



MILTON KEYNES COUNCIL RESPONSE TO INSPECTOR'S QUESTIONS FOR EXAMINATION HEARINGS – STAGE TWO

MATTER EIGHT: POLICIES FOR MANAGING DEVELOPMENT

QUESTIONS: Q8.1 – Q8.24

Issue 1 – Homes and Neighbourhoods

Q8.1 Does the Plan adequately address the needs for all types of housing and the needs of different groups in the community as required by paragraph 50 of the NPPF? Do Policies HN1 (Housing Mix and Density), HN3 (Supported and Specialist Housing) and HN4 (Adaptability of Homes) give clear and sufficient guidance about the basis on which planning applications will be determined in order to meet the Plan's expectations in this regard?

8.1.1. As noted in the Council's response to Q3.23 under Matter 3, the SHMA assesses the needs of different groups in the community as follows:

- Students: these needs were assessed as part of the overall housing need and will be met via the Plan's housing requirement and allocations.
- Services families: the number of residents employed by the Armed Services in Milton Keynes accounts for 0.1% of the population, and their needs were assessed as part of the overall housing need. These needs will be met via the Plan's housing requirement and allocations.
- People wishing to build their own homes: The Council operates a register for those seeking self-build and custom-build opportunities. As of June 2018, there were 288 unique entries on the register. How the Plan meets these needs is fully addressed in the Council's response to Q8.4, but in general they will be met by the provision of plots within the Plan's allocated sites.
- Older people: these needs were assessed using demographic projections and the Strategic Housing for Older People resource pack that uses standardised rates for estimating the demand for a range of specialist older person housing products. This identified a total need for around 3,000 supported dwellings and 1,200 Class C2 bedspaces by 2031. How the Council and the Plan seeks to meet these needs has been explained in its response to Q3.23 and Q3.24 under Matter 3.
- People and households living with disabilities: the SHMA assessed information on those accessing Disabled Facilities Grants, those using a wheelchair, vulnerable households and the demographic profile of the projected population to derive the need for properties of a specific standard in terms of accessibility and to provide projections on the number of households with

supported or specific housing needs over the plan period. The Plan seeks to meet these needs via Policy HN4 which is explained in further detail below.

- Families with children: the SHMA identified their needs via an analysis of demographic trends and projected household profiles over the plan period. This results in a recommended housing mix (type and size) for both market and affordable dwellings which is set out in Figure 63 of the SHMA (MK/HOU/005). As noted, at paragraphs 7.5 – 7.8 of the Proposed Submission Plan:MK, the recommended housing mix for market dwellings will need to be considered alongside site-specific factors, the wider or changing demographic trends outlined in the Plan, information on households with specific needs at that time, and the strategic objectives of the Plan. This is reflected in Policy HN1 which is explained further below.

HN1

- 8.1.2. Policy HN1 sets out a flexible approach to housing mix consistent with Paragraph 50 of the NPPF, with the recommended mix provided by the SHMA (and any successor documents) being the starting point for those considerations. Whilst this does not provide a fixed mix to apply to all applications which would give a very clear indication to applicants and decision-takers (which would be inconsistent with paragraph 50 of the NPPF), the Policy gives clear guidance on the matters to be considered (A1-A4 of Policy HN1 alongside paragraphs 7.6-7.8) when determining what is an appropriate dwelling mix for a given proposal.
- 8.1.3. With regards to density, the policy adopts a similarly flexible approach in line with paragraphs 47 and 59 of the NPPF, albeit indicating where higher densities would be acceptable, and providing criteria governing where departure from other policies and standards (namely open space and parking standards) to achieve higher densities in line with the Plan as a whole would be acceptable.

HN3

- 8.1.4. As noted in the Council's response (INS1a) to your preliminary letter, the Plan does not set a site size threshold for seeking on-site provision of Class C2 residential development or the level of on-site provision that would typically be sought. This approach has been informed both by responses at Regulation 18 and Regulation 19 consultation stages, but also through dialogue with Housing, Adult and Children's services within Milton Keynes Council.

- 8.1.5. Nonetheless, Policy HN3 sets a clear intent that the Council will seek provision from development proposals. Paragraphs 7.31-7of the Plan set out how applicants and decision-takers should seek to comply with the approach set out within Policy HN3.
- 8.1.6. It is likely to be appropriate, feasible and viable to secure on-site provision across a range of development sizes, given the fact that C2 provision can take various forms some of which may be as small as 2-3 units in size to meet very specific needs in the community. This is why Policy HN3 as currently drafted does not set a threshold. A flexible policy approach to grappling with the complexities of how such specialist needs are identified and the ways in which residential care are provided for, in terms of the built form as well as the operational and revenue funding context, is the Council's preferred approach. Whilst setting a threshold and target for on-site provision would provide greater certainty to applicants and decision-takers, the Council considers this approach within policy to be too rigid for grappling with such a complex form of housing need and provision. It is noted that neighbouring authorities who are at a similar stage in their Local Plan preparation have set thresholds (200 dwellings within Central Bedfordshire, 100 or 300 dwellings within -Aylesbury Vale) however these appear to be arbitrary thresholds with no clear evidence to justify them.
- 8.1.7. Policy HN3 has similarly and deliberately avoided setting a target or indicator for the level of on-site provision that will be sought. This is similarly due to the complexity in determining what appropriate provision should be and the factors informing these judgements as reflecting in Policy HN3, including current and projected needs at the time, what type of accommodation would best meet them (including receiving care within the home), locational factors (such as existing provision within the area, proximity to public transport, and condition of primary and secondary health care in the immediate area).
- 8.1.8. The conclusions of the Council's Whole Plan Viability Study indicate that, as part of the overall mix of housing to come forward under the Plan, an element of sheltered housing can be delivered (including affordable tenures) viably. Similarly, an element of Extra Care housing could also be delivered as part of residential development proposals, however it would be difficult to secure any of this as affordable units due to it being unviable.

HN4

- 8.1.9. The targets set out in Policy HN4 are clear in terms of what development proposals will be required to provide which flows from the analysis of need set out within the Council's SHMA (MK/HOU/005) and NDSS Study (MK/HOU/002). Demonstrating

compliance with them will be done via planning application and building regulation approval processes.

Q8.2 Is the Borough wide target for affordable housing in 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 is it consistent with national policy? Should the Policy allow for off-site contributions where this would aid viability under Part B of the policy?

