



dynamic development solutions™

For and on behalf of
Hampton Brook

**Plan:MK Examination in Public
Response to Inspectors Questions – Matter 8**

Policies for Managing Development



Insert job number and site name in In Public
Response to Inspector's Questions – Matter 8
Insert nature of document and client

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June 2018



Insert job number and site name in Public Response to Inspector's Questions – Matter 8
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0.0 EXECUTIVE SUMMARY

- a. DLP Planning Limited have been instructed by Hampton Brook to respond to the inspector's questions in respect of Matter 3 and specifically in relation to their land interest in the following location;
South Caldecotte (Land Allocated within policy SD16)
- b. Hampton Brook is a well-established local land promoter and developer; as such they have been fully engaged in both the Joint Core Strategy and Regulation 18 and 19 consultations. This response will refer to these earlier representations.

MATTER 8 Issue 2 – Design and Sustainable Construction

1.0 QUESTION 8.9

**ARE THE DESIGN POLICIES IN PLAN:MK JUSTIFIED,
EFFECTIVE AND CONSISTENT WITH NATIONAL POLICY?
ARE THEY UNDULY PRESCRIPTIVE AND WOULD THEY
ALLOW FOR APPROPRIATE INNOVATION CONSISTENT
WITH MKS MODERNITY?**

- 1.1 The Regulation 19 submission made on behalf of Hampton Brook set out why policy SC1 is not justified, effective or consistent with national policy and this written response seeks to expand upon this.
- 1.2 The requirements of policy SC1 are not justified. NPPG Guidance on Housing: optional technical standards (003 Reference ID: 10-003-20140306) sets out how Local Planning Authorities can set out technical requirements for new development.
- 1.3 The Housing Standards Review (March 2015) set out that there are a large number of complex and overlapping technical standards and seeks to simplify this. It also set out that the lack of co-ordination across standards and the way they are introduced, modified and enforced result in unnecessary costs and complexity. It is clear that the government's objective is to simplify and rationalise policy requirements for new development and it is seeking to do this primarily through the Building Regulations, with opt-in elements where justified through local plans.
- 1.4 Milton Keynes does have a unique character and modernity, but it is not demonstrated within policy SC1 or the preamble to this why the requirements set out in the policy are justified when technical standards already exist. There is no overriding reason why the modern nature of Milton Keynes should justify policies that are so out of step.
- 1.5 The policy does not seem to have taken into account viability as a concern. NPPG Guidance (003 Reference ID: 10-003-20140306) states that '*assessing viability*

requires judgements which are informed by the relevant available facts. It requires a realistic understanding of the costs and the value of development in the local area and an understanding of the operation of the market.'

- 1.6 It goes on to states that local plans 'should ensure that the Local Plan vision and policies are realistic and provide high level assurance that plan policies are viable... Their cumulative cost should not cause development types or strategic sites to be unviable. Emerging policy requirements may need to be adjusted to ensure that the plan is able to deliver sustainable development.'
- 1.7 Furthermore, the proposed energy requirements in respect of major schemes are not effective. The requirement to provide on-site renewable generation does not take into account site specific concerns
- 1.8 Whilst it may be that the aim of meeting such high levels of environmental performance is well intended and that there may be savings over time, excessively high capital costs will have the effect of putting off development. The target of meeting BREEAM Outstanding is particularly onerous. The policy takes little account of development viability. The requirements of the policy are unduly onerous and will have a seriously detrimental impact on the viability of schemes coming forward within the plan period.
- 1.9 In particular, the uplifts between meeting Outstanding and Excellent BREEAM ratings, and Excellent and Very Good are sharp, as evidenced by the table below taken from a report by Sweett Group and the BRE in 2016:

	 Education	 Industrial	 Retail	 Office	 Mixed Use
Rating	School	Industrial	Retail	Office	Mixed Use
Very Good	0.2%	0.1%	0.2%	0.2%	0.15%
Excellent	0.7%	0.4%	1.8%	0.8%	1.5%
Outstanding	5.8%	4.8%	10.1%	9.8%	4.8%

- 1.10 It must be noted that a plan wide viability assessment has been carried out but

assumes development will meet BREEAM 'Very Good' Standard. This is inconsistent.

