

Milton Keynes Council Land Availability Assessment (LAA) Draft Methodology

Consultation Comments and MKC Responses, May 2022

Respondent	Comment ID	Relevant part of Draft LAA Methodology	Comments	What changes are required and why	MKC Response¹
John Gale, Savills (on behalf of Abbeygate Developments)	2a		We have read through the LAA methodology and have no comments to make other than that it appears logical and compliant with best practice.	We do not consider that any changes are required to what appears a balanced and transparent methodology.	Noted
Jamie Lewis, Howard Cole ltd	3a	Stage 1: Identification of sites and broad locations, paragraph 2.1	SMV supports the limit of the area being the Borough of Milton Keynes, given that Plan:MK is to cover the whole Borough rather than being a joint plan prepared with adjoining authorities. This will ensure full and complete audit of available		Noted

¹ Where changes to the document are proposed, these are shown in bold text.

			land, as required by the PPG.		
Jamie Lewis, Howard Cole Ltd	3b	Stage 1: Identification of sites and broad locations, Table 1	With regard to Table 1, SMV welcomes the explicit reference to sites submitted through the Call for Sites in the section dealing with 'Sites not currently in the Planning Process'.		Noted
Jamie Lewis, Howard Cole Ltd	3c	Stage 1: Identification of sites and broad locations, paragraph 2.14	SMV also notes and welcomes that inconsistency with the adopted Plan:MK is not to be considered as a reason to excluded from the Stage 1 assessment.		Noted
Jamie Lewis, Howard Cole Ltd	3d	Stage 2: Site/broad location assessment, paragraph 3.10	In terms of assessing suitability SMV notes that the criteria list is expanded well beyond the four identified in the PPG (one of which is omitted). Of particular concern is the inclusion of criteria which can only be judged in a subjective way, such as limitations and conditions		The PPG (National Planning Practice Guidance) (Paragraph: 018 Reference ID: 3-018-20190722) states that 'plan makers may wish to consider the information collected as part of the initial site survey, as well as other relevant information, such as...' and lists four sources as information as

			<p>that would be experienced by occupiers. In addition, the availability of current services does not allow for those services to be provided, should that be required.</p>	<p>set out in the comment. The use of the words 'such as' in the guidance makes it clear that this is a list of examples rather than a comprehensive checklist, and it is our view that information such as limitations and conditions that would be experienced by occupiers would constitute 'other relevant information' in assessing suitability.</p> <p>Regarding the comment that the criteria can only be judged in a subjective way, it is our view that elements such as access to public transport, and access to amenities and facilities can be judged in a non-subjective way for example by measuring distances to such facilities.</p>
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					<p>Regarding the comment about not allowing those services to be provided should they be required, paragraphs 3.9 and 3.13 of the draft methodology state that the assessment of suitability would take account of the potential for relevant constraints to be mitigated.</p> <p>Thank you for highlighting that one of the four criteria in the PPG was omitted in the draft Methodology – this will be included in the final document as an additional bullet point at paragraph 3.10, to read:</p> <ul style="list-style-type: none">• contribution to regeneration priority areas
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<p>Jamie Lewis, Howard Cole Ltd</p>	<p>3e</p>	<p>Stage 2: Site/broad location assessment, paragraph 3.14</p>	<p>These concerns are further amplified when the assessment against the existing development plan policies is added to the process at paragraph 3.14. For instance, a site that is currently allocated and outside the current development limits would appear to be prejudiced, despite the need for such sites to meet housing requirements.</p>	<p>The PPG (National Planning Practice Guidance) (Paragraph: 018 Reference ID: 3-018-20190722) refers to ‘when assessing sites against the adopted development plan...’ making it clear that this is an accepted part of the process.</p> <p>Paragraph 3.14 of the draft Methodology is intended to make it clear that policy constraints when assessed against Plan:MK policies will not result in a site being deemed unsuitable on its own, unless other considerations would also lead to the conclusion that the site is unsuitable. Whilst these policy constraints would be recorded, it will also be noted that consideration of the site through the preparation of the new local plan, or a change in policy in the new</p>
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					<p>local plan, could result in these constraints being overcome or mitigated, thus resulting in the site being suitable for development in the future.</p> <p>Also, paragraph 2.2 of the document states that the LAA will not be constrained by levels of need.</p>
Jamie Lewis, Howard Cole Ltd	3f	Stage 2: Site/broad location assessment	SMV would advocate that such sites would be better assessed against the seven big objectives of the 2050 Strategy, rather than Plan:MK . which has policies for a much shorter	Assessing suitability of sites/broad locations should not use subjective criteria such as limitations and	The call for sites process asked landowners/developers submitting sites to include information about how the site would contribute to meeting the seven big ambitions of the MK Futures