8.2.1. The target of at least 31% and tenure mix sets a clear expectation for what development proposals will be required to deliver consistent with paragraphs 50 and 159 and Annex 2 of the NPPF. The expectation that there would generally be no more than 50% provided as affordable homes relates to Council's aim of maintaining mixed and sustainable communities across existing neighbourhoods, rather than indicating that schemes consisting of more than 50% affordable homes would not be acceptable in principle. The Council's accepts that as currently worded the Policy does not convey this intent properly and is therefore suggesting a modification to provide clarity AH target, as below:

"A. Development proposals for 11 or more homes should provide at least 31% ~~and generally no more than 50% of those homes~~ as affordable housing. **Proposals consisting of 50% or more affordable homes will only be supported provided they would maintain (or help create) a mix of housing tenures and therefore a mixed and sustainable community within the wider neighbourhood the proposal is situated in.**"

8.2.2. The Council's Whole Plan Viability Study has assessed different levels of affordable housing requirement alongside other policy requirements within the Plan in line with paragraphs 173, 174 and 177 of the NPPF. The results of the study conclude that the Plan overall would not put residential development at serious risk which could bear reasonable developer contributions, including 31% affordable housing, without threatening development in Rural / High-Value / Flanks and Central Milton Keynes. The results did indicate that full policy compliance, and in particular meeting the 31% affordable housing target, would make the viability of development within the 'City Core / Older Centres & City Estates' character area challenging due to the existing low market residential values in these areas. The 'City Core/Older Centres & City Estates' comprise of the original estates many of which are earmarked for the regeneration programme, Bletchley (which is also subject to regeneration efforts) and Wolverton. However, this does not represent a risk to the delivery of the Plan and its Strategy as

the vast majority of housing allocations fall with the Rural, High Value, Flanks and Central Milton Keynes character areas.

- 8.2.3. There are 38 Registered Providers operating within Milton Keynes as well as Milton Keynes Council itself owning and maintaining affordable housing within the borough. The five largest RPs control around 67% of the affordable housing stock in the Borough. Given the number of operators in Milton Keynes and the evidence of need for affordable housing, the Council considers that there are no risks to the delivery and take up of affordable housing coming forward through new development proposals over the plan period.
- 8.2.4. The tenures referred to mirror those within Annex 2 of the NPPF. The tenure splits within Policy HN2 reflect a holistic reading of the evidence supporting the Plan, in particular the Council's SHMA and its Whole Plan Viability Study. Whilst the SHMA indicates that there is a much greater need for social rented housing than the mix presented in Policy HN2, the Whole Plan Viability Study indicates that achieving this recommended mix would put at risk the viability and deliverability of development and therefore the Plan as a whole.
- 8.2.5. Flexibility to allow to for financial contributions in lieu of on-site provision is consistent with paragraph 50 of the NPPF. However, this practice has seen limited use within Milton Keynes with the vast majority of schemes since 2013 making on-site provision. Guidance on how financial contributions should be considered by applicants and decision-takers will be set out in an updated Affordable Housing SPD that is consistent with Plan:MK, consultation upon which took place in early 2018.

Q8.3 Is Policy HN4 consistent with the Written Ministerial 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? (paras 56-002-20160519) 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 (PPG paras 56-005 to 007-20150327)? Having regard to PPG para 56-009-20150327 should M4(3) housing only be applied to affordable provision?

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?

- 8.3.1. Policy HN4: Amenity, Accessibility and Adaptability of Homes requires all proposals for Class C3 dwellings to meet the nationally Described Space Standards (NDSS), unless it can be robustly demonstrated this would not be feasible or viable.

- 8.3.2. Consistent with advice in PPG, in order to use the NDSS at the local level, an LPA must demonstrate there is a clear-evidenced need for the NDSS to be applied locally and consider the impact upon viability within a Local Plan viability assessment.
- 8.3.3. Analysis undertaken by the Council in its Nationally Described Space Standards Study (MK/HOU/002) indicates that recent residential completions in the borough granted permission under the current Local Plan were generally deficient, when compared to the NDSS.
- 8.3.4. The NPPF says that LPAs should identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand. The Milton Keynes Strategic Housing Market Assessment, February 2017 identifies that the overall housing need is dominated by 2 and 3-bedroom houses – around 69% of total market need and 71% of the overall affordable housing need. However, evidence obtained from the NDSS Study confirms that these size homes are the worst performing in terms of meeting the standards. Of the recently consented dwellings measured, 81% of 2 bedroomed houses did not meet the standard in terms of gross internal area and 52% were below target for bedroom floorspace. Likewise, 64% of 3 bedroomed houses surveyed did not achieve the standard for GIA and 67% did not achieve the target for bedroom floorspace.
- 8.3.5. These past deficiencies and the clear national policy objective to improve internal space in homes demonstrate a need for the introduction of standards in Milton Keynes to ensure future developments are appropriately designed. The approach proposed in Policy HN4 which seeks to promote high quality design and a good standard of amenity for all occupants of land and buildings is further supported by the NPPF which states at paragraph 57 “It is important to plan positively for the achievement of high quality design for all new development”.
- 8.3.6. In line with national guidance, the viability of this approach has been assessed in the Whole Plan Viability Study 2017 (MK/INF/006) and is considered viable in Milton Keynes. To provide flexibility, policy HN4 allows for non-compliance with NDSS if there are robust feasibility and viability issues.
- 8.3.7. The Council's Strategic Housing Market Assessment indicates an overall need for 60% of the Objectively Assessed Housing Need to meet Building Regulations Part M4(2). This takes into account the projected increase in households likely to be needed for wheelchair accessibility and affordable tenures, which is 5% and 10% of the overall housing requirement respectively. The cost of meeting these requirements has been tested in the Whole Plan Viability Study. It indicates that this policy alongside other

policy requirements would not put at risk the deliverability of development or the Plan as a whole. Whilst the impact on density has not been specifically assessed by the Council, the additional floor space and plot size required to meet accessibility standards and the NDSS are, in isolation, not considered to materially affect the density assumptions made in the Council’s SHLAA (MK/HOU/004) methodology. The Council considers this would undermine its conclusions on development capacity of the sites allocated in Plan:MK.

Q8.4 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)?

8.4.1. Policy HN5 is clear that self and custom build housing can make a contribution to meeting local housing need, including the provision of affordable housing. It is one mechanism implemented by the Council in line with the PPG to support self-build and custom housebuilding. The Council has also engaged with the Council’s development partner, Milton Keynes Development Partnership (MKDP) in terms of potential release of land assets for self-build opportunities. It is the Council’s intention to publish, in its Authority Monitoring Report, headline data on the demand for serviced plots revealed by the register and other sources. This can support development opportunities for self-build and custom housebuilding by increasing awareness among landowners, builders and developers of the level and nature and demand for self-build and custom housing.

8.4.2. The table below details the number of entries in the Council’s Self-Build Register during each base period in addition to the number of Self-Build and Custom Build permissions granted, taken from the Council’s monitoring database.

Base Period	01/04/2016 – 30/10/2016	31/10/2016 – 30/10/2017	31/10/2017 – present date
Number of Entries	43	155	92
Number of Self-Build and Custom Build Permissions Granted	15	43	22

Number of entries on Milton Keynes Self-Build Register and number of self-build and custom build permissions granted during each base period

8.4.3. It is considered that the most appropriate way of meeting the evidenced demand for self-build and custom housebuilding is by the provision of plots within the Plan's allocated sites. The demand for serviced plots will be monitored to inform the implementation of Policy HN5 on allocated or windfall sites. The Council strongly supports the aspirations of self-build and custom built homes.