- 1.11 The policy does not specify how monitoring would take place and there are concerns that this is unworkable as it is not clearly set out.
- 1.12 National Policy is set out within the NPPF and later within the NPPG. The most relevant part of the NPPG is the Housing Technical Standards.
- 1.13 The NPPG states that 'Local planning authorities should consider the impact of using these standards as part of their Local Plan viability assessment. In considering the costs relating to optional Building Regulation requirements or the nationally described space standard, authorities may wish to take account of the evidence in the most recent Impact Assessment issued alongside the Housing Standards Review.'
- 1.14 Looking at Plan:MK, policy SC1 does not appear to comply with these policy aims in that it sets out additional policy requirements out of step with the national picture. It would be more appropriate to adopt a position more in line with the Building Regulations and any optional requirements, for example.
- 1.15 A number of the elements of policy SC1 are inconsistent with national policy. Government policy is clear that technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered, in accordance with the National Planning Policy Framework and Planning Guidance. In terms of energy and climate performance, policy SC1 requires major developments to:
 - 'a. Achieve a 19% carbon reduction improvement upon the requirements within Building Regulations Approved Document Part L 2013, or achieve any higher standard than this that is required under new national planning policy or Building Regulations.
 - b. Provide on-site renewable energy generation, or connection to a renewable or low carbon community energy scheme, that contributes to a further 20% reduction in the residual carbon emissions subsequent to a) above

c. Make financial contributions to the Council's carbon offset fund to enable the residual carbon emissions subsequent to the a) and b) above to be offset by other local initiatives.

d. Calculate Indoor Air Quality and Overheating Risk performance for proposed new dwellings.

e. Implement a recognised quality regime that ensures the 'as built' performance (energy use, carbon emissions, indoor air quality, and overheating risk) matches the calculated design performance of dwellings in d) above.

f. Put in place a recognised monitoring regime to allow the assessment of energy use, indoor air quality, and overheating risk for 10% of the proposed dwellings for the first five years of their occupancy, and ensure that the information recovered is provided to the applicable occupiers and the planning authority.'

1.16 The policy is unsound and should be removed from the plan. Issues of environmental performance can be dealt with adequately under the national guidance and technical standards.

2.0 QUESTION 8.10

IS THE REQUIREMENT FOR A 19% CARBON REDUCTION ABOVE PART L 2013 BUILDING REGULATIONS AND ON SITE RENEWABLE ENERGY GENERATION OR CONNECTION TO A RENEWABLE ENERGY SCHEME THAT CONTRIBUTES TO A FURTHER 20% REDUCTION IN THE RESIDUAL CARBON EMISSIONS JUSTIFIED, EFFECTIVE AND CONSISTENT WITH NATIONAL POLICY (NPPF PARAGRAPHS 95 AND 96)? WOULD IT BE VIABLE IN COMBINATION WITH OTHER POLICY REQUIREMENTS OF PLAN:MK?

- 1.18 Paragraph 95 of the NPPF states that 'when setting any local requirement for a building's sustainability, do so in a way consistent with the government's zero carbon buildings policy and adopt nationally described standards'
- 1.19 It should be noted that the zero carbon buildings policy was cancelled in 2015-16. A review of minimum energy requirements is due to take place in 2018. In this way Part L of the Building Regulations currently sets out requirements for carbon dioxide reduction in new development.
- 1.20 In terms of energy and climate performance, policy SC1 requires major developments to:
- 'a. Achieve a 19% carbon reduction improvement upon the requirements within Building Regulations Approved Document Part L 2013, or achieve any higher standard than this that is required under new national planning policy or Building Regulations.
 - b. Provide on-site renewable energy generation, or connection to a renewable or low carbon community energy scheme, that contributes to a further 20% reduction in the residual carbon emissions subsequent to a) above
 - c. Make financial contributions to the Council's carbon offset fund to enable the residual carbon emissions subsequent to the a) and b) above to be offset by other

local initiatives.

- 1.21 Policy SC1 makes no reference to viability and as a result does not comply with paragraph 96 of the NPPF which requires development plan policies to make exception for viability.

- 1.22 It is not clear on what basis the policy requires greater carbon reduction above Building Regulations/ Very Good level when this is nationally set and the Government is seeking to simplify such matters. Similarly, it is not clear on this basis how part b) can be justified. Government guidance has been that from 2016 local authorities will not be able to require energy efficiency measures above Building Regulations.

- 1.23 In this way policy SC1 would not meet the soundness tests of paragraph 182 of the NPPF.

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