

## PLAN:MK EXAMINATION

### Matter 8

**Q8.2 Is the Borough wide target for affordable housing Policy HN2 sufficiently clear and is it viable and deliverable? Does the Policy present a pragmatic approach to deliver a variety of affordable housing options and it is consistent with national policy? Should the policy allow for off site contributions where this would aid viability under Part B of the policy?**

Paragraph 17 of the NPPF establishes the need for predictable decision making. This is an important principle and one that should not be put aside when preparing plans. In order for the development industry to make decision as to whether a site can be viably developed they must know what the policy requirements will be. By setting a range for the affordable housing requirement on development HN2 does not provide the necessary certainty and clarity that is demanded by the NPPF. There is also be a very real concern that the approach taken to this policy will be out of date as soon as the Local Plan is published. Paragraph 57 of the revised NPPF states that:

*“Where up to date policies have set out the contributions expected from development planning applications that comply with them should be assumed to be viable.”*

The approach taken in HN2 does not provide a clear indication as to what the level of contribution should be and therefore the decision maker cannot make the assumption as to what is viable. The approach being taken forward by the Government is to ensure that there is no unnecessary testing of viability on developments where they are policy compliant. This approach is being implemented in order to speed up decision making on planning applications and limit protracted pre-application negotiations on affordable housing requirements. The approach being taken by the Council will not support this important Government’s objective.

Where development is made unviable by the affordable housing contribution the Council should not seek to restrict developers with regard to how improvements in viability are achieved. Paragraph 50 of the NPPF allows for the use of both off site provision and financial contributions where these can be justified. To require there to be exceptional circumstances is a far higher test than that set out in NPPF and should be amended to better reflect national policy.

*Recommendation*

The first paragraph of Part A to HN2 should be amended to read:

*“A. Development proposals for 11 or more homes should provide 31% of those homes as affordable housing.”*

Final sentence of part B should be included as a part iv to list and be amended to read:

*“iv. off-site provision or financial contributions of equivalent value will be accepted where justified.”*

**Q8.3 Is Policy HN4 consistent with the Written Ministerial Statement Standard (March 2015) and Planning Practice Guidance on optional technical standards for housing? In particular are the proposed nationally described space standard and accessibility standards:**

- i. Locally justified by the particular evidence for MK as required by PPG? Does the Council’s 2017 Assessment (MK/HOU/002) for NDSS justify the inclusion of the standard in Policy HN4? What is the evidence base for accessible and adaptable housing? Having regard to PPG para 56-009 should M4(3) only be applied to affordable housing?**
- ii. Viable taking into account all other Plan:MK requirements? (PPG 56-003-20150327)**
- iii. Have the impacts of Policy HN4 been considered as part of the assessment of housing land supply in terms of net densities and market delivery?**

PPG establishes that the application of the optional standards on accessibility must be based on evidence of overall need, what those needs are across different tenures, the existing stock of accessible homes and the impact on viability of its application. The evidence on the need for the adoption of the optional technical standard is set out in SHMA which at paragraph 5.97 concludes that:

*“Considering the increase in households, approaching two thirds (15,700 out of 25,600 households, 61%) are likely to have household representatives aged 65 or over. Given this context, the evidence supports the need for at least 60% of all dwellings to meet Category 2 requirements, providing that this does not compromise viability.”*

The assumption made in this conclusion is that all of Milton Keynes’ population who are over 65 have or will need in future an accessible home. This can not be the case and fails to take into account those individuals over 65 who have no impairment, those in specialist accommodation, those who will live in a home that is already adapted. In particular we are concerned that, as mentioned above, the Council have concluded that all people over 65 are in need of an accessible home. However, the evidence from the 2011 Census<sup>1</sup> indicates that only 25% of the population over 65 had their day to day activities limited a

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<sup>1</sup> Census 2011. Dataset DC3302EW - Long term health problem or disability by health by sex by age

lot by a long-term health problem or disability. If this proportion were applied to the Council's own evidence, then there would be around 4,000 new households with a resident over 65 with their activities limited a lot by a disability or a long-term health problem – significantly lower than the 15,600 accessible homes that the Council consider is required on the basis of the evidence presented.

With regard to optional standard M4(3) the Council acknowledge in paragraph 7.38 that this standard for wheelchair accessible housing should only be applied where the local authority is responsible for allocating or nominating a person to live in that accommodation. It is therefore surprising that a requirement for 5% of all market homes will be provided to part M4(3). This approach is not consistent with national policy and should be deleted.

**Q8.5 Are the requirements in Policy HN5 for self-build and custom housebuilding justified and deliverable? Is it consistent with the PPG content at Section 57 (July 2017)?**

No. As we set out in our earlier representations the plan provides no clear indication as to what is expected other than there is an expectation that self-build plots will be provided on allocated sites. The approach set out in PPG is one of engaging with land owners as well as examining options with regard to the Council's own land. The approach taken by the Council to require such provision is not justified.

The policy is also ineffective as it makes no statement as to when any plots that are provided by developers for self-build will be returned to the developer. It is important that plots are not left undeveloped due to an over allocation of such plots.

**Issue 2 – Design & Sustainable Construction**

**Q8.10 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 contributions to a further 20% reduction in the residual carbon emission justified, effective and consistent with national policy (NPPF paragraphs 95 and 96)? Would it be viable in combination with other policies requirements of Plan:MK?**

As we set out in our representation the approach suggested is contrary to the Government's intentions, as set out in ministerial statement of March 2015<sup>2</sup>, the Treasury's 2015 report 'Fixing the Foundations'<sup>3</sup> and the Housing Standards Review, which specifically identified energy requirements for new housing development to be a matter solely for Building Regulations. The optional standard set on in PPG are the only areas on which the local plan can seek to apply a higher standard.

Finally, it is important to consider how such policies will be applied under the revised NPPF. Whilst the Government have stated that all plans submitted to the Secretary of State for examination before January 2019 will be examined under the previous

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<sup>2</sup> [www.gov.uk/government/speeches/planning-update-march-2015](http://www.gov.uk/government/speeches/planning-update-march-2015)

<sup>3</sup> <https://www.gov.uk/government/speeches/fixing-the-foundations-boosting-britains-productivity>

Framework it is helpful in providing clarity on some issues. One of these is in relation to requiring energy efficiency standard higher than those set out in building regulations. Paragraph 150 (b) of the revised NPPF states that:

*“Any local requirements for sustainable buildings should reflect the Government’s policy for national technical standards.”*

The Government have provided guidance on the optional technical standards which do not include requirements for lower emissions rates and as such this policy will be out of date when the local plan is adopted.

**Q8.23 Is Policy CC1 (Percent for Art), justified and effective? Has it been considered as part of the plan-wide viability assessment? How will the requirement be lawfully implemented in the context of the CIL Regulations 2010 (as amended)?**

No. A core principle of planning obligations are that they mitigate the impact of unacceptable development in order to make it acceptable. The provision of art within a development or as part of wider civic improvements is a laudable aim of the Council but it is wholly inappropriate to expect the development industry to pay for such improvements which are in no way required to make developments acceptable in planning terms. On this basis policy CC1 should be deleted.

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