Q8.5 Having regard to the robustness of the evidence, does Plan:MK make adequate provision for the housing needs of the Gypsy and Traveller and Travelling Showpeople communities? Is the assessment of capacity on committed sites robust? Are previously allocated sites clearly identified as 'allocations' for Plan:MK? Provision at SEMK will be considered under Matter 5 but in general terms, is the approach to the allocation of Gypsy and Traveller provision based on a clear, robust process of site assessment and informed by sustainability appraisal?

8.5.1. The SHMA (2017) and associated Gypsy and Traveller Accommodation Assessment (GTAA) identifies a need for a total of 19 Gypsy and Traveller pitches to be provided across the plan period. This includes the requirements of those considered 'travelling households', 'non-travelling households' and 'unknown households. Plan:MK seeks to provide for all identified need, this is therefore considered to be adequate.

8.5.2. The GTAA however identifies no need for the provision of specific accommodation for Travelling Showpeople. Despite there being no identified need, the Council recognises the need for flexibility and to be able to meet potential need which may arrive over the course of the plan period. Policy HN12 (Travelling Showpeople) therefore provides the criteria to assess any proposal for Travelling Showpeople accommodation which may come forward within the plan period.

8.5.3. With regard to committed or previously allocated sites, Calverton Lane (extension of existing site by 4 pitches) and Newton Leys (new site for 8 pitches) have been highlighted in Plan:MK policies map and identified as allocations in Policy HN11, which states:

"Pitches at the following previously allocated sites will be carried forward as allocations and safeguarded in Plan:MK:

- *Calverton Lane (4 allocated pitches)*
- *Newton Leys (8 allocated pitches)".*

8.5.4. In terms of the capacity of committed sites, both sites have been carried forward into Plan:MK and are identical in terms of site size and capacity to their allocations within the extant Local Plan (adopted in 2005), and therefore felt to be based on a robust assessment of the potential capacity.

- 8.5.5. With regards to the approach of allocating new sites, the Council made every attempt to explore alternative traveller site provision within the Borough through each consultation period. However, as outlined in our Matter 5 statement (Q2.27), no suitable alternative options within the Borough were presented.
- 8.5.6. Given the approach to allocating and delivering Gypsy and Traveller pitches within strategic growth areas has been used successfully before by the Council (e.g. Newton Leys and Calverton Lane). We therefore felt this to be logical approach to allocate new pitches within the designated strategic growth area identified in Plan:MK, and this would allow for the provision of the required need to be delivered in a sustainable and viable manner, as part of a wider master plan for the site.
- 8.5.7. As there were a limited number of potential identified sites, the Sustainability Appraisal did not explore the merits of other sites, for the reasons outlined above. However, Section 10 of the SA addresses the requirement for the provision for the accommodation of Gypsy and Traveller communities and provides recommendations in relation to the delivery of the chosen allocation.
- 8.5.8. It is therefore the position of the Council that Gypsy and Traveller, and Travelling Showpeople needs have been robustly reviewed and adequate provision has been made by Plan:MK to meet their needs.

Q8.6 Is there any risk that site conditions and constraints might prevent development of the allocations in Policy HN11 or adversely affect their viability and delivery?

- 8.6.1. The Council considers there to be minimal risk in terms of the proposed sites to be delivered at both Calverton Lane and Newton Leys. Both sites will be delivered and owned by the Council, with the Calverton Lane site already accessible and ready for development when the need arises Whilst the Newton Leys site is not quite as far advanced due to the ongoing development of the rest of Newton Leys, the site location is confirmed and access will be provided, again ensuring the Council can deliver the site once land is transferred and the need arises.
- 8.6.2. The South East Milton Keynes (SUE) proposed allocation (a total of 7 pitches) presents the Council the greatest level of risk and degree of uncertainty due to the potential uncertainties over delivery timing of this allocation, as discussed elsewhere. However, the sites at Calverton Lane and Newton Leys are of sufficient capacity to account for the large majority of need required within the first 10 years of the plan, as identified in the GTAA. Therefore if the SUE is delayed in terms of delivery, this should not adversely impact on the provision of the required Gypsy and Traveller pitches across the Borough during the plan period. Furthermore, given the specific location of the site

within the SUE is not yet agreed, through the preparation of the development framework and master planning of the SUE, the Gypsy and Traveller pitches could be located so as to ensure site conditions and constraints do not pose a risk to delivery at the appropriate time to meet required needs.

- 8.6.3. Furthermore, given the location of all three allocated sites for Gypsy and Travellers pitches within large strategic growth areas, there should be no viability issue in providing the land.
- 8.6.4. Overall, the Council considers there to be minimal risk to the delivery of each identified Gypsy and Traveller site within the Borough and is willing to deliver, manage and maintain each site.

Q8.7 Are the criteria in Policies HN11 and HN12 justified and consistent with national planning policy?

- 8.7.1. The identified sites are all deliverable and will be able to achieve Milton Keynes Council's need, which has been identified by up to date evidence, as detailed above. In terms of reasonable alternatives, as referred to in the Council's Matter 5 statement, through the Council's call for sites process there was a lack of alternatives.
- 8.7.2. Gypsy and Traveller sites have typically been located within proposed strategic site allocations and this is reflected in the extant Local Plan (adopted in 2005), the Core Strategy (adopted in 2013) and Draft Plan:MK (Regulation 18).
- 8.7.3. The Council considers that, due to the scale of land allocation at the strategic allocations, it is proportionate to allocate Gypsy and Traveller sites in a way that is consistent with the Traveller communities' common preference to reside separately from the settled community.

National policy

- 8.7.4. The Council considers that both policies accord well with the Government's *planning policy for traveller sites* (PPTS). Paragraph 7(c) of this emphasises the importance of using a robust evidence base in order to inform the preparation of a local plan, and paragraphs 9 & 10 require local authorities to identify sites and set pitch targets for the plan period.
- 8.7.5. Furthermore, paragraph 25 of the PPTS advises LPAs to very strictly limit new sites in the open countryside or outside areas allocated in the development plan. We

therefore consider the approach taken in Plan:MK to allocate Gypsy and Traveller sites within strategic allocations accords well with national policy.

- 8.7.6. Based on the justification outlined above, the Council concludes Policy HN11 (Gypsies and Travellers) and HN12 (Travelling Showpeople) are justified and consistent with national planning policy for the travelling community.

Q8.8 In all other respects, are the Plan's policies for homes and neighbourhoods soundly based?

- 8.8.1. Yes, the Council considers that the homes and neighbourhoods policies are soundly based as outlined above. The Council considers that the policies will enable it to meet its identified needs over the plan period and have been based on the most appropriate strategy informed by a robust evidence base and effective stakeholder engagement.

Issue 2 - Design & Sustainable Construction

Q8.9 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?

