



Milton Keynes Plan:MK
Examination

Matter 1: Legal requirements and the Duty to Co-operate

Hearing Statement on behalf of MSD Animal Health

1. David Lock Associates (DLA) write on behalf of MSD Animal Health. This Statement has been prepared with specific reference to the Matters raised by the Inspector and of relevance to representations made on behalf of MSD Animal Health, dated 20th December 2017, which responded on the specific policies:
 - Policy ER1 – Employment Sites within Milton Keynes
 - Policy DS2 – Housing Strategy
 - Policy DS3 – Employment Development Strategy
 - Policy SC1 – Sustainable Construction
2. The Modifications proposed by Milton Keynes Council in its Schedule of Proposed Modifications (March 2018) (MK/SUB/004), and the correspondence between the Inspector and Milton Keynes Council have been reviewed (INS1), and this Statement is intended to respond to those as material changes since its representations were made in December 2017.
3. As an update since the submission of its representations dated December 2017, MSD has now formally acquired the land required to expand its operations on land understood to be identified under Policy ER1 (Walton) is currently preparing an application to deliver additional commercial development.

Matter 1: Legal Requirements and the Duty to Co-operate

Q1.2 – What is the status of the Site Allocations DPD (currently at an advanced stage of examination)? Will it be superseded by the adoption of Plan:MK? Is the relationship between the SADPD and Plan:MK clearly articulated in Plan:MK?

4. We do not consider that the relationship between the Site Allocations DPD & Plan MK has been sufficiently clarified, as identified in its representations dated December 2017. Since these representations, Milton Keynes has published its proposed modifications to the Site Allocations Plan (MK/HOU/010a1), to which MSD duly made representations (Appendix A). It is noted that Milton Keynes sought to clarify in its response to the Inspector dated 3rd June (INS1a Point 4.ii) that the Site Allocations Plan is not intended to be replaced by Plan:MK, and will remain in place until its sites have been developed. MSD made representations to the schedule of Site Allocations Plan Main Modifications (MK/HOU/010a1) which emphasised that the relationship between Plan:MK and the Site

Allocations Plan must be clarified, so appropriate weight can be given to each document in the determination of any application our client may submit accordingly. In essence, it is essential that Plan:MK:

- ensures that it is consistent with the adopted Site Allocations Plan;
 - where there are inconsistencies, clearly identify the hierarchy in the interpretation of Local Plan Policy; and
 - clearly articulate and clarify the relationship between the two plans in the preamble to the Plan (Plan:MK must form the primary Development Plan document).
5. MSD do not agree that at the present time that sufficient clarification of the above has been made. Although a Policies Map has now been published (MK/SUB/15a-f), the basis or origin of this in identifying proposed and existing employment allocations (particularly where their relationship is critical in respect adjoining residential allocations) has not been subject to review by the relevant parties; it is therefore not possible to adequately consider or verify the Statements made by the Council in respect of consistencies between plans.
6. MSD therefore consider its representations dated December 2017 remain valid.

Appendix A – Representations made by MSD Animal Health to Site Allocations Plan Main Modifications (4th April)



Development Plans Team
Milton Keynes Council
Civic Offices
1 Saxon Gate East
Central Milton Keynes
MK9 3EJ

By Email and Hand Delivery

4th April 2018

Our ref: ITV008/CWB/GR

Dear Sir/Madam,

MILTON KEYNES COUNCIL SITE ALLOCATIONS PLAN EXAMINATION: FURTHER REPRESENTATIONS ON MAIN MODIFICATIONS

RESPONSE ON BEHALF OF MSD ANIMAL HEALTH

We write on behalf of our clients, MSD Animal Health, regarding the MK Site Allocations Plan Examination and the Schedule of Main Modifications. This is accompanied by a completed Main Modifications form regarding modifications MM2 & MM26, however the substantial representations are set out below.

You might be aware that MSD Animal Health (represented by David Lock Associates) made oral and written representations at the following stages:

- Site Allocations Plan: Proposed Submission Version
- Site Allocations Plan: Inspector's Matters, Issues and Questions for Examination
- Site Allocations Plan: Hearing Sessions (12th September 2017)

MSD Animal Health's representations relate to the Proposed Allocation and Policy SAP19 (Land adj to Walton Manor). MSD has consistently advocated that a Site Allocations Plan policy for this site must not hinder or adversely restrict the delivery of employment development on a long-established allocated employment site, and any formal updated policy position to deliver residential development on part of the site must adhere to these principles.

