

The CMK Alliance Plan 2026 A Business Neighbourhood Plan for Central Milton Keynes

Examination Version

A Report to Central Milton Keynes Town Council of the Examination into the Central Milton Keynes Alliance Neighbourhood Plan

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April 2014

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Appendix 1

Figure 11A - Comparative plan showing the PSA and edge of centre shopping area

1.0 Introduction

- 1.1 Neighbourhood Planning is a relatively new approach to planning which provides communities with power to establish the priorities and policies to shape the future development of their local areas. This Report sets out the findings of the Examination into the CMK Alliance Plan 2026, referred to as the Plan.
- 1.2 The Plan has been prepared by an alliance between Central Milton Keynes Town Council and local business leaders working in partnership with Milton Keynes Council. Central Milton Keynes (CMK) Town Council is a qualifying body and entitled to lead, promote and submit a neighbourhood development plan (NDP) for its own parish.
- 1.3 Having carried out the examination, for the reasons set out below and subject to all of the modifications indicated in the following sections of this examination report being accepted, I consider that the Plan would meet the basic conditions in terms of:
- having appropriate regard to national planning policy;
 - contributing to the achievement of sustainable development;
 - being in general conformity with the strategic policies in the development plan for the local area
 - being compatible with human rights requirements; and
 - being compatible with European Union obligations.
- 1.4 If the Plan were to go to become the subject of referendums and achieve more than 50% of votes in favour, then the Plan would be made by Milton Keynes Council. The Plan would then be used to determine planning applications and guide planning decisions in the CMK Alliance Plan Neighbourhood Area.
- 1.5 I was appointed by Milton Keynes Council with the agreement of CMK Town Council to conduct the examination and provide this Report as an Independent Examiner on 4th October 2013.

2.0 Role of the Independent Examiner

- 2.1 My role as an Independent Examiner is set out in Schedule 4B, section 10 of the Town & Country Planning Act 1990 (as amended) and is to make one of the following three recommendations:
- a) that the Plan should proceed to Referendum, on the basis that it meets all legal requirements;
 - b) that the Plan as modified should proceed to Referendum;
 - c) that the Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

2.2 If recommending the Plan proceeds for Referendum, I am also then required to consider whether or not the Referendum Area should extend beyond the CMK Alliance Area to which the Plan relates. I make my recommendation in relation to the extent of the Referendum Area at the end of this Report.

2.3 I am independent of the qualifying body, associated business leaders and the local authority. I do not have any interest in any land that may be affected by the Plan and I possess appropriate qualifications and experience.

3.0 Consideration of the Basic Conditions

3.1 Neighbourhood Plans must meet certain “*basic conditions*”, before they may come into force as follows:

- they must have appropriate regard for national policy;
- they must contribute towards the achievement of sustainable development;
- they must be in general conformity with the strategic policies of the development plan for the local area;
- they must be compatible with human rights requirements and
- they must be compatible with EU obligations.

3.2 I am satisfied that CMK Town Council is a qualifying body and is entitled to submit a Neighbourhood Development Plan (NDP) for its own parish.

3.3 In relation to the Neighbourhood Area covered by the CMK Alliance Plan 2026, I am satisfied that this is appropriate to be designated as a neighbourhood area and note that it was designated as a Business Neighbourhood Plan Area by Milton Keynes Council on 25th July 2012. The Neighbourhood Area relating to the draft Plan includes Campbell Park and the city centre of Milton Keynes.

3.4 I am also satisfied that the Central Milton Keynes Alliance Plan does not relate to more than one neighbourhood area and that there is no other NDP in place within this neighbourhood area.

3.5 The Plan period is defined as being up to 2026, aligning the Plan with the Milton Keynes Core Strategy, adopted in July 2013. The Basic Conditions Statement dated May 2013, confirms that the CMKAP does not make provision for any excluded development such as national infrastructure.

4.0 Regard to the National Planning Policy Framework.

4.1 I am satisfied that the Plan has adequate regard to the policies in the National Planning Policy Framework (NPPF). In reaching this opinion I have been assisted by the comprehensive Basic Conditions Statement prepared in support of the draft CMKAP in May 2013, which identifies nine of the thirteen principal

objectives of the NPPF in delivering sustainable development. The four areas not explicitly covered in the Basic Conditions Statement within the NPPF relate to:

- 3) Supporting a prosperous rural economy (not relevant in a Central Milton Keynes context);
- 5) Supporting high quality communications infrastructure;
- 9) Protecting Green Belt Land (not relevant in the Central Milton Keynes context);
- 13) Facilitating the Sustainable use of Minerals (not relevant in the Central Milton Keynes context).

4.2 Concerning the need to support high quality communications infrastructure, the draft CMKAP does however have regard to the need to consider the possible impact of tall buildings on telecommunications within Central Milton Keynes (Policy CMKAP G9) thus conforming with the NPPF at paragraph 44.

4.3 In relation to conforming to NPPF guidance on ensuring the vitality of town centres, the approach to the defining edge of centre development was clarified at the hearing convened on December 12th as explained in the section below concerning the draft planning policies.

5.0 Contribution to Sustainable Development

5.1 At paragraph 7, the NPPF defines the three dimensions to sustainable development as being, economic, social and environmental and sets out the roles that the planning system is expected to perform in relation to each. The Basic Conditions Statement has conveniently analysed these three dimensions by systematic cross-references to the overall objectives of the draft CMKAP on a thematic basis relating to the delivery of sustainable development in CMK over the life of the neighbourhood plan to 2026.

5.2 Furthermore, through the general conformity with the adopted Core Strategy which has been subject to its own sustainability appraisal incorporating Strategic Environmental Assessment, development delivered through the CMKAP on a proper application of the plan policies should deliver sustainable development within Central Milton Keynes.

5.3 In order to contribute satisfactorily to the delivery of sustainable development during the neighbourhood plan period, it is axiomatic that the objectives and policies of the plan should be compatible with the delivery objectives set out in paragraphs 18-219 inclusive of the NPPF.

5.4 Overall, I consider that the CMKAP policies, subject in a number of cases to some modification, will make a positive contribution to sustainable development, promoting economic growth, supporting social wellbeing whilst conserving the

natural and historic environment within Central Milton Keynes. The proposed modifications are explained in more detail in the following sections of this report.

6.0 Conformity with the Strategic Policies for the local area

- 6.1 In the Introduction to the adopted Core Strategy, the role of Central Milton Keynes is identified as a residential, employment, cultural, retail and leisure hub for the region. The Milton Keynes Development Strategy is set out in Core Strategy Policy CS1. The other strategic policies related to delivery are set out in Core Strategy policies CS2-9 inclusive; subsequent Core Strategy policies CS10-CS21 are topic based, rather than strategic.
- 6.2 Core Strategy Policy CS1 emphasises that the continued development of Central Milton Keynes will contribute to a more sustainable city. This Core Strategy policy is cross referenced to Policy CS7 which deals with the specific development objectives within Central Milton Keynes. In order to fulfill the development strategy with particular regard to the central area, the recently adopted Core Strategy provides that the long term need for comparison retail floorspace will be focused on the Primary Shopping Area. A related objective of the Core Strategy is to promote the development of Central Milton Keynes as the vibrant cultural centre of the region and make it the main location within the city for retail, leisure, cultural and larger office developments. This ambition is quantified in floorspace terms as being around 12,000m² of office floorspace per year and for up to 5,000 homes by 2026. A further stated objective within the Core Strategy underpinning the ambition for the central area is to benefit from the skills and knowledge base created by the world-class universities of Oxford and Cambridge, to be achieved by a new University Campus in Central Milton Keynes. The ambitions and draft policies of the CMKAP are generally aligned with these strategic objectives as further quantified in the Over-arching Development Strategy at table 5.8 of the Core Strategy. Core Strategy Policy CS4 concerning retail and leisure development and strategic employment land policy in Core Strategy Policy CS3 seek to ensure that Central Milton Keynes is the primary focus for the development of additional office (B1a) and high technology/research and development (B1b) floorspace within the Borough. Policy CS3 also requires that planning applications for more than 1,000 sqm of B1a/B1b uses on sites outside CMK will need to provide evidence that demonstrates why the development cannot occur in CMK. CMKAP Policy SS4 and the Proposals Map identify the sites and locations to accommodate this planned growth.
- 6.3 The key Core Strategy strategic policy concerning the CMKAP is Policy CS7 which sets out 10 strategic objectives for Central Milton Keynes, building upon the strategic role identified in Policy CS1 and cross referenced to Policy CS4 'Retail and Leisure Development' to 2026. The key objectives in the adopted Core Strategy for Central Milton Keynes are to:
1. Achieve higher quality buildings and spaces around them, with greater attention to human scale and more detail and variety of uses within proposals