			<p>time period.</p>	<p>conditions that would be experienced by occupiers and should use the the seven big objectives of the 2050 Strategy rather than existing development plan policies.</p>	<p>Strategy for 2050. It is therefore appropriate for reference to this to be made in the Methodology, recognising that this information will be part of the Council’s consideration of the site. However, this will be in addition to assessing sites against the existing adopted policies within Plan:MK, rather than instead of, recognising Plan:MK’s status as adopted development plan policy.</p> <p>The final document will include references to the MK Futures Strategy for 2050 as follows:</p> <p>1.9 With an up-to-date Local Plan only adopted approximately three years ago, MKC are at the early stages of preparing for the review of Plan:MK and are currently producing an updated evidence base</p>
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					<p>which will inform the preparation of a new plan for the development of the Borough through to the year 2050. The long-term ambitions for growth in Milton Keynes have been set out in the Strategy for 2050 which was adopted by MKC in January 2020. The Strategy for 2050 sets out a long-term approach to spatial development. It aims for a steady population increase to around 410,000 people in the borough by 2050, as the best means of achieving Seven Big Ambitions. The Strategy for 2050 is not a statutory planning document. Nonetheless, it clearly sets out MKC's objectives and aspirations for growth in Milton Keynes, building upon the growth strategy already set out within Plan:MK, which</p>
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					<p>has been informed by a suite of evidence studies and extensive stakeholder engagement. As such, it provides a strong foundation for developing a new Local Plan for Milton Keynes.</p> <p><i>New paragraph 3.15 (subsequent paragraphs renumbered accordingly):</i></p> <p>3.15 In addition, sites will be assessed against the seven big ambitions set out in the adopted MK Futures Strategy for 2050. Consistent with how this assessment is to be carried out for assessment against Plan:MK policies, the assessment of suitability will outline where inconsistencies with the adopted 2050 Strategy exist, however, these will not result in a site being deemed unsuitable on its</p>
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					<p>own, unless other considerations would lead to the conclusion that the site is unsuitable. These inconsistencies will be recorded, but it will also be noted that the consideration of the site through the preparation of the new local plan, or a change in policy in the new local plan, could result in those inconsistencies being overcome or mitigated, thus resulting in the site being suitable for development in the future.</p>
Jamie Lewis, Howard Cole Ltd	3g	Stage 2: Site/broad location assessment, paragraphs 3.17 - 3.23	SMV has no comments to raise with regard to the assessment of availability or achievability of sites/broad locations and welcomes the acknowledgement that identified constraints can be overcome.		Noted

Jamie Lewis, Howard Cole Ltd	3h	Summary	Where the LAA has diverged from the PPG, such as the use of development plan policies to assess the suitability of sites/broad locations, SMV has concerns that the LAA could be challenged as an appropriate evidence base for the Plan:MK review.		It is considered that the LAA Methodology is consistent with the PPG and best practice and therefore will form an appropriate evidence base for the new local plan.
David Murray-Cox, Turley, on behalf of Rainier Developments Ltd	4a	Paragraph 2.2	We welcome the recognition at paragraph 2.2 that: “With the quantitative requirements for housing and economic development for a new plan period yet to be confirmed, the LAA will not be constrained by levels of need. Instead it will review all sites/broad locations to provide a full and complete audit of available land, as required by the PPG.”		Noted
David Murray-Cox, Turley, on	4b	Paragraph 2.8	We recognise (paragraph 2.8) that bodies such as		Paragraph 2.16 of the draft Methodology sets out the