- 8.9.1. The inclusion of design policies to guide development so that it provides high quality places is justified by the NPPF itself which states that the good design is indivisible from good planning.
- 8.9.2. Policies D1-D4 are the principal design policies within the Plan, relating to wider site layout, landscaping, movement and character (D1 and D2), the design of buildings in terms of architectural quality, character, scale, massing and materials (D3), and amenity of buildings and public spaces (D4). The scope of the policies is consistent with paragraphs 56-59 of the NPPF. The policies are not prescriptive and instead set out key principles of good design and architecture that should be followed, consistent with approach required by paragraphs 59 and 60 of the NPPF.
- 8.9.3. The criteria within the policies are clear in their focus and intent in terms of what development needs to achieve. Assessing the design quality of schemes requires a judgement on behalf of applicants and decision-takers, and policies D1-D4 provide a comprehensive and robust set of criteria to aid these considerations, in line with paragraph 58 of the NPPF.
- 8.9.4. Policies D1-3 (and indeed Policy SD1) encourages innovation and to avoid the creation of 'anywhere' development. Via its recent work on the Strategy for 2050, the Council wishes to further encourage and support innovation in the design and construction of

buildings, and in particular new homes. With this in mind, it is suggesting an additional design policy to promote and secure innovative design. The policy and its reasoned justification is set out below, and will be included in the Schedule of Main Modifications:

“Milton Keynes has a rich history of being at the forefront of testing new approaches to housing design and delivering innovative housing within the context of a holistically designed city. This is also reflected in the policy approach within Plan:MK. The recently adopted Milton Keynes Creative and Cultural Strategy includes in its Delivery Framework a strand “Different by Design: a defined USP for Milton Keynes celebrating and building on our urban and green heritage attributes as an “international designed city”. The NPPF further reinforces the importance that should be attached to innovative design and Planning Practice Guidance states that local planning authorities should give great weight to outstanding or innovative designs which help to raise the standard of design more generally in the area, including the use of innovative construction materials and techniques.

Off site and modular construction as examples of innovative construction techniques can also help speed up housing delivery through a quicker build programme as well as provide an additional outlet or means of supply of new housing while raising the profile/reputation of Milton Keynes as a “city of design”.

In order to exploit and reinforce this USP of Milton Keynes, outstanding or innovative designs, which help to raise the standard of housing quality across Milton Keynes, will be expected via Policy DX. The MK2050 Growth Strategy will also include a commitment to innovation and testing new approaches to design.

“Policy DX

Proposals for 11 or more dwellings will be required to provide 10% of new dwellings that adopt innovative design features and modern methods of construction, such as modular / off site construction techniques.”

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 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?

8.10.1. The setting of energy efficiency targets above Building Regulations Part L and seeking delivery of renewable and low carbon energy is justified by national policy and legislation. The NPPF states that planning and development must be responsive and resilient to environmental risks and climate change, and seek to protect and enhance other aspects of the natural environment, objectives which are central to sustainable development. It also states that the planning system can help achieve radical reductions in greenhouse gas emissions and increase the delivery of renewable and low carbon energy.

8.10.2. The UK Climate Change Act 2008 aims to reduce CO₂ emissions by at least 80% below 1990 levels by 2050, and 50% by 2025. Analysis by the Committee on Climate Change, who recommend carbon reduction targets to the UK Government, indicate that the UK is not on track to achieve a 50% reduction by 2025. The UK's fifth carbon budget now sets a target of a 57% reduction on 1990 levels by 2030. To achieve these objectives, the National Planning Policy Framework requires Local Plans to adopt proactive strategies to mitigate and adapt to climate, with carbon emissions from buildings being a key component of the UK's overall carbon emissions. Given the scale of new residential development that will come forward in the Borough over the plan period, it is vitally important that new dwellings maximise opportunities to avoid carbon emissions to help achieve the targets enshrined in law by the Climate Change Act 2008 and for local communities to be sustainable over the longer term. The UK Government recently confirmed when publishing the revised National Planning Policy Framework¹ that local planning authorities are able through national policy and legislation to set energy efficiency standards beyond Building Regulations Part L and seek the delivery of renewable and low carbon energy.

8.10.3. The approach within Policy SC1 with regards to both energy efficiency and renewable/low carbon energy is consistent with this. Milton Keynes Council has a successful track record in applying Policy D4 of the current Development Plan which seeks the same increase in energy efficiency. Compliance is typically demonstrated via an Energy Statement or Sustainability Statement submitted by applicants with advice from the Council. Going forward, the Council is seeking to explore partnerships with

¹ See Question 33 of the 'Government response to the draft revised National Planning Policy Framework consultation, July 2018' available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/728498/180724_NPPF_Gov_response.pdf

organisations specialised in advising on and appraising energy efficiency measures and performance within buildings to further streamline the planning application process and guarantee consistency of interpretation and application of the standards.

8.10.4. The Council's Whole Plan Viability Study has incorporated costs associated with complying with the energy standards of Policy SC1 at £500 per dwelling which is based on the average 'offset payment' per dwelling the Council has received in recent years to demonstrate compliance with Policy D4 of the current Development Plan. The study concludes that this policy and the Plan overall would not put residential development at serious risk in terms of viability.

Q8.11 The PPG states that all new homes already have to meet the mandatory national standard in the Building Regulations of 125 litres/person/day. Where there is a clear local need, local planning authorities can set out Local Plan policies requiring new dwellings to meet the tighter Building Regulations requirement of 110 litres/person/day (PPG para 56-014- 20150327). Is the standard of 110 litres/person/day in Policy SC1 justified on available, up-to-date evidence?

8.11.1. Milton Keynes is located in an area of serious water stress as defined by the Environment Agency. Anglian Water's Water Resource Management Plan which covers Milton Keynes has water efficiency within development as a central strand of its strategy in order to achieve its wider objective to sustainably managing water resources in the sub-region. This provides clear justification of need for adopting the optional higher standard.

Q8.12 The PPG also states that it will be for a local planning authority to establish a clear need based on, amongst other things, a consideration of the impact on viability and housing supply of such a requirement. Has this been done? Will the standard of 110 litres/person/day be viable?

8.12.1. The cost of achieving the standard is calculated by MHCLG to be between £6-9 per dwellings which is an insignificant additional cost on development, but nonetheless has been factored into the Council's Whole Plan Viability Study which demonstrates it does not put the delivery of development or the Plan as a whole at risk.

Issue 3 – Education, Health and Leisure

Q8.13 Is the requirement in Policy EH6 for a Health Impact Assessment for all residential schemes over 50 units soundly based?

- 8.13.1. A health impact assessment (HIA) helps ensure that health and wellbeing are being properly considered in planning policies and proposals. HIAs can be done at any stage in the development process, but it is broadly accepted they are undertaken at the earliest stages of a development.
- 8.13.2. The Health and Social Care Act 2012 gives local authorities an enhanced role in improving public health in their area through 'Health and Wellbeing Boards', the Joint Strategic Needs Assessment (JSNA) process and the development and implementation of Joint Health and Wellbeing Strategies (JHWSs). The purpose of JSNAs and JHWSs is to improve the health and wellbeing of the local community and reduce inequalities for all ages.
- 8.13.3. The [MK Joint Health and Wellbeing strategy 2015-2018](#) (MK/COM/007) identifies that the level of health in Milton Keynes is poorer when compared to the national average based on places with similar levels of deprivation.
- 8.13.4. In spring 2017, as part of the Regulation 18 (Preferred Options version of Plan:MK), the Council consulted on a statement (CC3) which proposed the inclusion of a HIA policy for 50 dwellings or more. The general thrust of responses received was supportive, and the Council therefore decided to formalise this into a policy and consult further under Regulation 19 (proposed submission version of Plan:MK).
- 8.13.5. The Council has a statutory responsibility under the Health and Social Care Act (2012) to improve the health and wellbeing for all its residents. The Council recognises that planning can play a crucial role in developing healthier communities to improve lifestyle choices.
- 8.13.6. This accords with paragraph 69 of the NPPF, which states:

"The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local planning authorities should create a shared vision with communities of the residential environment and facilities they wish to see."