2. Promote a higher density of development in appropriate locations
3. Achieve growing visitor numbers from outside the city to further enhance CMK's status as a regional and national destination for shopping, culture and leisure
4. Offer a range of travel options which collectively will support an increase in visitor numbers to the city centre and increased average travel distances
5. Develop as an attractive focus for all the residents of the Borough, whilst recognising its role as a District Centre for most of the surrounding estates
6. Encourage greater access to and within the area by walking, cycling and public transport
7. Provide more pedestrian-friendly routes and spaces between new and existing buildings and public areas
8. Improve integration between the facilities and defined quarters of the area
9. Accommodate the expansion needs of tertiary Higher Education such as the University Campus Milton Keynes (UCMK)
10. Offer an attractive urban living environment for the residents of current and future dwellings

6.4 The CMKAP objectives and policies generally reflect (but subject to some modification), the key objectives as set out in the relevant strategic Core Strategy Policies CS4 and CS7. A number of the policies against which the Plan policies have been considered in the Basic Conditions Statement, May 2013 are topic based rather than strategic in nature, notably policies CS11, CS12, CS13 and CS20 dealing with developing and enhancing transport, successful neighbourhoods, design and the historic and natural environment respectively.

7.0 **Conformity with European Union Obligations**

7.1 The Basic Conditions Statement prepared by Milton Keynes Council has considered the draft CMKAP against the requirement that the neighbourhood plan should not breach and is otherwise compatible with European Union (EU) obligations. I note that a sustainability appraisal (SA) incorporating a Strategic Environmental Assessment (SEA) was produced for the Council's draft Core Strategy. I further understand that when preparing the consultation draft of the CMKAP, that the Alliance proceeded on the basis that the draft neighbourhood plan "nested" within the ambit of the SEA work undertaken by the Council in relation to the emerging Core Strategy which has since been subject to its own examination and was adopted last year.

7.2 In undertaking a review of the representations, two issues emerged that might have given rise to the possible need for an SEA being;

- a. the CMKAP proposals plan; and
- b. car parking.

- 7.3 Concerning the CMKAP Proposals Plan, it transpired that confusion had arisen resulting in misinterpretation by some consultees relating to the mix and quantum of uses within the draft Plan. As a consequence the draft Plan was amended to reflect the position that the quantum, mix and uses were illustrative, subject to the approval of Milton Keynes Council. The concern regarding car parking and a possible need for SEA arose out of the draft Plan's proposal to relax parking standards in the area west of Marlborough Gate, but this was subsequently rectified in the Examination Draft Plan so that only the B1 office in this part of CMK and the C3 use unallocated parking in the Campbell Park grid square. The existing parking standards for other uses are now retained.
- 7.4 The Basic Conditions Statement confirms that MK Council has used as a basis for screening, the "*Environmental Assessment of Plans Regulations 2004*", and the government's advice on applying EU Directive 2001/42/EC and have concluded that SEA is not required. I am content with this conclusion and therefore consider that the draft CMKAP meets the basic conditions requirement in this respect.
- 7.5 I also consider that the CMK Alliance Plan is compatible with EU obligations and human rights legislation.

8.0 Background Documents

- 8.1 In examining the CMKAP Neighbourhood Plan, I have considered the following documents in addition to the Examination Version of the Draft Plan:
1. National Planning Policy Framework (The Framework) (2011)
 2. Town and Country Planning Act 1990 (as amended)
 3. The Localism Act (2012)
 4. The Neighbourhood Planning Regulations (2012)
 5. Milton Keynes Core Strategy, adopted July 2013
 6. Basic Conditions Statement, May 2013
 7. Consultation Statement, May 2013
 8. Public Consultation (Regulation 14) Report, May 2013
 9. Environmental Assessment of Plans Regulations 2004
 10. Milton Keynes Council's supplementary planning document, revised CMK Development Framework January 2013.
 11. Milton Keynes Retail Capacity Update (August 2011) produced by Roger Tym and Partners
 12. Milton Keynes Parking Standards SPG 2005 and 2009 Addendum MKC
- 8.2 In addition, I have spent an unaccompanied day visiting Central Milton Keynes and the neighbourhood plan area.

9.0 Public Consultation

- 9.1 Details relating to the public consultation undertaken in the preparation of the CMK Alliance Plan 2026 is summarised in the Consultation Statement: May 2013. Consultation and community engagement is a fundamental requirement of the Neighbourhood Planning Regulations, the process of plan-making being almost as important as the plan itself. The Neighbourhood Planning Regulations 2012 require a Consultation Statement to be submitted with the neighbourhood plan confirming the persons and bodies consulted about the proposed neighbourhood plan; explaining how they were consulted; summarising the main issues and concerns raised and how these matters have been considered within the proposed Plan. Such engagement with the community during plan-making has raised awareness and encouraged the community to understand and in some case query the draft policies as well as the plan's scope and limitations.
- 9.2 Effective consultation can create a sense of public ownership, achieve consensus and in the context of neighbourhood planning provide the confidence for support of the Plan. In the case of the CMKAP, I note that a number of comments relating to ownership of the plan have influenced consideration of the democratic and equity issues relating to referendums in the event that the plan is to proceed to this stage.
- 9.3 The Neighbourhood Planning regulations require that the proposed plan to be the subject of a 6 week consultation programme before being submitted to the local authority for independent examination. The consultation process requires publicity to bring the plan to the attention of people who live, work or run businesses in the plan area. Statutory consultation bodies must also be informed as their interests may be affected by the plan proposals and a copy of the plan must be sent to the local authority. The Consultation Statement explains that a great deal of community and stakeholder consultation has taken place in the preparation of this neighbourhood plan, managed and directed by a Steering Group to ensure critical consideration of consultee responses. The Consultation Statement demonstrates that following the launch of the CMK neighbourhood plan process in April 2012, newsletters were distributed to over 850 businesses and 2,000 households in the parish of CMK. In addition a web site was established in order that the public could provide comments and feedback during April and May 2012 when over 800 people visited the site of whom 150 registered as users.
- 9.4 There was further consultation, in the form of eight workshops again in the period April – May 2012, followed by a second phase comprising five expert panel sessions and more than 20 stakeholder meetings during the period June- August 2012, when emerging options and proposals were tested. In the following two months the draft plan was produced and submitted for formal public consultation for some 8 weeks between 12th October and 7th December 2012, in accordance with s14 of Part 5 of Neighbourhood Planning Regulations 2012.
- 9.5 The Consultation Statement sets out in some considerable detail the composition and formation of the Steering Group, recognising that Central Milton Keynes serves more than the needs of local residents and businesses. The composition

of the Steering Group and governance was established through co-opting the following voting members; 4 parish councillors, 4 ward councillors and 8 members elected from the business community. It is apparent from these consultation processes instigated by the CMK Alliance that considerable effort has been expended to ensure that the emerging draft plan has been promoted and open for comment and criticism. Moreover the plan has been revised in the light of many of the comments that were received.

- 9.6 The consultation process exceeds by a considerable margin the minimum requirement of the Neighbourhood Planning Regulations 2012 and I consider that the open and inclusive manner in which the business and community consultation has been conducted has been an important factor in the preparation of a plan which has considerable community support; of the 44 respondents who made general comments, 40 were supportive. Those who were not supportive of the Plan included major retail and leisure sector land owners.
- 9.7 I understand that the resident population of Milton Keynes is in the region of 250,000, of whom 3,000 live in CMK and that there are close to 1,000 businesses within the Plan area. Despite this, there were only 76 formal responses to the consultation draft plan. This is surprising given the extent of publicity given to the Plan and vigour with which the process has been managed. Nonetheless, the process and management of the community and business consultation has been exemplary and I am confident that the Consultation Statement and the supporting evidence, outlining the terms of reference of the Steering Group, the web-site, workshops and expert panel sessions fulfills Section 15 (2) of Part 5 of the Neighbourhood Planning Regulations 2012.