1. MSD Representations

These representations do not seek to reiterate the points made in previous representations, and these representations focus upon the Main Modifications set out by Milton Keynes Council dated February 2018, at the request of the appointed Inspector following the completion of the Hearing Sessions. As instructed, these representations relate to the soundness of the proposed modifications to the Site Allocations Plan.

Broadly, it must be stressed that MSD welcome the proposed modifications and MSD consider that these go a considerable way to ensuring that the Site Allocations Plan, can, eventually, be found sound.



Notwithstanding this, MSD retain some concerns over the Plan following modification, and consider that these should be improved in the event that the Inspector accepts the Plan as sound. These relate to the following modifications:

- MM2: Section 2 (Introduction)
- MM26: SAP19 (Land Adj to Walton Manor)

MM2 – Section 2 (Introduction)

MSD welcome the replacement text set out within Section Two, however MSD still consider that this section requires further amendment and adjustment in order to meet the test of soundness.

The fifth paragraph (commencing “once adopted...”) indicates that the Site Allocations Plan “*will also mean that certain policies (e.g. Policy E1 of the Local Plan (Protection of Employment Land) may no longer be applicable for certain sites*”. Whilst it is recognised that the adoption of the Site Allocations Plan will mean that in some circumstances Saved Local Plan Policies will no longer apply, MSD consider that this should be clearly set out and clarified through the Site Allocations Plan, identifying where Saved Local Plan Policies will be replaced (this is notwithstanding that this is being reviewed through Plan:MK). For example, in respect of Policy SAP19, it is important that where Saved Policy ED1 no longer applies, it is clearly identified either within the SAP19 Policy wording, or as part of a dedicated schedule appended to the Site Allocations Plan. Without this clarification, the Plan continues to be ineffective and unjustified, and therefore jeopardises its soundness.

For the avoidance of doubt, Saved Policy ED1 should still apply to the employment element of the SAP19 allocation (which we note now, rightly, identifies the eastern part of the site for employment use). Similarly, other extant saved policies relating to employment sites and allocations should also still apply.

Furthermore, whilst the final two paragraphs seek to outline how the Site Allocations Plan is intended to interact with Plan:MK, we consider that the relationship to emerging plans has still not been sufficiently clarified. If the Site Allocations Plan is intended as a Development Plan document (as a tool to increase housing delivery), in line with its intentions alongside the Core Strategy (and subsequently, Plan:MK), it should be clearly identified that the Site Allocations Plan will continue to form adopted policy following the adoption of Plan:MK (or not). The revised text still does not provide sufficient clarification of this. Without this clarification, we consider that the Site Allocations Plan cannot be effective, if its relationship with existing and emerging policy is not sufficiently clarified.

MM26 – SAP19 (Land adj to Walton Manor)

MSD support the amendment of the Location Plan accompanying Policy SAP19, which broadly (our emphasis) identifies the inclusion of retained employment allocation adjacent to the proposed residential allocation. It is also welcomed that, as modified, SAP19 identifies and cross-references to other established policy set out within the Walton Neighbourhood Plan & Walton Development Brief. MSD consider that this represents a sound starting point for taking forward the proposed Allocation, and further seeks to ensure the Policy can be justified and effective. Please note, this representation is made on the basis that SAP19 includes the area of employment land, within the allocation.



Nevertheless, MSD consider that the modifications to Proposed Policy SAP19 should be further strengthened within the policy to refer directly within the particulars, to the retained employment allocation. It is considered that this approach would ensure that the Policy is further justified, and effective in clarifying the ongoing employment allocation (within a document that is primarily tasked with increasing and ensuring the ongoing delivery of housing within Milton Keynes). It is therefore important that this future Development Plan Document provides this clarification, rather than deferring to a Neighbourhood Plan & Development Brief. Adding in this important clarification, the Site Allocations Plan would also be consistent within the NPPF (Paragraph 157), which sets the expectation that Local Plans will clearly allocate sites for development and identify land that meets the needs of business & the economy (and other policies within the NPPF).

MSD therefore request that the aforementioned amendments & additions are added to the proposed Main Modifications, before the Plan is adopted to ensure that the Site Allocations Plan can be a sound development plan document that is both justified, effective and consistent with National Policy.

I trust that these representations are clear, but please do not hesitate to contact me or my colleagues, Robert Purton or Gail Revill should you require additional clarification or information on the points raised in this representation.

Yours sincerely

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Senior Planner

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