

Delegated Decision report



19 November 2019

REVOCATION OF EXISTING SUPPLEMENTARY PLANNING GUIDANCE

Name of Cabinet Member	Councillor Gowans Cabinet Member for Planning and Transport
Report sponsor	Tracy Darke Director Growth, Economy & Culture
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Exempt / confidential / not for publication	No
Council Plan reference	Not in Council Plan
Wards affected	All wards

Executive summary

To revoke six obsolete supplementary planning guidance (SPG) currently in force in Milton Keynes that are no longer required. Revocation is a technical exercise to be carried out in accordance with Regulation 15(2) of the Town and Country Planning (Local Planning) (England) Regulations 2012. As the documents are guidance adopted by the Council over time, it is for the Council to revoke this. No consultation is required but a revocation statement will be published and the revoked documents will be removed from the planning policy web pages.

The six SPG which are proposed for revocation were all adopted between 2004 and 2007. Their content is based on the policies in the 2005 Local Plan and in addition, some of the guidance is out of date because the development the SPG related to has been completed, or they are inconsistent with national policy and guidance or Plan:MK (the Local Plan), adopted in March 2019.

Revoking these out-dated SPG will avoid confusion and make it easier for interested parties to access relevant information when seeking planning policy advice and submitting planning applications.

1. Decisions to be made

That the Cabinet Member agrees to revoke the following Supplementary Planning Guidance (SPG):

- a. Northern Expansion Area Development Framework (May 2004);
- b. Oxley Park Development Brief (May 2004);
- c. Oakgrove Millennium Community Development Framework (September 2004);
- d. Wolverton West End Development Framework (September 2004);
- e. Stantonbury Park Development Brief (January 2006); and
- f. Forecourt Shops at Petrol Filling Stations (March 2007).

2. Why is the decision needed?

Supplementary planning documents (SPDs) or supplementary planning guidance (SPG)¹ provide more detailed advice and guidance on the implementation and interpretation of planning policies set out in the Local Plan. SPDs are not required to be submitted for independent examination, but are subject to public consultation and are a material consideration in the determination of planning applications. The Council's existing SPDs and SPG are listed in the Local Development Scheme and can be viewed on the Council's planning policy web pages².

The adoption of Plan:MK, the updated National Planning Policy Framework (NPPF) (2019) and the preparation of a new Local Development Scheme presents an opportunity to consider the status of all existing SPDs and SPG. It is intended that relevant existing guidance will be brought up to date whilst guidance no longer required will be revoked.

In accordance with Regulation 15(2) of the Town and Country Planning (Local Planning) (England) Regulations 2012, the Council is seeking to formally revoke six obsolete SPG currently in force in Milton Keynes. The SPG which are proposed for revocation were all adopted between 2004 and 2007. Their content is based on the policies in the 2005 Local Plan and in addition, some of the guidance is out of date because the development the SPG related to has been completed, or they

¹ Supplementary Planning Guidance (SPG) was the term previously used for SPDs.

² <https://www.milton-keynes.gov.uk/planning-and-building/planning-policy/dpd-s-and-spds-spgs>

are inconsistent with national policy and guidance or Plan:MK (the Local Plan) adopted in March 2019.

The table below explains why each SPG is no longer required and should be revoked.

SPG	Reason for revoking
Northern Expansion Area Development Framework	Adopted in May 2004, the guidance is based on Local Plan (2005) policy EA6 which was not replaced by a policy in Plan:MK. Development of this site has now been completed and therefore the SPG is unlikely to be a relevant material planning consideration and should be revoked.
Oxley Park Development Brief	Adopted in May 2004, the area is not the subject of a policy or allocation in Plan:MK. Development of the site this SPG referred to has now been completed and therefore the guidance is unlikely to be a relevant material planning consideration and should be revoked.
Oakgrove Millennium Community Development Framework	Adopted in September 2004, the area is not the subject of a policy or allocation in Plan:MK. Development of the site this SPG referred to has now been completed and therefore the guidance is unlikely to be a relevant material planning consideration and should be revoked.
Wolverton West End Development Framework	Adopted in September 2004, the area is not the subject of a policy or allocation in Plan:MK. Development of the site this SPG referred to has now been completed and therefore the guidance is unlikely to be a relevant material planning consideration and should be revoked.
Stantonbury Park Development Brief	Adopted in January 2006, the guidance is based on Local Plan (2005) policy EA7 which was not replaced by a policy in Plan:MK. Development of this site has now been completed and therefore the SPG is unlikely to be a relevant material planning consideration and should be revoked.
Forecourt Shops at Petrol Filling Stations	Adopted in March 2007, the guidance is based on Local Plan (2005) policy R4 which was not replaced by a policy in Plan:MK and therefore the SPG is unlikely to be a relevant material planning consideration and should be revoked.

Revoking these out-dated SPG will avoid confusion and make it easier for interested parties to access relevant information when seeking planning policy advice and submitting planning applications.

3. Implications of the decision

Financial	No	Human rights, equalities, diversity	No
Legal	Yes	Policies or Council Plan	No
Communication	No	Procurement	No
Energy Efficiency	No	Workforce	No

a) Financial implications

All work associated with the recommendation above is being funded by existing budget provision.

b) Legal implications

Regulation 15(2) of the Town and Country Planning (Local Planning) (England) Regulations 2012 states that "A local planning authority may revoke any supplementary planning document." As the Regulations do not prescribe a process to be followed to revoke the SPGs, the revocation would take place in a form of a decision to revoke the SPGs taken by the Council. No consultation is required but the planning policy web pages will be updated to raise awareness of revocation, a revocation statement will be published and the revoked documents will be removed from the planning policy web pages.

c) Other implications

N/A

4. Alternatives

An alternative option would be not to revoke the SPG listed in section 1 of this report. However as they are out of date, they will be given little, if any, weight in the decision making process. This could lead to confusion when people are seeking policy advice in relation to planning applications.

5. Timetable for implementation

The existing SPG listed in section 1 of this report will be revoked with immediate effect. A revocation statement will be produced and published on the Council's website in order to inform the public of the withdrawal of the documents.

List of annexes

None

List of background papers

None