10.0 The Plan – General Policies

- 10.1 The CMKAP 2026 is arranged in three principal sections. Section 1 considers overall aspirations, objectives and strategies, Section 2 covers the policies, whilst Section 3 deals with implementing and monitoring the Plan. The structure of the Plan is easy to navigate and is user friendly.
- 10.2 Section 1 sets out the reasons why a new plan is needed for CMK because the 2001 Framework was considered no longer fit for purpose by Milton Keynes Council's Cabinet in July 2010. A brief overview of neighbourhood planning, the area covered by the Plan and a brief history of the development and evolution of Milton Keynes is included in Section 1. The role served by the settlement and the context for this neighbourhood plan is also reviewed before outlining the vision, principles and objectives of the Plan.

10.3 Policy CMKAP S1

- 10.4 The overarching principles of the Plan are contained in Policy CMKAP S1. This policy is aspirational and sets out 10 key objectives, established in the adopted Core Strategy (July 2013). Indeed policy CMKAP S1 is an abstraction of adopted Core Strategy Policy CS7 and is redundant to the extent that the policy objectives are covered in the Core Strategy. Taking this into account, I

recommend that Policy CMKAP S1 be deleted and the preceding paragraph 3.32 be revised as follows:

“3.32 Preparation of the business neighbourhood plan has been guided by the objectives in Policy CS7 of the Council’s adopted Core Strategy as follows:

1. Achieve higher quality buildings and spaces around them, with greater attention to human scale and more detail and variety of uses within proposals
2. Promote a higher density of development in appropriate locations
3. Achieve growing visitor numbers from outside the city to further enhance CMK's status as a regional and national destination for shopping, culture and leisure
4. Offer a range of travel options which collectively will support an increase in visitor numbers to the city centre and increased average travel distances
5. Develop as an attractive focus for all the residents of the Borough, whilst recognising its role as a District Centre for most of the surrounding estates
6. Encourage greater access to and within the area by walking, cycling and public transport
7. Provide more pedestrian-friendly routes and spaces between new and existing buildings and public areas
8. Improve integration between the facilities and defined quarters of the area
9. Accommodate the expansion needs of tertiary Higher Education such as the University Campus Milton Keynes (UCMK)
10. Offer an attractive urban living environment for the residents of current and future dwellings”

10.5 I consider this change may be made without adversely affecting the overall coherence or structure of the Plan or the way that it might be used for development control purposes in the event that the plan were in due course to be made following referendums. In addition deleting Policy CMKAP S1 would avoid the possibility of criticism being levelled that this draft policy is of a strategic nature, which would not be appropriate for a neighbourhood plan.

10.6 As a general point the Plan text should be amended to refer to the adopted rather than draft Core Strategy and its policies.

10.7 In considering the general policies of the Plan, these have been drafted to assist with development management to guide development within the Plan area. The Plan explains that these policies have been prepared to supplement the high level principles set out in Milton Keynes Council's supplementary planning document, the revised CMK Development Framework (January 2013).

10.8 Policy CMKAP G1 - Classic CMK Infrastructure

10.9 This policy which clearly defines the "classic CMK infrastructure," was the subject of overwhelming support from the consultees who replied; of the 33 consultees who responded, 30 supported the policy. Of the minority that objected to the policy, the charge that the policy lacked a sufficient evidence base for exceptional developments as justification for altering the extent of the layout of classic CMK, appears to me to be unwarranted. In reaching this conclusion I have had regard to the wide support for this policy and notably that from English Heritage and more particularly the recently adopted Core Strategy which supports higher density development in appropriate locations and which has itself been tested at independent examination.

10.10 Policy G1 is cross-referenced to Policy G11 and the two policies need to be read together. To the extent that exceptional development may arise during the Plan period which may warrant alteration to the classic CMK infrastructure, Policy G11 sets out a formal framework by which the benefits and disbenefits of a range of options are to be considered.

10.11 I consider that no modification is necessary to this policy and I am generally persuaded that the flexibility that policy G1 is likely to provide would in such circumstances adequately protect the classic CMK infrastructure, but which in exceptional circumstances would facilitate development that would assist in achieving the wider objectives of the plan and the objectives for CMK outlined in adopted Core Strategy policy CS7.

10.12 Policy CMKAP G2 – Classic CMK Buildings and Public Art

10.13 The operation of this draft policy will be dependent upon the co-operation of Milton Keynes Council, since it will be for that Council to prepare, adopt and periodically review a Local List of heritage assets and public art that might be appropriate to be referred to the Secretary of State for statutory listing. I note that Chapter 15 of the adopted Core Strategy and related Policy CS19 covering the historic and natural environment requires that;

"Developments will protect and enhance the significance of the Borough's Heritage Assets, including important elements of the 20th Century New Town architecture. Development proposals must consider the character, appearance and setting of sites, buildings, structures, areas, parks and gardens and landscapes that are of historic, architectural, cultural, biodiversity or archaeological significance....."

10.14 Whilst not explicit that the Council will prepare a Local List of the Borough's Heritage Assets, this is implied if developers are to be aware of those "sites,

buildings, structures, areas, parks and gardens and landscapes that are of historic, architectural, cultural, biodiversity or archaeological significance". It is not clear from the Plan when this Local List might be prepared and to this extent the policy is somewhat aspirational. The CMKAP cannot require Milton Keynes Council to prepare a Local List. I am aware however that on 19th June 2013 a recommendation was made to Milton Keynes Council Cabinet to progress the preparation of a Local Heritage List which would contribute towards the delivery of the MKC Corporate Plan 2012-2016, in particular its 'World Class MK' theme which states 'Milton Keynes will be recognised internationally for: its distinctive arts and heritage'. Whilst I note that the development of a Local Heritage List would be in line with the now adopted Core Strategy, the draft Cabinet minute of the meeting noted that the Council agreed to defer a decision on this matter and as far as I am aware this matter has not been reconsidered by Milton Keynes Council subsequently.

- 10.15 Since the CMKAP 2026 is not able to fetter the discretion of Milton Keynes Council, it would not be appropriate for draft policy CMKAP G2 to state that a Local List of heritage assets and public art will be prepared and adopted by the Council as well as periodically reviewed, although I accept that this may be an expectation. Accordingly I would recommend that the policy be modified to reflect this aspiration as follows;

"Policy CMKAP G2

Classic CMK Buildings & Public Art

CMK Alliance shall support the preparation of a Local List by the Council and periodic reviews to identify any assets that might be appropriate to be referred to the Secretary of State for statutory listing."

10.16 Policy CMKAP G3 - Landscaping & Open Space

- 10.17 This policy appears to have been generally supported by consultees and offers coherent protection for the landscape structure of the classic CMK infrastructure, existing public open spaces and existing semi-public spaces within CMK. Some muted concerns were raised during the consultation phase about the costs of long term maintenance and management associated with the creation of new public or semi-public open spaces which this policy seeks to encourage.
- 10.18 The policy may benefit from some minor revisions to facilitate some flexibility in the future in relation to the absolute protection afforded to the existing public open spaces and the identified existing semi-public spaces. Such flexibility would probably only be warranted in relation to proposals which could be justified as "Exceptional Developments" envisaged in Policy CMKAP G11 and therefore I believe that there could be longer term benefit in the delivery of the Plan were this policy to be amended as follows in the context of core strategy policy CS7, sub paragraphs 5) and 10):

"Policy CMKAP G3

Landscaping & Open Space

- a) Retention of landscaping: the structural tree planting and landscaping forming part of the classic CMK infrastructure is protected by Policy G1. Remnants of Common Lane (Figure 15), and its hedgerows and trees, are a heritage asset and ~~are to~~ *shall* be conserved.
- b) Existing public open spaces to be retained (Figure 15): these amenity assets are integral to the design and successful enjoyment of CMK and a reduction in quantity, quality and usefulness *shall will* not be acceptable *other than for exceptional developments as defined within Policy CMKAP G11.* .
- c) Existing semi-public spaces: a reduction in quantity, quality, use and public accessibility of all or part of Bouverie Square, Ashton & Norfolk House Square, Middleton Hall, Queens Court, Midsummer Place, City Square, and Exchange Square to make way for new development *shall will* not be acceptable *other than for exceptional developments as defined within Policy CMKAP G11.....”*

10.19 Policy CMKAP G4 - Campbell Park and its Setting

10.20 Campbell Park is undoubtedly a significant public asset being one of the largest contemporary parks in Europe and well maintained and managed. Policy CMKAP G4 seeks to protect the park and its setting from development. Policy CMKAP G4 affords the protection sought within the Plan whilst allowing development within Blocks G3 and H3 located on the south eastern margins of Campbell Park to be developed subject to design quality and similarly welcomes development of Blocklets H3.1 and H4.1 subject to design of developments adjacent to the canal enhancing the appearance of the waterway and providing active elevations.