- 8.13.7. Furthermore, the NPPF identifies 12 core planning principles. The final bullet-point sets out that the planning system should '*take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs*'. Paragraph 73 is pertinent in that it recognises how access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of local communities. There is no single view at present how

best to demonstrate health impacts. Health impact assessment is undertaken within the NHS in relation to the formulation of its own policies, and to some extent by the commercial sector for environmental developments: both fields use community consultation as well as scientific evidence.

8.13.8. The PPG (paragraph 53-004-20140306) refers to HIAs as useful tools to assess and address the impacts of development proposals, and emphasises the importance of collaboration with the local Clinical Commissioning Group and NHS England regarding the impact of new development which would have a significant or cumulatively significant effect on health infrastructure and/or the demand for healthcare services. Both stakeholders have contributed towards the preparation of Plan:MK.

8.13.9. In the light of the above, the Council concludes this policy is soundly based in accordance with NPPF (2012), paragraph 182.

Q8.14 Is the approach to hot food takeaways in Policy EH8 justified and consistent with national policy and in particular PPG para 53-006-20170728? Does the submitted evidence base comply with PPG Section 53 on 'Health and Wellbeing'?

8.14.1. The Council is committed to promoting healthier communities. It is broadly accepted that there are high levels of obesity at both local and national levels in the UK. The Government's guidance *Child Obesity: a Plan for Action* (January 2017)² states that about a third of children aged two to 15 are overweight or obese, and this proportion continues to rise. Public Health England's *Health matters: Obesity and the food environment* (March 2017)³ recommends a solution to tackle this problem by restricting hot food takeaways within walking distance of schools. This is echoed by Patterson et al. (2012)⁴ who wrote in the BMJ journal there is a strong correlation between obesity and the distance takeaways are located from schools.

Local Narrative

8.14.2. Health Inequalities in Milton Keynes 2015 (MK/COM/008) notes the top three 'big killers' in Milton Keynes are: circulatory diseases, cancers and respiratory diseases and a key action is to reduce levels of childhood obesity - reemphasising the importance to focus on reducing child obesity. Currently, almost a third of Year 6 pupils are overweight or obese in MK, and levels are yet to peak.

² <https://www.gov.uk/government/publications/childhood-obesity-a-plan-for-action/childhood-obesity-a-plan-for-action>

³ <https://www.gov.uk/government/publications/health-matters-obesity-and-the-food-environment/health-matters-obesity-and-the-food-environment--2>

⁴ <https://bmjopen.bmj.com/content/2/3/e000402>

8.14.3. The intention of this policy is to improve the health of school children and reduce the opportunities to access unhealthy food options at lunchtimes and after school. The Health Inequalities in Milton Keynes 2015 report (MK/COM/008) recognises a key action in reducing childhood obesity is *“through the planning application processes to restrict the numbers of fast food restaurants near schools and Children’s Centres”*.

8.14.4. A strategic approach to ensuring that Milton Keynes’ environment contributes to more healthy living forms part of the Council’s priorities, for example, MK Joint Health and Wellbeing strategy 2015-2018 (MK/COM/007). The Healthy Weight Strategy 2014-19 (MK/COM/004) highlights that the Milton Keynes Health and Wellbeing board highlights obesity to be one of their principal priority areas for concern.

National Planning Policy - NPPF

8.14.5. Paragraph 17 (bullet 12) states that local planning authorities have a responsibility to promote healthy communities:

“take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs”.

8.14.6. Paragraph 171 outlines the importance for local planning authorities to collaborate with public health leaders and organisations and that they should take account of local health needs, which the Council sought to achieve through the conception of this policy.

8.14.7. The revised NPPF (June 2018), paragraph 91(c) encourages local authorities to enable and support healthier lifestyles and access to healthier foods in turn, to achieve the objectives of sustainable development, in particular, the social objective noted at paragraph 8(b).

Planning Policy Guidance (PPG)

8.14.8. In specific reference to Section 53 (Health and Wellbeing) of the PPG and in particular paragraph 53-006-20170728, it is the Council’s view that Policy EH8 (Hot Food Takeaways) accords well with the guidance as this provides evidence of an authority attempting to enable a healthier environment which has been supported by a robust evidence base.

Proposed Exclusion Zone

8.14.9. A major concern is the ubiquitous presence of fast food takeaway restaurants located within easy walking distance of schools, combined with increasing childhood obesity. Plan:MK proposes a 400-metre exclusion zone of hot food takeaways from schools to be measured based on the most logical walking distance from the main school entrance opposed to as the crow flies (see AddM84).

8.14.10. The proposed exclusion zone in Plan:MK is the equivalent of a five or ten-minute walk. Research by the London Metropolitan University found this distance acts as a major deterrent to school children being able to access hot food takeaways⁵. In addition, a 400-metre buffer is considered to strike a reasonable balance between control, impact, and economic development considerations.

8.14.11. This approach has also been taken up by many local authorities in their adopted local plans. This includes: Waltham Forest (2009), Barking and Dagenham (2010), St Helen's (2011), Gateshead (2015), Wolverhampton (2017) and the proposed submission version of the London Plan.

Conclusion

8.14.12. Through each consultation stage (e.g. Regulation 18 and 19) this policy has been broadly supported, and its contribution towards promoting healthier environments and improving wellbeing in Milton Keynes has been recognised in *The Planner* (June 2018)⁶.

8.14.13. The Council therefore concludes that the policy is justified and consistent with national policy in the NPPF and PPG.

Q8.15 In all other respects, are the Plan's policies for education and health soundly based?

8.15.1. Chapter 9 of the Plan has been prepared in collaboration with the Council's health and education colleagues to ensure that the health and educational facilities needed in the borough are provided.

8.15.2. As noted above, the Council has also collaborated with external colleagues (e.g. NHS Area Team and MK Clinical Commissioning Group (CCG)) to ensure that the most appropriate strategies for safeguarding educational and health needs are delivered.

⁵ Sinclair S and Winkler J (2008) *The School Fringe: What pupils buy and eat from shops surrounding secondary schools*. Nutrition Policy Unit. London Metropolitan University

⁶ <https://www.theplanner.co.uk/opinion/how-planning-can-slow-the-growth-of-fast-food-near-schools>

8.15.3. A robust evidence base has supported the evolution of this chapter, and also provides the key ambitions and objectives for Milton Keynes. Key evidence includes:

- Joint Strategic Needs Assessment (MK/COM/009);
- Health Inequalities in Milton Keynes (MK/COM/008);
- MK Joint Health and Wellbeing Strategy (MK/COM/007);
- School Place Planning: Forward View 2017-2018 (MK/COM/006).