<p>behalf of Rainier Developments Ltd</p>			<p>Parish and Town Council's may play a role in identifying new sites. However this stage should not place any reliance on their opinion on those / any sites.</p>		<p>role of Town and Parish Councils as stakeholders at stage 2 of the LAA. This will seek to ratify previous information received about the site, gain a better understanding of the site and, to obtain further detailed information on the suitability, availability and achievability of the site to assist with the stage 2 assessment.</p>
<p>David Murray-Cox, Turley, on behalf of Rainier Developments Ltd</p>	<p>4c</p>	<p>Table 2</p>	<p>Table 2 identifies reasons for exclusion at Stage 1, including Sites within Flood Zones 2, 3a and 3b. in our submission that approach is too narrow. There may be sites within MKC which comprise areas in Flood Zones 2, 3a or 3b, but where the flood risk represents no obstacle to development being accommodated elsewhere within the site. It is essential (as referred to in</p>		<p>The final row of Table 2 sets out how sites which partly fall within flood zones 2, 3a or 3b will be considered: 'If part of a site falls within zones 2, 3a or 3b it is only considered to be an overriding constraint if the development proposed cannot be accommodated on the remaining part of the site outside of those flood zones.'</p>

			the table) that sites which are only partly within these Flood Zones are not excluded if the development can be accommodated on the remaining part of the sites outside of those flood zones.		
David Murray-Cox, Turley, on behalf of Rainier Developments Ltd	4d	Paragraph 2.14	We agree with paragraph 2.14 and the comment that “sites will not be ruled out at stage 1 due to inconsistency with the development plan.”		Noted
David Murray-Cox, Turley, on behalf of Rainier Developments Ltd	4e	Paragraph 3.10	Paragraph 3.10 suggests that suitability assessments will consider “Appropriateness and likely market attractiveness for the type of development proposed and alternatives.” It is unclear what evidence the LPA will use to consider ‘market attractiveness’.		The PPG (National Planning Practice Guidance) states that plan-makers may wish to consider the information collected as part of the initial site survey, as well as other relevant information which includes ‘appropriateness and likely market attractiveness for the type of development proposed’ (Paragraph: 018

					Reference ID: 3-018-20190722). Information such as number of completions and commitments in the local area, local house prices, and viability evidence will be used to inform this assessment. In addition, information requested from landowners and developers as part of the call for sites process will be considered as part of this assessment.
David Murray-Cox, Turley, on behalf of Rainier Developments Ltd	4f	Paragraph 3.10	Paragraph 3.10 also lists other matters, such as landscape, against which suitability will be considered. Although the methodology suggests that technical evidence would be collated it is unlikely that this will include a detailed assessment of, for example, the landscape impacts of specific schemes.		Detailed assessment of landscape impacts for each individual site will not be necessary for this assessment. A broad assessment including consideration of existing site features and constraints will be carried out. This will be informed by any information submitted through the call for sites, and any relevant technical

					<p>evidence for the new local plan such as the landscape character assessment. The potential for mitigation will also be considered. As set out in paragraph 3.13, where a constraint or limitation has been identified but there is reasonable evidence of how it could be overcome, or the constraint does not completely rule out all development on the site at some stage, these sites will be fully assessed and the constraints alongside potential mitigation measures will be recorded. The assessment of development potential of the site will also take account of this.</p>
David Murray-Cox, Turley, on behalf of Rainier	4g	Paragraph 3.13	In considering technical matters, the LPA should ensure that a consistent approach to the application of mitigation measures.		It is agreed that consistent approach to the application of mitigation measures is important where a constraint or limitation has

Developments Ltd			Similar exercises can become flawed because one site is assessed with the application of mitigation, but others are assessed without it. We agree that sites should be assessed with mitigation to ensure sites are not unduly discounted that could be made acceptable through mitigation.		been identified that could be overcome. This will be recorded in the site assessment.
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