10.21 I note that no objections to this policy were raised during the consultation phase. I consider the policy is satisfactory and appropriate but would recommend the minor modifications to the text in italics below to fit more appropriately within the context of strategic core strategy policy CS7 sub-paragraph 5):

“Policy CMKAP G4
 Campbell Park and its Setting

- a) Campbell Park (Figure 15) *shall is to* be retained and protected. It is of national and international importance, being one of the largest and finest contemporary urban parks in Europe.
- b) The development of buildings within the public green space of Campbell Park will require special justification. The design of any building proposed and justified on an exceptional basis *shall would need to* be appropriate to the character area of the Park within which it is proposed and be of the highest architectural standard, demonstrably enhancing the quality and function of the Park.....”

10.22 Policy CMKAP G5 -The Green Frame

- 10.23 The proposal to maintain the green landscaped corridor forming the northern and southern boundaries to the CMKAP and either side of V8 Marlborough Street assists in partially defining the extent of CMK.
- 10.24 The CMKAP boundary is shown on Figure 13. This may be compared with Figure 15 which shows the public realm infrastructure and development sites within CMK. Comparing the two map based diagrams, it is evident that the CMKAP boundary bisects the Green Frame along H5 Portway and H6 Childs Way. Therefore for development control and management purposes, any CMK policy relating to the Green Frame can only be operational within the CMKAP area. The policy recognises the boundary problem in criterion a) through the use of the term “ideally will occur on both the CMK and adjoining grid square sides”, in contemplating the possibility of development taking place within the Green Frame. To clarify the CMKAP boundary issue, I consider that it would be helpful to amend the policy text in order that it is clear that development within the Green Frame in the context of the CMKAP is limited to land within the CMKAP only. Accordingly, I consider that Policy G5 should note that this policy relates to land ownerships within the CMKAP only. This would not harm the sentiment within the policy, which aspires to development taking place on both the CMK and adjoining grid square sides of the CMKAP boundary, the latter remains outside of the Neighbourhood Plan area. I therefore recommend the policy should be modified as follows to fit more appropriately within the context of strategic core strategy policy CS7, sub-paragraphs 5) and 10) and the topic based policy CS20:

“Policy CMKAP G5

The Green Frame

Development in the Green Frame (Figure 15) *within the CMKAP area defined in Figure 13* ~~around CMK~~ will only be permitted if:

- a) It is located at places of connection with adjoining grid squares where it can be clearly demonstrated that it has a public benefit in terms of improving the quality and safety (as well as perception of safety) of pedestrians and cyclists using overbridges and underpasses, and ideally will occur on both the CMK and adjoining grid square sides;.....”

10.25 Policy CMKAP G6 – Mixed Use

- 10.26 Mixed use policy is one of the more contested of the CMKAP draft policies. From the consultation responses, the commercial and business interests were divided as to the appropriate extent of mixed use development. There was considerable concern from some consultees including Milton Keynes Council, about the extent of the mixed use development that the CMKAP appears to be encouraging, whether this may result in a dilution of activity across the city and whether the policy was realistic in terms of the expected outcome. It appears to me that much of the concern regarding this policy is centred on the impact of mixed use development on retail activity at ground level in particular rather than other uses, as comments frequently refer to footfall and pedestrian movement. In the explanatory text within the draft CMKAP, it is clear that the CMK Alliance has distinguished between vertical or side by side mixed use and horizontal or floor by floor mixed use. This distinction is not carried through to the draft policy

and this may have given rise to some confusion. Notwithstanding the concerns of a number of consultees who have raised objections to this policy, mixed use development is not mandatory, but permissive; the policy merely seeks to encourage this.

- 10.27 More extensive mixed use development is likely to create interest and vitality throughout the day and may assist in creating a sense of security at night.
- 10.28 The explanatory text in the CMKAP indicates at paragraph 8.39 that “It is essential that the Boulevards and Gates have active uses at ground floor level.....” This paragraph would fit more appropriately at the end of the next policy section entitled “Active Frontages”, after current paragraph 8.47.
- 10.29 I have little doubt that the operation of the property market will assist in allocating the various mixed uses for which there will be demand over the Plan period within CMK. Policy CMKAP G6 (a) will help encourage such investment.
- 10.30 Concerning late night uses, Policy CMKAP G6 (b) directs that these uses should be readily accessible to late at night transport provision, including hackney carriages and private hire vehicles. Late night uses will demand late at night transport provision for night time economy uses within CMK. To that extent, where there is a deficiency in late at night transport provision, there may be opportunities as well as a willingness for developers to contribute towards new or enhance existing late at night transportation facilities. It may be appropriate for developers to offer planning obligations to fund public realm improvements in the form of parking for private hire vehicles and taxi ranks to meet such need. In any event the draft policy would be compatible with developers meeting such transport provision associated with late night uses, without modification.

10.31 Policy CMKAP G7 - Active Frontages

- 10.32 The draft policy relating to the provision of active frontages has been prepared with the aim of enhancing the experience of pedestrians and maximizing their safety and perception of safety. Whilst these are laudable aims and appropriate in planning for a successful commercial centre with vitality, the demands and needs of the businesses that might provide these active frontages at ground level, comprising predominantly A1, A2, A3, B1, D1, D2 and sui generis uses, do not appear to have been fully reflected in preparing this policy, nor has the capacity of the market been assessed to deliver the extent of the active frontages sought over the area identified in Figure 10. This identifies the distribution of active and mixed use frontages and active frontages with weather protection. I note that there have been strong concerns raised by developers and Milton Keynes Council regarding these matters. I also note that the target percentage of active frontages in Table 3 of the Monitoring Indicators within the Plan is that over 80% of the frontages facing the public realm should be active. This would be a challenging target. Having regard to the consultation responses I am concerned that the policy is too ambitious as currently drafted because development needs to be viable to be delivered. There is no evidence as far as I am aware that demand would support the extent of active frontages which the Plan proposes.

- 10.33 I would therefore recommend that this draft policy should be modified to reflect land use development and the concerns of the various consultees, including Milton Keynes Council. Such proposed modification would be consistent with strategic core strategy policy CS7, sub-paragraphs, 5), 7) and 8) as follows:

“Policy CMKAP G7

Active frontages

Ground floor blocklet frontages facing the public realm and identified in Figure 10 shall be expected to provide predominantly active frontages including offices, shops and retail showcases, cafes and restaurants, service providers, civic and cultural uses and artistic installations, subject to viability. Design facilitating passive surveillance will be encouraged.

Weather protection: Development comprising blocklet frontages shall normally provide continuous weather protection and shelter with a depth of at least two metres at the same level as the adopted pavement.

Porte cocheres: where buildings comprised within development proposals about porte cocheres, direct and sheltered access shall be provided from them to the entrances of proposed buildings.”

10.34 Policy CMKAP G8 - Development Blocks and Blocklets

- 10.35 The objectives of this policy are to enhance pedestrian experience, to maintain pedestrian permeability and to define criteria for amalgamating Blocklets through the removal of Streets. The policy envisages circumstances within which the grid system upon which the layout of CMK is predicated might be further sub-divided or amalgamated to facilitate development ambitions. In such circumstances, the policy seeks to maintain pedestrian permeability and guide development of the Blocks and Blocklets. The draft policy should broadly achieve this objective although there is no need to include within the policy explicit reference to Policy CMKAP G7. This should be deleted.
- 10.36 In relation to the townscape aspects of the policy, this appears to be overly prescriptive and it may be desirable in defining the Block structure to allow some flexibility of the form of new development. For this reason I suggest that the policy might be further modified as outlined below.
- 10.37 I am concerned that sub paragraph c) of this policy may have strayed a little beyond the limits of conventional land use planning. Whilst I accept the policy ambition to secure pedestrian routes through Blocklets which are designed to act as public thoroughfares, such fine grained permeability may not always be possible to secure at all times by way of a legal agreement. As the distances between Blocklets is not substantial, it may not be necessary or indeed desirable for there to be 24 hour pedestrian accessibility, particularly as such routes within Blocklets are likely to cut through private facilities such as private access roads, service yards and private parking areas. For this reason I suggest the draft policy should be further modified as set out below.