8.15.4. Paragraphs 69 and 72 of the NPPF reinforce the importance to take a collaborative approach towards providing for education and health provision to support the appropriate infrastructure. According well with the PPG paragraph 53-001-20140306 which states: *‘Public health organisations, health service organisations, commissioners and providers, and local communities should use this guidance to help them work effectively with local planning authorities in order to promote healthy communities’.*

8.15.5. When considering paragraph 182 of the NPPF the Council concludes, the educational policies in Plan:MK to be soundly based.

Q8.16 Are the submitted open space standards in Appendix C soundly based?

8.16.1. In order to determine the Open Space standards outlined in Appendix C, the Council conducted an Open Space Assessment (OSA) to determine the quality, quantity and accessibility of open space within Milton Keynes. The intention was to ensure that the new standards were up-to-date and maps the current proportion of open space in the borough. This approach concurs well with paragraph 73 of the NPPF which states:

“planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision”.

8.16.2. The Open Space Standards presented in Appendix C have broadly been carried forward from the extant local plan (adopted in 2005). The Council considered this to be logical approach in order to reflect local distinctiveness of Milton Keynes, in conformity with paragraphs 58 (bullet four) and 144 of the NPPF.

8.16.3. A brief overview of the engagement methods for the OSA are presented in the table below:

Engagement Approach	Overview
Consultation October 2016 – proposed areas of assessment	A consultation survey questionnaire was used to help us gather more information

	about open space in the Borough and capture views of the local communities on the quality, accessibility and value of the open space.
Feb / March 2017 – Plan:MK Open Space Assessment: Evidence Base towards Draft Qualitative Criteria	This was prepared as part of the evidence base for Plan:MK and was part of the consultation stage in spring 2017 (regulation 18).
November 2017 – Categories	Following the initial consultation, the Council produced a revised list of open space categories. We then asked stakeholders to provide feedback to ascertain if the categories and parish maps were logical and accurate.
March 2018 – reviewing the accuracy of the maps	In order to ensure the proposed Open Space maps were an accurate reflection of Open Space for the Borough, we asked stakeholders to review the maps once more and to provide feedback if applicable. All responses were reviewed and the maps were revised accordingly.
April to May 2018 – drop-in sessions	Drop in-sessions were held between April and May to allow stakeholders to further scrutinise the maps.

8.16.4. Based on the above, it is the Council’s position that the Open Space standards for Plan:MK meet the tests of soundness set out in paragraph 182 of the NPPF.

Issue 4 - Environment & Heritage

Natural Environment

Q8.17 Do Policies NE1-6 (with reference to the proposed modifications in the Statements of Common Ground appended to the Duty to Cooperate Statement and presented in the schedule of proposed modifications) provide clear, justified and effective guidance for the protection and enhancement of the Borough’s landscape, biodiversity and geodiversity? What is the evidence, or what are the measures, that will enable assessment against impacts on ‘tranquillity’ in Policy NE5?

Justification

8.17.1. Yes, the Council considers that NE1-6 will be effective in protecting and enhancing of the Borough’s landscape, biodiversity and geodiversity in accordance to the NPPF, and thus provides clear and a justified approach for developers.

8.17.2. The policies build upon national policy and legislation in order to protect designated sites in accordance with their significance as well as priority habitats and species. For example:

- Natural Environment and Rural Communities Act (2016);
- Conservation and Habitats and Species (2010);
- Environment Act (1995);
- European Protected Species;
- Institute of Air Quality Management.

8.17.3. For the preparation of the policies, the Council has engaged with a number of stakeholders to address the cross broader environmental priorities, for example, by collaborating with Buckinghamshire & Milton Keynes Natural Environment Partnership (NEP). Furthermore, the policies have been informed by local assessments such as; the Milton Keynes Local Character Assessment 2016 (MK/ENV/002) and Air Quality Annual Status Report (MK/ENV/015), which provides further guidance for developers.

Effectiveness

8.17.4. A Biodiversity Impact Assessment Metric, based on the Defra metric or other recognised and locally-approved mechanism, will be used to measure biodiversity losses or gains due to a proposed development. It will be informed on national guidance (e.g. Biodiversity Impact Assessment Metric based on the Defra Metric guidance, RAMSAR sites, SACs and SPAs). This will ensure any future development proposals will be required to maintain and protect biodiversity and geological resources, and, wherever possible, secure a measurable net gain in biodiversity, enhance the structure and function of ecological networks and the ecological status of water bodies in accordance with the vision and principles set out by the Buckinghamshire and Milton Keynes NEP. After adoption of the plan, the Council intends to publish a Supplementary Planning Document (SPD) which will detail how the metric should be applied, and are currently working with the NEP to inform the SPD model.

8.17.5. Milton Keynes Council's Landscape Character Assessment (2016) provides additional guidance for developers when preparing applications and for decision-takers considering applications to ensure the criteria and requirements of Policy NE5 will be met. If appropriate, the developer will be required to conduct additional assessments (e.g. landscape and visual/ Air Quality) to determine the impact a proposal might have on the landscape.

- 8.17.6. Furthermore, the Council's Monitoring Framework will be used (please refer to, Plan:MK Appendix F) to inform developers how the Council intends to monitor development within the borough and the targets developers should be aspiring to deliver.
- 8.17.7. Milton Keynes Green Infrastructure Strategy 2018 (MK/ENV/007) brings together spatial information on the network of green infrastructure across the borough and how this network links into neighbouring areas to help establish an interconnected system of strategic, landscape scale green corridors, as well as more granular opportunities to enhance green space management across the city over the plan period and beyond. A number of key stakeholders contributed to the development of this strategy by attending two workshops and through several separate meetings.
- 8.17.8. The Council recognises planning plays a critical role in creating and sustaining healthy environments. Policy NE6 states four key components (land and soil, air, noise and vibration and light pollution), which intend to mitigate against the environmental pollution that may be created by development. As noted above, the policies have been prepared in accordance with national guidance and informed by stakeholders to ensure cross-boundary strategic priorities are delivered.

Tranquillity

- 8.17.9. The NPPF paragraph 123 states the need for planning policies to identify areas of tranquillity to ensure they remain 'relatively' undisturbed from noise and continue to remain a recreational and amenity asset. Planning Practice Guidance (PPG) paragraph ID: 30-012-20140306 indicates the factors that are relevant when identifying areas of tranquillity which should be relatively undisturbed by noise from humans that would undermine the intrinsic character of the area. This could impact on the enjoyment and natural soundscape of a landscape.
- 8.17.10. The Council has designated areas of 'Open Countryside' (see Policy DS5). Whilst not all of these areas of land could be described as tranquil, significant parts of it are likely to be considered tranquil by the absence of urban influences, particularly noise and light pollution. When considering tranquillity, applicants and decision-takers will be informed by the Milton Keynes Council Landscape Character Assessment. It is based on the accepted method for the assessment of landscape character by Natural England, and outlines the Council's method for determining the impact of development on a landscape. The Landscape Character Types (LCTs) factors associated to Tranquillity are Aesthetic and Perceptual/ Experiential. The Council is proposing a further additional modification to clarify the term Tranquillity (AddM 159).

