

Plan:MK Examination

Our ref 12491/03/MS/MT
Date June 2018
On behalf of Berkeley

Matter 1: Legal Compliance including Duty to Cooperate

Q1.1 Is the Plan compliant with the Planning and Compulsory Purchase Act (2004) (as amended) and the 2012 Regulations? In particular, is the Plan compliant with the Local Development Scheme and the Statement of Community Involvement?

1.1 This is considered a matter for the Council to comment.

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 Will it be superseded by the adoption of Plan:MK?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?

1.2 This is considered a matter for the Council to comment.

Q1.3 Has the Habitats Regulation Assessment adequately assessed the effects of Plan:MK, either alone or in combination with other relevant projects and plans, on the integrity of internationally protected sites? Have Natural England commented on and/or agreed the HRA scope and conclusions? Is there a clear and justified threshold/distance for screening European sites?

1.3 This is considered a matter for the Council to comment.

Q1.4 Has the Sustainability Appraisal adequately assessed the likely environmental, social and economic effects of Plan:MK? Does the appraisal demonstrate that the Plan has been tested against all reasonable alternatives?

i) Has the inter-relationship of effects, including cumulative impacts, been addressed?

1.4 This is considered a matter for the Council to comment.

ii) Is there adequate coverage of all reasonable alternatives (sites and policies)?

1.5 Yes, Berkeley consider the SA (part 1) adequately demonstrates the Plan has been tested against reasonable alternatives. In order to arrive at a refined list of MK urban edge site options, the assessment initially screened 17 sites around the urban edge of MK for housing sites (for which the MKE site was screened in (15. East of M1 (north). Eight of the 'screened-in' MK urban edge site options were taken forward for more detailed analysis; four of which are for 3,000 dwellings

or more. The site options were effectively appraised as a means of building the ‘bottom-up’ evidence to enable the identification of reasonable spatial strategy alternatives for appraisal and consultation. This process aligns with the Council’s aspiration to focus on strategic sites, in accordance with the MK 2050 vision.

- 1.6 Having assessed the different site options, the SA goes onto assess a range of reasonable alternative spatial strategies, focussing around three options: a) urban area growth; b) the South East MK extension option; and c) the MKE option (or combinations thereof). It establishes a preferred option (Option 4 and Option 8) which seeks promote growth at SE MK as well as East of M1 (north) site with the outline reasons given the for the inclusion of MKE (East of M1 north site). Overall it is considered a justified approach was taken to assess reasonable alternatives.

iii) Are reasons for rejecting alternatives and discounting unreasonable options clearly given?

- 1.7 Yes, reasons are given in the SA for discounting other site options and strategic development directions. This includes its rejection of further strategic growth option to expand Milton Keynes to the north. Taking account of the location of the north Milton Keynes site and its separation from the urban area by the River Ouse means that it will be difficult for development in this location to be fully integrated into the City and provide the benefits that MKE can.
- 1.8 Chapter 7 of the SA (MK/SUB/005) presents an appraisal of the reasonable alternatives, concluding by explaining that each of the alternatives is associated with certain pros and cons. Taking the MKE site as an example, in comparison to its reasonable alternatives, the site performs well in sustainability terms and could achieve a comprehensive and well-designed new community aligning with the social and economic objectives of the plan. This is illustrated through the SA Option 7 which contains high growth at the MKE site and identifies this option ranked highest in terms of positive outcomes for communities, education, health, homes, services and business/employment. It is therefore easily discernible why MKE was preferred above the other options.
- 1.9 Notwithstanding this, it is noted that there are *some* effects which are ranked relatively worse for MKE than other alternatives, including on the scale and cost of infrastructure, flood risk, air quality. Section 8 of Berkeley’s representations to Plan:MK demonstrate these are all factors Berkeley consider can be addressed through a well-designed scheme. In that context, the SA could be considered cautious in terms of its assessment of MKE as a site and it is considered the site substantially outperforms a number of the reasonable alternative sites (including the East of the M1 (south) site and the North of MK site). In that context, the SA particularly sets out at Appendix 3 (MK/SUB/005) some of the main constraints, considerations and reasons for rejecting alternatives and choosing MKE including:
- for North of MK noting it “*would ‘leapfrog’ the Great Ouse Floodplain*” with associated biodiversity impacts and relative greater barriers to movement (in comparison to MKE), would have “*impacts to the Great Ouse Valley, which is a sensitive landscape*” and that its potential “*to link well to the M1... is less clear*”
 - for East of M1 (south) site noting it would also have greater barriers to movement than MKE (due to fewer crossings of the M1).
- 1.10 Overall, the SA presents adequate reasons for rejecting alternatives and discounting unreasonable options.

iv) Is the SA proportionate and relevant in contributing to the evidence base of Plan:MK (NPPF paragraph 167)?

1.11 Yes. In particular, the initial targeted approach taken to the appraisal of site options in isolation, focusing on strategic site options around the MK urban edge should be considered a proportionate and relevant exercise for the Borough which duly informed assessment of reasonable alternatives to focus on strategic sites, in accordance with the MK 2050 vision. Whilst it narrowed the options assessed through an iterative process, it keeps the SA appropriately and proportionately focussed on the main alternatives.

Q1.5 Does the Plan as a whole accord with s19(1A) of the Planning and Compulsory Purchase Act (2004) (as amended) by including policies that are designed to secure that the development and use of the land in the Borough contribute to the mitigation of, and adaptation to, climate change?

1.12 This is considered a matter for the Council to comment.

Q1.6 Has the Council engaged constructively, actively and on an on-going basis with all relevant organisations on the strategic matters that are applicable to the Plan's preparation, as required by the Duty to Co-operate? Is this sufficiently evidenced by the Duty to Cooperate Statement (Document MK/SUB/008) and the various memoranda and statements, mainly signed in early 2018, contained within it?

1.13 This is considered a matter for the Council to comment.

Q1.7 What mechanisms will be put in place to ensure that there is future cooperation in relation to cross boundary issues that may arise as development within Plan:MK progresses? Are there cross-boundary issues in relation to any of the proposed site allocations such as transport and other infrastructure requirements? Please explain.

1.14 As set out at Q 5.12 of Berkeley's Matter 5 statement - in respect of MKE - Milton Keynes Council, Berkeley (and the other developers) and Central Bedfordshire Council will continue to work closely to ensure any local transport implications across administrative boundaries are appropriately managed and mitigated.

Q1.8 Other than Strategic Objective 4, does the Plan provide for effective outcomes in terms of cross-boundary issues?

1.15 This is considered a matter for the Council to comment.

Q1.9 Does the Plan set out a clear strategic policy framework (NPPF paragraphs 156 and 184) for the preparation of Neighbourhood Plans (NPs)? How will any inconsistencies between emerging NPs and the Plan be resolved?

1.16 This is considered a matter for the Council to comment.

Q1.10 Does the Policies Map illustrate the appropriate information? Are all relevant land-use designations shown on the Policies Map? (NPPF – para 157, 4th bullet point). Is there a schedule of modifications to the Policies Map?

1.17 This is considered a matter for the Council to comment.