10.38 Concerning the amalgamation of Blocklets that may be proposed as part of large scale development proposals, issues relating to maintaining pedestrian permeability are likely to be more acute. The aspirations of the occupiers of the proposed developments for security may conflict with those of pedestrians for accessibility and permeability within the central area of Milton Keynes. Obtaining road closure and stopping up orders to close public thoroughfares may extend beyond land use planning controls and it may not always prove feasible to secure equivalent public accessibility and permeability of a particular Block for a development proposal which might on balance, provide employment or other benefits which may outweigh a desire to maintain equivalent permeability. Again I suggest that the draft policy be modified to facilitate such eventualities over the life of the Plan. These proposed modifications would be consistent with the strategic objectives of core strategy Policy CS7, sub paragraphs 1), 5) and 7):

“Policy CMKAP G8

Development Blocks and Blocklets

- a) Development is generally preferred to be in the form of perimeter development on Blocks and Blocklets with frontages facing the surrounding public realm, and private facilities such as servicing and parking yards located in the core of the development. ~~Frontages to the public realm are to be active (as defined in Policy G7).~~
- b) Development is to clearly define the edge of the public realm. Frontages *shall be designed* ~~are to~~ appear continuous, without significant gaps save those which enhance the public realm by providing views through to landscaping or by providing pedestrian access to development behind.
- c) Routes through Blocklets which are designed to act as public thoroughfares should provide access at all times, with rights secured by legal agreement, *having regard to other material considerations*.
- d) For large developments requiring large buildings, linked buildings, or secure campuses, the assembly of several Blocklets or parts of Blocklets may be justified, which may omit the creation of, or require the closure of, one or more Streets. In such circumstances, alternative arrangements for equivalent public accessibility and permeability of the Block ~~shall will be required to be provided.~~

10.39 Policy CMKAP G9 - Design and Height of Buildings

10.40 The aspiration of this policy is to attain a high standard of building design and guide development of taller buildings. In seeking to respect the existing CMK grid layout, if increased densities are to be achieved, this will require the development of taller buildings than have generally been developed previously. This policy has been devised to provide appropriate guidance to developers to contribute to the townscape of CMK through building design and the design of other structures.

10.41 In relation to the criteria based element of the policy and to avoid ambiguity, it would be helpful to quantify “taller buildings”, as buildings being in excess of eight storeys, including plant rooms and roof-scape. The policy does not seek to

prohibit taller buildings, as some consultees may have assumed, but rather that the acceptability of buildings taller than this threshold should be tested against the criteria listed within the policy in sub-paragraph e). The second criterion, “enhance the skyline and create a landmark” may prove difficult to assess since any development in excess of eight storeys is likely to be a landmark for some considerable time to come during the life of the Plan. Also, there are no criteria against which an objective assessment may be made as to whether a proposal is likely to enhance the skyline. This may not in itself be problematic but judgments are likely to be necessary to the extent to which taller buildings may impact adversely on the setting of listed buildings within CMK. On balance, it would be preferable to remove criterion ii) from the policy.

10.42 Similarly and for avoidance of doubt, “taller structures”, which are not buildings would benefit from a more precise definition. I therefore recommend the modification to sub paragraphs e) and f) as provided below:

- e) “Proposals for taller buildings *in excess of eight storeys above natural ground level* will be tested against these criteria – that they:
 - i. Offer outstanding economic and social benefits to CMK and Milton Keynes;
 - ii. Avoid any adverse impact on:
 - » The microclimate, caused for example by increasing wind speeds, by overshadowing and by restricting daylight both in the public realm and in adjacent developments;
 - » Telecommunications;
 - » Adjacent developments by overlooking them and reducing privacy;
 - » Adjacent developments when illuminated;
- f) Taller Structures which are not buildings *but which are in excess of the equivalent of eight storeys above natural ground level shall not be acceptable unless they have a necessary function (e.g. chimneys or communications masts) or are civic interventions (such as memorials and public works of art);* “

10.43 Policy CMKAP G10 - Residential Development

10.44 The proposed residential densities generally of 250 dwellings per hectare between Station End and Marlborough Gate and between 100 – 250 dwellings per hectare in the Blocks surrounding Campbell are realistic in order to reach the overall increase in homes planned for CMK in the adopted Core Strategy. At the higher densities, the development is likely to comprise flats which will generally attract non family households. Overall this is likely to provide greater housing choice than currently exists within Milton Keynes and would be appropriate to meet the needs for both the young and elderly as well as transient households, thereby opening up a range of housing tenures that will assist in promoting the attractiveness of CMK for employment development. Generally, this policy has been supported through consultation, although some concern has been expressed about the relationships between higher density development close to Campbell Park and the impact on the setting of the shopping centre. I have little doubt that through appropriate design, and possibly through coordinated

masterplanning, high quality residential development may be introduced which will overcome these concerns.

10.45 Policy CMKAP G10 b) requires residential development within CMK to offer a mix of unit sizes. Whilst this intention is understood, it is likely having regard to the densities proposed, demand, the expectation to offer a range of tenures and the likely housing demographics that there will be a propensity of smaller dwellings, particularly between Station End and Marlborough Gate where the higher densities will be developed under the guidance in the Core Strategy and proposed under this Plan.

10.46 Whilst the draft policy seeks to foster the development of communities, subparagraph g) strays from land use planning guidance. The policy expectation that wherever possible management structures should be established to look after shared areas and take on shared responsibilities controlled by residents. Accordingly, I would recommend that this element of the policy should be modified as follows:

- g) The creation of communities within developments should be fostered by establishing communal facilities, such as shared open space. ~~and wherever possible establishing management structures that are controlled by the residents to look after shared areas and take on shared responsibilities.~~

10.47 Policy CMKAP G11- Exceptional Developments

10.48 It is likely that over the life of the Plan that development opportunities may arise within the CMKAP Neighbourhood Plan area that may breach some aspects of planning policy but nonetheless in weighing up the advantages and disadvantages, the balance of advantage having regard to the interests of CMK would be to grant planning permission. The checks and balances in Policy CMKAP G11 should provide a convincing framework to objectively test the desirability of such proposals by having regard to policy compliant options and secondly through pre-application consultation. For avoidance of doubt that both criteria have been satisfied in order to justify exceptional development and for clarity I propose for clarity the following minor modification to the policy text as follows:

**“CMKAP G11
Exceptional Developments**

Policy G1 may be applied with some flexibility if an exceptional development is proposed. An exceptional development would demonstrably raise the profile of Milton Keynes nationally or internationally, would make a substantial contribution to the economic, employment, social, cultural and other key objectives of the Plan and city prosperity, and would enhance CMK’s distinctive identity.

Proposals are expected to show that:

- a) options have been considered that do not breach policy, with a detailed analysis of the pros and cons of each relative to the original proposal, including ~~at least one~~ *an alternative, or further options*, put forward by the local community, if ~~one is~~ *forthcoming*; *and*
- b) pre-application engagement has taken place with stakeholders and the public to ~~consider~~ *evaluate* the options and with independent opinion surveys based on well informed samples to assess public support for the original and next best option.”