8.17.11. Additional tools and mechanisms include a landscape sensitivity studies/assessment to inform the impact a development might have on the tranquillity of a landscape. The Council will review each assessment to ensure development proposals have been robustly assessed and the conclusions are an accurate representation of potential impacts.

Conclusion

8.17.12. Policies NE1 – 6 have been informed by consultation with MKC colleagues and collaborating with stakeholders, as detailed above. This ensures NE1 – NE6 accord well with the Buckinghamshire and Milton Keynes Biodiversity Action Plan (BAP)⁷. The BAP sets out targets for priority species and priority habitats across Buckinghamshire and Milton Keynes and identifies BOAs as the most important areas for biodiversity in the area, and a means to help achieve these targets and form the basis of an ecological network, across the landscape.

Q8.18 Are Policies NE1 and NE3 consistent with paragraph 117 of the NPPF, in particular, with regard to the need to plan for biodiversity at a landscape-scale across local authority boundaries, and, identify and map components of the local ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them and areas identified by local partnerships for habitat restoration or creation?

8.18.1. The Buckinghamshire and Milton Keynes Natural Environment Partnership (NEP) have been working to identify GI visions and principles and have established a Biodiversity Action Plan (BAP) for Buckinghamshire. To supplement this work, the NEP has been working to identify GI opportunities maps and the Council was a key stakeholder. The GI opportunity zones maps have recently been published⁸. The maps intend to identify the GI opportunities extending across Buckinghamshire and Milton Keynes, based on consideration of underlying GI features as well as proposed growth, demand for GI, threats posed to it and identifying the opportunities for GI.

8.18.2. The NEP's BAP identifies local ecological networks to be mapped such as river corridors, the ancient woodlands of Greensand Ridge or special landscape interest like Whaddon Chase. This mapping exercise will inform the biodiversity off-setting to enable habitat restoration or creation as a result of future development.

⁷ <http://bucksmknep.co.uk/forward-to-2020-biodiversity-action/>

⁸ <http://bucksmknep.co.uk/gi-opportunities-mapping/>

8.18.3. In terms of local wildlife corridors and stepping stones MKC Policies Map (MK/SUB/015a,b,c,d) identifies significant elements of the local ecological network, such as Sites of Special Scientific Interest and Wildlife Corridors, which have been carried forward from the extant local plan (adopted in 2005) specifically for the borough.

8.18.4. Additionally, the Milton Keynes Green Infrastructure Strategy 2018 (MK/ENV/007) highlights strategic green infrastructure priorities and opportunities for the borough, which in turn has enabled local partnerships to identify areas for habitat restoration or creation. The preparation of this strategy was informed by collaboration with a broad range of stakeholders and this included the NEP.

8.18.5. To summarise, the Council considers that Policies NE1 and NE3 conform to the requirements, as outlined in paragraph 117 of the NPPF, which aims to minimise the impacts on biodiversity and geodiversity.

Q8.19 What is the latest position on a Green Infrastructure Strategy for MK? Is Policy NE4 soundly based in its approach to Green Infrastructure?

Overview

8.19.1. The Green Infrastructure (GI) Strategy was submitted as part of the Council's evidence for the preparation of Plan:MK, and can be viewed in the examination library (see MK/ENV/007).

8.19.2. The Council's acknowledges that the proposed submission of Plan:MK (paragraph 14.10) intimates the GI strategy to be in preparation, which has created a degree of confusion. We therefore have recommended the additional modification (AddM143), to clarify the position of the MK GI strategy.

Policy Context

8.19.3. The MK GI Strategy recognises the importance to promote and enhance GI, and builds on the Government's recently published 25 Year Environment Plan which incorporates a key principle of 'Greening our Towns and Cities'. The National Planning Policy Framework (NPPF) 2012, Paragraph 114 provides the framework for the preparation of local plans emphasising the importance to plan *"positively for the creation, protection, enhancement and management of GI networks."* Paragraph 99 recognises the importance for plans to consider the implications of climate change, flooding and coastal change by planning to avoid or prevent development risks through *"suitable adaptation measures including GI"*.

8.19.4. Planning Practice Guidance (PPG), in particular, natural environment recommends additional measures and demonstrates the significance of a GI strategy. The Government's recently revised NPPF (2018) reconfirms the importance that local plans can have towards enhancing and protecting GI networks (e.g. paragraphs 20d, 91c and 181).

Conclusions

8.19.5. MK GI strategy considers the proposed growth for the borough based on Plan:MK and lays the foundation for strategic green infrastructure for the plan period and beyond. It takes into account longer term proposed economic growth both locally and nationally (e.g. the caMKox arc, climate change and demographic influences). The GI strategy was prepared over two workshops with stakeholders and several separate meetings were held.

8.19.6. Furthermore, the strategy builds upon the Vision and Principles for GI developed by the Buckinghamshire and Milton Keynes Natural Environment Partnership's (NEP)⁹. This sets out a vision for GI by 2030 across Buckinghamshire and Milton Keynes, and a set of principles by which to achieve it. These include working across borders and looking beyond the development boundary at opportunities to improve and connect GI.

8.19.7. We therefore consider, Policy NE4 (Green Infrastructure) to be informed by an up to date assessment of GI based on the borough of Milton Keynes, as per the requirements set out in paragraph 114 and thus, achieves the tests of soundness, as stated in paragraph 182.

Flood Risk and Water Management

Q8.20 Is Plan:MK based on the most up-to-date Water Cycle Study and Strategic Flood Risk Assessment?

8.20.1. Yes, the Council specifically produced an updated Level 1 Strategic Flood Risk Assessment (2015) and updated Water Cycle Study (2018) to ensure that the preparation of Plan:MK, in relation to flood risk, water infrastructure and the water environment, was based on the most up-to-date evidence base possible.

8.20.2. Both of these documents were prepared in partnership with the relevant statutory consultees and other local partner organisations, and both the Environment Agency

⁹ <http://bucksmknep.co.uk/vision-and-principles-for-the-improvement-of-green-infrastructure/>

and Anglian Water concluded that they provide a robust assessment of the extent of flood risk within the Borough and the requirement for infrastructure and policies needed to support planned growth (This is confirmed within the Statements of Common Ground signed by these two authorities as outlined in the Council's Duty to Cooperate statement (MK/SUB/008)).

Q8.21 Are amendments needed to Policies FR1 and FR2 for Plan soundness as suggested by Environment Agency, Anglian Water and the Internal Drainage Board?

8.21.1. All three of these organisations have been involved with the preparation of the evidence base for Plan:MK and have provided responses at each consultation stage. Through their respective Regulation 19 responses they requested amendments be made to the plan, a number of which related to matters which were felt to go to the soundness of the plan.

8.21.2. Through further discussions with these organisations, the Council considered the recommended additions to be reasonable and therefore submitted them as modifications to the submitted version of the plan. Subsequently, Statements of Common Ground have been signed with the Environment Agency and Anglian Water, as statutory consultees, which recognise the agreement by the Council to request the proposed modifications.

