purposes. Please direct me to where such consideration has been given. Please refer also to my question above in relation to the allocation of employment sites.
- c) The Site Assessment notes that several notable species have been recorded close to the site. What consideration has been given to any implications of this for the site's deliverability and/or dwelling numbers?

SAP 18

- a) Please can the Council comment on whether this site can be considered as developable given that, according to their representation, access from Ortensia Drive would have to cross land owned by The Parks Trust, a body which does not appear to have consented to such access.

- b) Please refer also to my question above in relation to the allocation of employment sites.

SAP19

- a) Representation on this site suggests that the Walton Neighbourhood Plan and the adopted development brief allow for mixed use. Can the Council please clarify whether this is the case and, if so, why this is not explicit in the policy.
- b) The Site Assessment indicates that there may be historical contamination on the site. What work has been done in relation to this matter to demonstrate that the site is able to support residential development? If none, can the site realistically be regarded as deliverable over the SAP period?
- c) Please refer also to my question above in relation to the allocation of employment sites.

SAP20

- a) This is a former landfill site. What work has been undertaken to establish its suitability, notably in terms of land stability and contamination, for residential development?

I note particularly that the Environment Agency's (EA) representation on this site refers to "*appropriate assessment*" being required to establish its acceptability for residential development. Can the Council please confirm whether this refers to an assessment appropriate to the site's condition or an appropriate assessment in the terms as it is understood under the Habitats Regulation Assessment.

Either way, given that the EA is the government's adviser on the treatment of contaminated land, I give its concerns significant weight. I will be grateful for evidence that the Council can be certain, given the site's history and the EA's advice, that the site is likely to be acceptable for residential development and deliverable over the SAP period?

- b) The Site Assessment notes that part of the site forms an informal buffer zone for the Bedford-Milton Keynes waterway, which could limit development. Please explain what the implications of this are for the quantum of housing suggested for the site.

SAP21

The Site Assessment notes that part of this site is in a wildlife corridor. What are the implications of this a) for the site's ability to be developed and b) the quantum of housing that could realistically be accommodated upon it?

Focussed Changes

The Council has provided a schedule of focussed changes (Main Modifications) with the submitted SAP. Given that this schedule is dated April 2017, I am

assuming that it has not been consulted upon. This being so, is the Council of the view that these changes are not to be considered as part of the submitted plan but may, along with any other changes that the Council might propose during the examination, be necessary to address matters of soundness?

It would aid clarity and reduce the number of potential focussed changes, if all the focussed changes relating to each relevant policy were put together as one change e.g. all those relating to SAP1 become MM1; all those relating to SAP2 become MM2; etc.

Statutory Matters

Public Sector Equality Duty

No information appears to have been provided explicitly to show how the Council has taken the Public Sector Equality Duty into account in producing the SAP. Is it the Council's view that this is addressed by the Equalities Impact Assessment and, if so, can the Council please make this clearer in the terms of the Duty accordingly.

Habitats Regulation Assessment

Can the Council please supply up-to-date correspondence from Natural England to confirm the statement that the Habitats Regulation Assessment (HRA) did not identify any adverse impacts from the SAP upon the integrity of the defined European wildlife sites, and that this situation has not changed since the HRA was undertaken.

Sustainability Appraisal

The Sustainability Appraisal (SA) notes that sites SAP3, SAP4, SAP5, SAP6, SAP9, SAP10, SAP11, SAP15, SAP18, SAP19, SAP20 and SAP21 do not have healthcare facilities within 1km. Nonetheless, there do not appear to be any objections from healthcare providers before me and this may be a matter that was addressed at Core Strategy stage.

I will be grateful, therefore, for information setting out the potential healthcare issues, and proposed means of resolution, including any correspondence or submissions from relevant healthcare providers on this matter.

Is the issue one of overall healthcare capacity or the distance that future residents might need to travel to access healthcare? If the latter, what are the distances involved?

Can the Council please explain what the Sustainability Appraisal means by the potential mitigation against objective SA3: "*Prescriptive policies used to mitigate any severe impact on schools and health services in particular*".

Further information required

- a) Reference is made to adopted development briefs for some sites. Please can copies of the relevant briefs be provided to me, along with an explanation of how they were drawn up and how they have influenced the indicative housing numbers for each applicable site (I note, for instance, that the brief for SAP15 may allow for a proportion of non-residential development, which could impact significantly on the estimated housing numbers). What is the reason that such briefs do not form part of the SAP?
- b) Access and highways issues have been raised by respondents in relation to a number of sites, and I have flagged this up above in places.

Please can I have any comments from the Council's highways section made in relation to the proposed allocations, which would support the Council's contention that safe and secure access can be achieved, and that impacts upon the local highway network can be mitigated, such that all of the sites can be considered deliverable over the plan period in relation to highways and access matters. The inference taken from many of the Council's own comments is that there does not appear to be any such certainty at present.

- c) There are numerous references to Plan:MK. Is the Local Development Scheme provided to me still an up-to-date summary of its timetable for production?

Responding

It would be helpful to have a response from the Council by 5.00pm on Monday 15 May.

I am not inviting comments from other parties, but wish only to clarify the Council's position and evidence on a range of issues. This will help me to set out hearing questions as necessary.

If anything is unclear then please contact me via the Programme Officer.

Thank you

Richard Schofield

INSPECTOR

24 April 2017