10.49 Policy CMKAP G12 - Planning Obligations

- 10.50 The planning obligations policy is not well developed due largely to the review of planning obligations generally which is currently taking place. Whilst the supporting text in the draft neighbourhood plan refers to the need for contributions to be made for various components of social and physical infrastructure within the CMKAP area, future developer contributions will be determined by the revisions resulting from Milton Keynes Council’s Planning Obligations Policy Review project. The current draft policy lacks clarity, reflecting the current planning obligations policy review. Accordingly it is difficult at present to devise an effective planning obligations policy in the absence of the results of this policy review. I note that from the adopted Core Strategy, that Milton Keynes Council intends to adopt a CIL, but prior to this, the existing tariff system will continue to operate. After the adoption of the CIL, relevant development will be required to pay a non-negotiable CIL charge, plus any site specific S106 contributions. The adopted Core Strategy is clear that the amount, type and cost of infrastructure required and the viability of the contribution sought from developers will be identified through the preparation of the Development Framework SPD.
- 10.51 The draft CMKAP policies should not fetter the discretion of Milton Keynes Council in preparing the CIL. The planning obligations policy for the MK Council area will be the subject of review and doubtless the CMK Alliance and probably others will lobby Milton Keynes Council for appropriate contributions to fund relevant social and physical infrastructure. I therefore recommend that for clarity there should be minor modifications to the planning obligations policy to allow for changes in the planning obligations regime during the life of the CMKAP as follows:

“Policy CMKAP G12 Planning Obligations

To ~~support~~ *deliver* the policies and strategies of the Plan, the system of planning obligations (including Section 106 agreements and Community Infrastructure Levy) applied by MK Council for CMK *during the life of this Plan shall include support for the provision of social and physical infrastructure with the Neighbourhood Plan area.* ~~needs to be revised and adopted when this Plan is adopted bearing in mind the comments made above.”~~

11.0 Site Specific Policies

11.1 The CMKAP provides four site specific policies, concerning strategic reserve sites, the primary shopping area, Midsummer Boulevard East and the Indicative Land Use Proposals Plan respectively.

11.2 Policy CMKAP SS1 – Strategic Reserve Sites

11.3 This policy is consistent with the broad land use aspirations of the CMK Development Framework SPD and Policy CS7 of the adopted Core Strategy.

11.4 The CMKAP identifies Block B4, south of Avebury Boulevard and Blocklets F1.2-F1.4 north of and overlooking Campbell Park as having scale and locational advantages, which are rare and very special. Furthermore they are both in public ownership, thus avoiding land assembly problems and enabling the sites to be brought forward quickly.

11.5 Policy SS1 provides a broadly rational basis for releasing these sites over the life of the Plan, should appropriate land use proposals emerge. It may however, be desirable to allow more flexibility to facilitate development over what may be an extended time period and in the context of an overall masterplan which together with other supporting material, would be expected to form the basis for planning permission. A potential difficulty in developing these strategic sites may be that the end user may have a clear vision for the initial phases of development, whilst wishing to hold some land for future expansion but where the form of the future development is uncertain. By establishing certain parameters and design principles to give clarity to what is proposed and what has been assessed as part of the Design & Access Statement, Transport Assessment and Environmental Statement, these difficulties may be overcome. Through the use of parameter plans as a formal part of the application material covering, land use, areas for development, building height, distinct development / neighbourhood zones / phases within the site, open space and access and movement proposals may be established. In addition, through a statement of design principles, derived from the Design and Access Statement and by quantifying the maximum scale of development, developers would still retain the flexibility to evolve detailed design within approved parameters, without dictating the form of the final project.

11.6 Accordingly, I consider that further guidance regarding the Strategic Reserve Sites within Policy CMKAP SS1 should be provided through the following modification;

“Policy CMKAP SS1 Strategic Reserve Sites

Blocks B4 and Blocklets F1.2 - F1.4 are identified as being reserved for major developments of strategic importance, such as a university campus, major research or similar institute, or international headquarter offices or government establishment which would raise the profile of Milton Keynes nationally and/or internationally.

Sites reserved for major developments ~~must~~ *should* be comprehensively planned, designed and developed, *through the use of a parameter plan, statement of design principles and by quantifying the maximum gross floorspace for the respective proposed land uses. Phased development of these strategic reserve sites shall be acceptable in the context of an agreed parameter plan, however piecemeal development of these sites shall will not be permitted. although future phasing of development is acceptable*”

11.7 Policy CMKAP SS2 - Shopping Area

- 11.8 Due to my earlier concerns that draft policy CMKAP SS2 did not appear to follow the conventional retail hierarchy as identified in the NPPF in relation to ensuring the viability of town centres and examination hearing was convened on 12th of December 2013 to consider this issue and a number of related points.
- 11.9 The CMKAP examination draft plan defines the Primary Shopping Area (PSA) in Figure 11 and to that extent is consistent with the advice within paragraph 23 of the NPPF. At paragraph 24, in order to protect the vitality and viability of town centres, the NPPF sets out a sequential test approach whereby local planning authorities should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. In defining edge of centre locations, the glossary to the NPPF defines edge of centre for retail purposes as follows:

“Edge of centre: For retail purposes, a location that is well connected and up to 300 metres of the primary shopping area.”

- 11.10 The edge of centre shopping area as defined in Figure 11 of the examination draft plan shows the development area extending well over 1,000 metres to the west of the PSA in a dumb-bell shape centred on the Station End connected on the Midsummer Boulevard axis.
- 11.11 At the hearing, the CMK Alliance were sceptical that the retail floorspace planned could be accommodated in the PSA, extending to some 39 ha, over the Plan period. The Station End was described as a “hot-spot” which the Plan is looking to support. During the course of the examination hearing a comparative plan showing the PSA and edge of centre shopping area was submitted as Figure 11A, (see Appendix 1). This plan compared the extent of the PSA with a notional 300m edge of centre zone and the actual edge of centre zone identified within the draft Plan. The conventional 300m zone defined within the NPPF takes in a considerable area of Campbell Park to the east of the PSA as well as the classic MK infrastructure to the north and south where edge of centre development would be an unrealistic proposition. The conventional edge of centre zone would comprise 115 ha compared with some 95 ha forming the edge of centre area taking in Station End to the west. Taking these points together and the physical form and layout of CMK, the edge of centre area as defined appears reasonable and is some 20 ha smaller than might have been contemplated on a conventional assessment of the edge of centre area. There was general agreement at the

examination hearing that there was sufficient evidence to support the extent of the edge of centre area within CMK.

- 11.12 The hearing also considered the relationship between draft policy CMKAP SS2 and the evidence base that informed the Core Strategy, comprising the Milton Keynes Retail Capacity Update (August 2011) produced by Roger Tym and Partners, part of Peter Brett Associates LLP. Core Strategy table 5.7 estimates that between 69,714 and 110,781 m² of additional comparison retail floorspace will be required in CMK in the period 2011-2026. This is a very considerable range. At the hearing assertions were made regarding adequacy of the 53,000 m² considered by CMK Alliance to be the PSA additional retail capacity. I note that Table 4 in the Plan calculating the land use capacity, based on an indicative land use mix, envisages approximately 53,500m² of additional (Class A), retail and leisure floorspace being accommodated within the PSA over the life of the Plan to 2026. Furthermore, the assessment within the Plan at Table 4, envisages that retail and leisure uses, within CMK, but beyond the PSA, will provide an additional capacity for 59,500 m² Class A, retail and leisure floorspace. The total from Table 4, indicates an additional 113,000 m², plus a further 10%, from mixed use development, some 11,000 m². The total additional retail and leisure uses in CMK over the life of the Plan (Table 4), therefore indicates an additional capacity for 124,000 m² retail and leisure floorspace. This would facilitate about 13,200 m² more Class A development than the top end of the range within Table 5.7 of the Core Strategy.
- 11.13 To the extent that the retail and leisure capacity of the PSA under-estimated likely need as suggested by a number of participants at the hearing, in the event that this view proved to be correct in the future, this would underscore the need for adequate edge of centre allocations to facilitate greater development capacity over the life of the Plan. Having regard to Table 4, of the Plan and whilst accepting that this is indicative, this would nonetheless suggest that sufficient allocations have been identified within CMK to facilitate more retail and leisure development than envisaged in Table 5.7 of the Core Strategy. The Plan is consistent with the thrust of the Core Strategy and should not restrict or prevent new retail floorspace coming forward in the PSA of CMK.
- 11.14 The cascade approach in Policy CMKAP SS2 sub-paragraph a) for accommodating retail development > 1,000 m², firstly in the PSA and secondly in the Edge of Centre area, would appear on the evidence and comments made at the hearing and the evidence from the adopted Core Strategy, to provide sufficient opportunity during the Plan period to satisfy demand. There therefore appears to be no justification based on need, to extend retail development on this scale to the third tier of sites adjacent to Boulevards and Gates elsewhere. However, if I am wrong and over the course of the Plan the current capacity for such retail development within the PSA and edge of centre locations are taken up, then sites adjacent to Boulevards and Gates elsewhere within CMK could then be appropriate for such retail development.
- 11.15 Concerning the policy proposal that major new retail developments in excess of 2,500 m² should include provision for a range of small shops with some in prime locations was also considered at the hearing. The policy is not clear what is

meant by “small” shop units. At the hearing CMK Alliance proffered retail units of up to 500 m² in size which would not threaten larger retailers would be regarded as small. These could offer greater vitality and active frontages. The lack of definition of small units in the policy is unhelpful from a development control perspective, also it is not clear how many small units might be appropriate to constitute an acceptable range. In any event, the deliverability of small units will vary dependent upon the location of the development and its context within CMK. Although CMK Alliance consider this lack of precision as consistent with offering flexibility, these are concerns raised during the hearing by a number of participants, with which I have sympathy.

