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MATTER 5 (ISSUES 1,2 AND 3)

STRATEGIC SITE ALLOCATIONS AND URBAN EXTENSIONS

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1.0 Introduction

1.1 Background

- 1.1.1 Bidwells LLP have been instructed by Persimmon Homes/Charles Church Midlands (PHM) to provide the Inspector examining the Milton Keynes Local Plan ('Plan:MK', MKSUB001) with a hearing statement in relation his Matter 5 "*Strategic Site Allocations and Urban Extensions*". (specifically, Inspectors Questions Q5.1 to Q5.29).

2.0 Issue 1 – General approach and principles (Policies SD1, SD11, SD12 &SD17)

2.1 **Q5.2 Overall, has the approach to the allocation of the new strategic housing sites in Policies SD13-15 been based on a clear, robust process of site assessment and informed by sustainability appraisal? Are the reasons for selecting the preferred strategic sites and rejecting others clear and sufficient? Would any inaccuracies in the assessment significantly undermine the overall conclusions?**

- 2.1.1 Whilst the plan objectives are numerous and cover a range of issues, it is clear that an overarching objective is the need to identify land for housing growth. Concluding on an approach to meeting this objective is the primary means by which the plan will meet other wide-ranging objectives. It is the matter at the heart of the plan.
- 2.1.2 The quality of the SA will be discussed under Matter 1 and whether it meets the requirements of Schedule 2 of the SEA Regulations. We maintain our position that it does not. The process of site selection and specifically how the two strategic sites (MKE – policy SD14 and SEMK – Policy SD13) were assessed and concluded to be the sequentially preferable locations above the other discounted options in principle and then how they became the only two MK Edge sites to be formally assessed under reasonable alternatives is not clear.
- 2.1.3 The stated reason given by the Council – that the ability to do this alongside other sites of a similar nature was considered prohibitive due to an unquantified number of variables (footnote 5 of MK/TOP/002) is unacceptable.

2.2 **Are any of the strategic sites in Flood Zones 2 or 3? Are the allocations consistent with paragraph 100 of the NPPF which states that Local Plans should apply a sequential, risk based approach to the location of development to avoid, where possible flood risk to people and property and manage any residual risk, taking into account the impacts of climate change?**

- 2.2.1 The SA does not include a clear sequential, risk based approach to its assessment of flood risk due to the relatively high level of the assessment undertaken. For example, the MKE flood constraints are noted but it is not clear how these performed against other options to conclude on whether paragraph 100 of NPPF is met.

3.0 Issue 2 – Milton Keynes East (MKE) (Policy SD14)

3.1 **Q5.5 Based on all the evidence, is the Plan positively prepared in respect of MKE and is the identification of this long term strategic site/direction of growth adequately justified? Are references to MKE as a long-term option post 2031 justified?**

- 3.1.1 The complete lack of a suitable assessment through the SA for immediate growth and for future options is not justified. The Council considers the SEA and SA evidences this site as being sequentially preferable to others considered at the SA stage. This was not the case despite these assertions. We await the Council's response to understand exactly where and when this specific assessment was carried out to conclude that the site should be allocated now.
- 3.1.2 The statement contained with the Housing Topic Paper casts further confusion on the exact status of this site within the plan – whether it is allocated and likely to be delivering houses from 2022 onwards or whether it is a strategic reserve site post 2031. This is totally unacceptable at this stage in the examination process. If the former, the body of evidence to formally allocate the site for development now is lacking. If the latter, we continue to question whether necessary to identify this now (on the basis the council is suggesting a review of Plan:MK within 5 years) or it is premature to set a defined redline around a specific site (on the basis the site assessment has not been carried out to a sufficient stage to enable environmental, social or physical infrastructure to be defined within the policy).
- 3.1.3 The scope for variation in potential scale of the site and quantum of development that may be achieved is uncertain and the site assessment in the SA and evidence base does not clarify this. Policy SD14 MKE does not give sufficient direction for development management purposes, despite the proposed modifications. Leaving the detail to a future SPD is unacceptable.

3.2 **Q5.16 Does Policy SD14 provide sufficient content to inform the preparation of a comprehensive development framework as required by Policy SD12?**

- 3.2.1 National Guidance Paragraph: 028 Reference ID: 12-028-20140306 advises that supplementary planning documents “should build upon and provide more detailed advice or guidance on the policies in the Local Plan”. They should not themselves introduce new policy requirements which have not been the subject of examination.
- 3.2.2 Standard PINS advice is that a supplementary planning document (SPD) does not have statutory force and is not the subject of examination. It is defined at Regulation 2 of the Town and Country Planning (Local Planning) (England) Regulations 2012 as something that is not a local plan. Consequently, policies should not simply devolve fundamental matters to SPD although they may legitimately add further detail to policies or to provide guidance as per the definition in the NPPF. Policies that require compliance with an SPD on matters such as the quantum of development are unlikely to be consistent with national policy. Particularly so, in view of the degree of consistency with Policy DS2.
- 3.2.3 Policy SD14 contains no detail on the site-specific quantum of development or key issues including flooding, noise or coalescence issues for example, which have been raised in other questions,

instead deferring most of the detail to a later SPD. This approach is at odds with the requirements of the PPG noted earlier that requires standards to be set out in Local Plans and further reinforces that the policy is unsound.

4.0 Issue 3 – South East Milton Keynes (SEMK) (Policy SD13)

4.1 **Q5.17 Based on all the evidence, is the Plan positively prepared in respect of SEMK and is the identification of this strategic site adequately justified?**

4.1.1 We expect to cover the shortcomings of the Sustainability Appraisal (SA) under Matter 1 and the general spatial strategy including the allocation of this site under Matter 2 discussions. The site selection is not adequately justified.

In the Housing Land Supply Topic Paper, paragraph 9.6 [MK/TOP/002] under Chapter 7 “(appraising the reasonable alternatives”) it suggests that the alternatives vary in respect of quite a narrow range of sites, reflecting a view that it is these sites that are sequentially preferable. We are awaiting a clear response on where that view is expressed, evidence of how it was reached and by whom. We wish to explore this further at the hearing for this Matter.

4.2 **Q5.21 Are there other infrastructure interdependencies, how do they relate to the phasing of development, are they made clear in the Plan and have they been adequately taken into account?**

4.2.1 There is a general theme throughout the questions and the Council’s response to the initial observations [INS1a] and the Housing Land Supply Topic Paper [MK/TOP/002] with regard to the overall lack of assessment and inadequate evidence base surrounding this site.

4.2.2 We rely on our Reg 19 representations in respect of the ambiguity in the Plan and await the Council’s response to this question to inform the discussion at the hearing.

4.3 **Q5.23 How will uncertainty about the deliverability of the SEMK allocation be addressed and mitigated if necessary? Is there evidence to support SEMK being able to sustainably come forward in two distinct sites, north and south of the railway?**

4.3.1 PHM is concerned about the deliverability of this site as a single entity, including key infrastructure delivery that is not within the landowners control or other connectivity issues such as crossing the rail network to achieve a comprehensive development that is capable of sharing education and other social infrastructure and the full extent of any Expressway implications.

4.3.2 The principle of separating this allocation into two distinct and separate sites is more logical, having regard to the nature of the sites, and interrelationships of the constituent parts of the identified site. However, to do so would further undermine the SA appraisal and evidence behind this scheme. In this case, the baseline assessment in the SA should be revisited as the criterion

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upon which the Council is using to justify the site selection would need updating. Specifically, the performance of these individual two sites against the screened-in sites and reasonable alternatives. It is not the case that the sites could be split into two separate allocations to make the plan sound.