Historic Environment

Q8.22 Is Policy HE1 justified, effective and consistent with national policy? In particular does it accord with NPPF paragraphs 132-135 in relation to proposals that may result in harm or loss to a heritage asset?

8.22.1. Policy HE1 clearly sets out Milton Keynes Council's positive strategy for the conservation and enjoyment of the Borough's historic environment and how it will be achieved. The Policy HE1 preamble sets out the Council's approach to positive, co-operative working at pre-application stage and encourages the use of appropriate expertise at an early stage in order to ensure a smooth formal planning process.

8.22.2. It consciously aims to reinforce and work within the key provisions of chapter 12 of the NPPF (chapter 16 in the July 2018 version), whilst also responding to locally specific historic environment issues. These specific issues relate both to identifying locally distinctive heritage and character, such as the new town era and development management proposals. It is there considered that Policy HE1 is justified, effective and consistent with national policy (including the July 2018 NPPF).

8.22.3. Paragraphs 132-135 of the 2012 NPPF relate to development proposals and the harm caused to heritage assets (these broadly equate to paragraphs 193-197 of the 2018 NPPF). Policy HE1 adds detail to the 2012 NPPF, clarifying that schemes causing 'less than substantial' harm to designated heritage assets will require outweighing public benefits in order to be supported. It is worth noting that the 2018 version of the NPPF is now reworded to similarly re-affirm the requirements around schemes that cause 'less than substantial' harm (paragraphs 193-197). It is considered that Policy HE1 reinforces paragraphs 132-135 of the 2012 NPPF and 193-197 of the 2018 NPPF whilst again reflecting the character and issues in order to be effective.

Issue 5 – Other Policies

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)?

Is Policy CC1 (Percent for Art), justified and effective?

8.23.1. The city of Milton Keynes is the largest attempt at planned new settlement building ever attempted within the UK and one of the city's most distinctive features is its works of public art. They are an integral part of the fabric of the city. Over the last 40 years over 220 Public Artworks have been provided across the city, normally through artist commissions. Amongst the best known sculptures in the city centre are the Black Horse statue by Dame Elisabeth Frink located outside Lloyds Bank and the Grade II listed Octo sculpture by Wendy Taylor outside Norfolk & Ashton House. These sculptures are well known and visited by residents and visitors to the city. They form part of the public art walk for the city centre, link here: <http://www.destinationmiltonkeynes.co.uk/upload/managerFile/Downloads/Public%20Art%20Walk.pdf>.

8.23.2. More recent projects have added to this legacy, inviting both established and emerging artists to the city to engage and respond to its unique landscape. These have included Thomas Heatherwick, Walter Jack and others, who have all created bespoke schemes that respond to people and place.

8.23.3. The policy of providing public art within the city began with the Milton Keynes Development Corporation and, after it was dissolved in 1992, various Local Plans have sought contributions towards the provision of new works of public art, a policy which is continued in Plan:MK. The Council has worked with developers to integrate public art into major development schemes. For example, a Public Art Plan (MK/COM/012) to integrate public art into the Western Expansion Area (WEA), a development of around 6,000 homes, was agreed in 2013 between the Council and the site developer

Gallagher's, and a S106 contribution of £565,000 was agreed for this purpose. The Western Expansion Area Public Art–Commissioning Plan (MK/COM/011) outlines the Council's and Gallagher's approach to the provision of public art within the WEA. Details of a case study for public art in Wolverton Park have been provided by the Council's Public Art Officer in 'Public Art – A Milton Keynes approach' (MK/COM/010).

8.23.4. Apart from providing public art works, another project which has been partially funded from S106 contributions (including contributions from the MK Tariff) is the expansion of the MK Museum. Two new galleries have been constructed, the Ancient gallery displaying the area's rich archaeology and the Modern gallery celebrating the New Town of Milton Keynes.

8.23.5. Policy CC1 refers to the provision of public art and cultural activity. The policy and its supporting text explicitly refer to the benefits that the provision of public art and cultural activity can provide. Plan:MK (para 16.8) highlights that improving the cultural offer of Milton Keynes is one of the six big projects in the MK 2050 report, *Make a Great City Greater*.

8.23.6. Cultural wellbeing is one of the twelve key principles of the 2012 NPPF to *'take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.'*

8.23.7. Although 'cultural wellbeing' is not defined in the NPPF, within Milton Keynes there is a recognition that cultural wellbeing is one of the factors that helps to contribute to the wellbeing of everyone, adding vitality to communities and individuals, improving the quality of life and raising the profile of Milton Keynes. Planning contributions for public art and cultural activity, as in the WEA, can assist in promoting inclusion by engaging people with place making, exploring local identity and pride and often connecting new developments and residents with established communities.

Has it been considered as part of the plan-wide viability assessment?

8.23.8. Yes, the plan-wide viability assessment found that a requirement for at least 0.5% of the capital cost of a new development towards cultural wellbeing, including public art that enhances the cultural offer and appearance of the development and its surroundings, would not make a development unviable. This figure is built into the base appraisals of the Whole Plan Viability Study.

How will the requirement be lawfully implemented in the context of the CIL Regulations 2010 (as amended)?

8.23.9. Government policy on the application and use of S106 agreements justifying the need for a planning obligation is contained within the CIL Regulations, CIL Guidance and the NPPF. Regulation 122(2) of the CIL Regulations refers to the Government's policy tests on the use of S106 agreements. It is unlawful for a S106 agreement to be taken into account when determining a planning application for a development if the obligation does not meet all of the following three tests:

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

8.23.10. These three tests are mirrored in paragraph 204 of the NPPF (2012) and have been carried over unaltered into paragraph 56 of the NPPF published in July 2018.

8.23.11. It is the Council's contention that the planning obligations being sought are being sought on the grounds that they meet all three Regulation 122(2) tests. There are acknowledged benefits which flow from the provision of public art and cultural activity. Any planning obligations received under this policy are the result of a negotiation between the Council and a developer and will be justified on a case by case basis. Given that public art is such an integral and significant feature in the public realm of the city, which can enhance the appearance of a development and contribute to local distinctiveness; if there is no longer any scope to negotiate planning obligations for public art and cultural activity, the city will inevitably be the poorer for it.

Q8.24 Are the Plan's policies for transport and connectivity soundly based?

8.24.1. In short, the Council considers the transport and connectivity policies are soundly based, as set out in Matters 5 & 7 respectively. The transport and connectivity policies have been based on a robust evidence base and there is significant alignment between Plan:MK and the MK Mobility Strategy 2018 – 2036 (LTP4), as previously noted in Matter 7.

8.24.2. The MK Mobility Strategy 2018-2036 is based on the Council's review of LTP3. To inform this strategy, the Council used extensive range of evidence and organised public consultation, and various stakeholder events to gain their opinion and feedback (e.g. businesses and local groups, Councillors, transport providers and members of the public).

8.24.3. The Council therefore considers that the transport and connectivity policies achieve the tests of soundness, as stated in the NPPF paragraph 182.