- 11.16 Further anxiety about the demand for small shops and whether these would let was evident at the hearing from developer and investor interests; perhaps not surprisingly there was little appetite for the possibility of the cross-subsidy for provision of smaller units by investors developing larger stores. Comments were also raised that due to size, many proposals for retail developments in excess of 2,500 m² are likely to be proposed outside the PSA. In these instances foot-fall is likely to be less than within the PSA and small retailers may find the retail environment unacceptable, which could lead to voids and possibly gaps in some retail frontages. Contrary to the views of the shopping centre owners, the CKM Alliance expressed the view that there was no evidence that there were problems letting small shops, although there was resistance from some shopping centre managers and investors, unwilling to accommodate small retailers within their developments.
- 11.17 Regarding paragraphs c), d) and e) of this policy relating to the encouragement of permanent stalls for independent retailers, improvements to the existing outdoor market and the improvements to enrich the visitor experience as part of proposals comprising major new retail developments (of more than 2,500 m²), I find these acceptable, not least because of the overwhelming support expressed through public consultation. Concerning paragraph f), the final component of this policy, the aspiration to reverse where possible the removal of shop frontages to Boulevards, Gates and Streets, I am concerned that throughout the CMK neighbourhood plan area, there may be occasions from time to time where the balance of planning advantage may favour development which does not reinstate a lost retail frontage within these thoroughfares, particularly beyond the PSA. Accordingly some flexibility in the policy is likely to prove beneficial over the life of the Plan.
- 11.18 Taking these land use issues together dealing with the shopping area, I would recommend the following modifications to this policy:

“Policy CMKAP SS2

Shopping Area

- a) When retail development over 1,000 m² cannot be realised in the Primary Shopping Area, sites in the Edge of Centre area (as demarcated in Figure 11) may be considered, followed by sites adjacent to Boulevards and Gates elsewhere.

- b) Major new retail developments (more than 2,500 m2) *shall encourage the are to include provision for a range of small shop units (up to 500 m2). (~~with some in prime locations.~~* Where small shop units have been provided under this policy, the amalgamation of individual units will not be permitted without justification.
- c) Development of Block D3 with a Market Hall, as shown in the Proposals Plan, is encouraged with permanent stalls for independent retailers and market traders.
- d) Improvements to the existing outdoor market in Market Square will be encouraged to provide not only attractive lockable and serviced small stall units and a number of mobile traders, but also to provide the flexibility of demountable stalls for single day 'set up/take down' traders.
- e) To improve the visitor experience and services, a mix of leisure, cultural and community uses within the Primary Shopping Area is to be provided as part of any new major retail development.
- f) The pasting over or infilling of permitted shop frontages to Boulevards, Gates and Streets *shall not will not* be permitted and *will* be reversed where possible.

11.19 Policy CMKAP SS3 - Midsummer Boulevard East

- 11.20 All 10 of the consultation responses received supported the ambition to create a new civic space in CMK. However it is also clear that, for the time being, this aspiration needs more research in terms of the scale, form and uses that may be included within such a space and how this might relate to the Events Plateau in Campbell Park and Middleton Hall, which is used for trade fairs and exhibitions.
- 11.21 It should be borne in mind that an Action Area Plan will be a document forming part of the Local Plan and thus will need to be promoted during the final stages at least, either jointly by MKC and the CMK Alliance or solely by MKC. I note that MKC has not raised any comments regarding this policy and I would therefore expect that there is likely to be a close working relationship and in due course following consultation and external examination, there is a strong likelihood that an Area Action Plan (AAP) for the inset area will be adopted. However the CMKAP policies should not fetter the discretion of the local planning authority and I suggest that the draft policy needs minor modification prior to the preparation of the AAP as follows:

**“Policy CMKAP SS3
Midsummer Blvd East**

‘Midsummer Boulevard East’ as identified in Figure 11 is proposed as ~~declared to be an~~ Inset Action Plan Area, for which a detailed design and consultation process is to be undertaken by the CMK Alliance.”

- 11.22 To the extent that there is some uncertainty as to how the Midsummer Boulevard East AAP might be brought forward I propose that the final sentence of the draft policy be deleted. This should not harm the intention of CMK Alliance to promote this AAP.

11.23 Policy CMKAP SS4 - Indicative Land Use Proposals

- 11.24 Policy CMKAP SS4 draws together the policy objectives of the Plan and taken together with Figure 16 and the schedule in Table 4, provides a spatial and quantitative framework identifying prospective acceptable land uses and development densities. It is against this broad spatial framework and the associated policies in the CMKAP that the Plan will be used as a development management tool. The policy offers considerable flexibility subject to the objectives of policy CMKAP G6 (mixed uses) being met.
- 11.25 The criteria based sub-paragraph c) which seeks to provide a basis by which variations to the land use proposals plan, Figure 16 and Table 4 should be assessed, could in its present form cause some difficulty in interpretation. It is not clear how decision makers would assess proposals against criterion ii) in a land use planning context as being “good neighbours”. This probably would require assessment in terms of the impact of any development proposal in terms of the likely effect on the amenity of neighbouring development and land uses. To the extent that development control will be exercised through the other relevant policies within the CMKAP and the Core Strategy, I consider that this criterion should be deleted.
- 11.26 Concerning sub-paragraph iii) of the policy, it is also not clear to me that careful design “*will enable compatibility with the mix of uses to which they contribute*”. It would be clearer to invoke the undoubted benefits that design quality may contribute to the acceptability of development proposals by a minor modification to the policy as set out below. This I believe may assist decision makers in the future in assessing proposed developments which comprise cultural, sporting and community facilities that will require consideration as variations to the land use guidance in Figure 16 and Table 4.
- 11.27 Accordingly I recommend the following minor amendments to this policy:

“Policy CMKAP SS4

Indicative Land Use Proposals

- a) The Proposals Plan (Figure 16) and associated schedule (Table 4) will be used to guide development of undeveloped or under-developed sites, as well as regeneration and refurbishment opportunities of existing sites, as noted.
- b) The delivery of the broad land uses shown will be encouraged; however, variations may be acceptable as long as they meet the aims of Policy CMKAP G6 Mixed Use.
- c) Proposed variations will need to be assessed against the following criteria:
 - i. that the proposed alternative uses do not jeopardise the desired spread of uses or overall ambition for growth in CMK;
 - ii. ~~that developments are good neighbours to adjacent uses;~~

- ii) that cultural, sporting and community facilities, where indicated, are accommodated by careful design that will ~~enable~~ *demonstrate* compatibility with the mix of uses to which they contribute.

12.0 Access Transport & Parking Policies

12.1 The CMKAP provides four policies relating to access, transport and parking strategy, designed to build on the adopted Core Strategy transportation policies and provide further guidance to the principles in the CMK Development Framework. I consider these below:

12.2 Policy CMKAP T1 - Access & Design

12.3 Draft policy CMKAP T1 seeks to protect existing movement corridors and improve access for pedestrians, cyclists and users of public transport. In addition, the policy seeks to ensure that proposed development can be accommodated in terms of vehicle movement and parking. This all appears to be reasonable and the latter is capable of qualitative and quantitative assessment.

12.4 The policy also proposes in sub paragraph c), that new development proposals should also take into account the needs of other developments in the future as indicated on the Proposals Plan, Figure 16 and Table 4, the schedule of Indicative Land Uses. The difficulty with this is that it is not clear as to the future timescale of such developments or the precise densities and mix of uses. It would therefore appear impossible to provide a definitive assessment of required capacity. Furthermore, if possible future development did not materialise in accordance with the expectations within the Plan, this could result in excessive infrastructure capacity being provided, or excessive contributions sought, which might render otherwise satisfactory development unviable. There is however a case for ensuring that development proposals can take place in terms of capacity having regard to existing land uses and existing commitments where planning permission has been granted but where development is yet to be implemented or completed. Accordingly, I would recommend that the draft policy be modified as follows;

“Policy CMKAP Access & Design

New development in CMK should reflect the following access and transport principles:

Protect existing movement corridors established as the grid of Gates, Boulevards, Streets, and ‘slow streets’ within the perimeter parking areas and North and South rows.

Improve safe, attractive and convenient access for pedestrians, cyclists and users of public transport.

Ensure that vehicle movement and parking demand generated by the proposed development can be accommodated whilst also taking into account the needs of other development *commitments where planning permission has been granted but not commenced or completed.* ~~s in future~~

as indicated on the Proposals Plan (Figure 16) and associated schedule (Table 4).”

12.5 Policy CMKAP T2 - Public Transport and Hackney Carriages

- 12.6 The proposal for a second public transport hub in the retail core with passenger facilities integrated with adjacent development is also mainly supported. A number of comments on the Plan proposals pointed to the lack of a bus station within CMK and the need for better bus provision serving CMK. It is clear that there is still much to do in bringing forward more detailed proposals for bus services and this policy can only point to this general aspiration at this stage.
- 12.7 In relation to public transport improvements, of the twelve consultation responses expressing views on this topic, ten were positive and supportive to the CMKAP aspirations to improve bus services and bus circulation within the CMK area. The shuttle concept was also generally supported although this remains a concept and is yet to be worked up into a detailed proposition. Some comments were made during the consultation phase that the Plan is not as sustainable as it might be because the introduction of further car parking will discourage a modal shift towards more sustainable patterns of travel. In the light of the mix of uses planned within the CMK area, including relatively high density housing in addition to extensive commercial and leisure activities, it may not be realistic to expect a high dependence on public transport within a settlement which was designed to cater for a high level of car use. I note from the Public Consultation (Regulation 14) Report (page 99), that the amount of parking will be proportionately less and the number of public transport trips more than is currently the case, even with the proposed increase in B1 parking provision. The introduction of enhanced bus services along Silbury and Avebury Boulevards as part of the intra – CMK transit system or shuttle is expected to reduce car travel between different stores within CMK. This should provide more travel option choice within the central area and thereby enhance the attractiveness of the shopping centre generally.
- 12.8 The rest of policy CMKAP T2 relates to the provision of adequate pick up and set down spaces for taxis within the Plan area, through the use of Green Travel Plans and Transport Assessment associated with large developments such as hotels and at rail and bus stations and transport interchanges. The facilities required for hackney carriages are defined in paragraph c) of the policy.. The policy notes that where off site hackney carriage provision adequately meets needs of the proposed development, additional facilities will not be necessary. If however, the proposed development will generate an enhanced need for hackney carriages, developers will be required to contribute to this by way of a planning agreement towards the necessary infrastructure, relevant to the scale and type of development.
- 12.9 As previously indicated, the Plan’s planning obligations policy (CMKAP G12), is not yet fully developed. I note that a review of planning obligations generally is about to take place. I also note from the adopted Core Strategy, that Milton Keynes Council intends to adopt a CIL, but prior to this the existing tariff system will continue to operate. After the adoption of the CIL, relevant development will

be required to pay a non-negotiable CIL charge, plus any site specific S106 contributions. The adopted Core Strategy is clear that the amount, type and cost of infrastructure required and the viability of the contribution sought from developers, will be identified through the preparation of the Development Framework SPD. I anticipate that at that stage the CIL Charging Schedule will include contributions towards the second public transport hub, the intra-CMK transit network and other infrastructure enhancements. Until that time, the CMKAP provides no rationale to assess the scale of contributions and to ensure that they are proportionate and affordable for land use development proposals. This information will be a reasonable requirement of developers operating within CMK, in order to provide certainty as to the amount of planning gain contributions for development proposals in the CMKAP area.

12.10 I therefore consider that it would be desirable to cross reference Policy CMKAP T2, to Policy CMKAP G12 concerning planning gain as follows:

“Policy CMKAP T2

Public Transport and Hackney Carriages

- a) New developments shall contribute to the provision of *public transport infrastructure within CMK, including:*
 - i. A second public transport hub in the retail core with passenger facilities integrated with adjacent development; and
 - ii. An intra-CMK transit network, such as a shuttle or more advanced system, using Silbury and Avebury Boulevards, making best use of the porte-cochere infrastructure, to connect all areas of CMK and Campbell Park.

- b) The Transport Assessment and Green Travel Plan submitted with major planning applications will help determine the need and contribute to the brief for hackney carriage provision and pick-up and set-down space where required. In general, provision for hackney carriage and pick-up & set-down space will be required for food store developments over 2,500 m², for large retail and leisure developments of all kinds, for hotels, and at rail and bus stations and transport interchanges.

- c) Facilities for hackney carriages should:
 - i. have adequate capacity for hackney carriages according to existing and/or anticipated customer demand;
 - ii. be within easy walking distance of the development;
 - iii. have seating and shelter;
 - iv. be in a secure location, well-lit and overlooked; and
 - v. be accessible for disabled people

- d) Where existing off-site hackney carriage provision in the public domain can be shown to satisfy the above criteria, additional provision will not be required.

- e) Where existing off-site access for hackney carriages and pick-up & set-down space is inadequate, a legal agreement will be sought to secure the developer's contribution to works in the public domain or on site to provide the necessary infrastructure. This will be relative to the scale and type of the development and the relevant performance characteristics of the local highway network.
- f) *Developer contributions made under this policy shall, in accordance with Policy CMKAP G12, reflect the system of planning obligations (including Section 106 agreements and Community Infrastructure Levy) applied by MK Council for CMKAP during the life of this Plan, from time to time and used to support the provision of relevant public transport infrastructure with the Neighbourhood Plan area."*

12.11 Policy CMKAP T3 Cycling

12.12 Encouraging cycling within CMK is plainly a sustainable transport planning objective and the provision of safe and secure cycle storage is an appropriate land use planning expectation associated with development proposals. Similarly, the policy requirement for developments to contribute towards improvements to the CMK cycle network, including the proposed east-west Redway connection for National Cycle Route 51, a cycling hub in the vicinity of Station Square and such other locations as appropriate, should encourage cycle use as a practical transport option. Similarly, requiring developers' contributions towards cycle hire infrastructure would facilitate and encourage cycle use within CMK.

12.13 Policy CMKAP T4 – Parking

12.14 Parking policy for CMK has been a contentious issue in the preparation of the CMKAP. The CMK Alliance has sought to take into account a greater use in public transport, cycling and walking over the plan period, whilst providing additional car parking for office development to ensure CMK is not at a disadvantage as a desirable location for business. In the context of class B1 development, the proposed standard is 1 parking space per 70 m² gross floor area (but 1 parking space per 50 m² for Campbell Park). This may be compared with current 2005 Parking Standards SPG and 2009 Addendum standard of 1 parking space per 50 m². For business units greater than 300sq.m, the proposed parking standard is unchanged, being 1 HGV space per 500 m², but with a minimum of 1 HGV space. MK Council in its earlier consultation response (Reference M2.137) considered that the relaxation of the car parking standard within the Plan was of a strategic nature due to the interconnectedness of transport policy, taken together with the maintenance and management of the parking stock. The CMKAP however is seeking to facilitate development within CMK on the basis of the same parking controls as other commercial centres within the Borough where the Zone 2 controls apply. In that sense the objective is not a strategic matter and it is to be expected that business neighbourhood plans will seek to ensure that policies are appropriately supportive of business interests whilst seeking to balance the needs and expectations of those who use

the employment, retail, leisure and residential land uses within the catchment area. If over the Plan period an additional 208,500m² of gross B1 floorspace was built then, using the current SPG Zone 1 standard, 2,979 additional parking spaces would be required. By comparison, using the CMKAP parking standard this would increase by some 1,191 spaces to 4,170, an increase of 40%. In responding to MK Council's earlier concerns, the CMK Alliance advise that they have worked together with MKC to reach convergence on a number of highway issues and in the light of the Council's and other comments, they have undertaken further studies as a consequence of which other non-residential use SPG Zone 1 parking standards are to be retained in the Plan.

- 12.15 I note from Section 3 dealing with implementation matters, that in order to maintain ease of access and for CMK to maintain a competitive advantage, the Plan acknowledges that public transport patronage will need to increase by five-fold over the life of the Plan, in addition to the identified need to provide additional parking spaces. This presents a formidable challenge.
- 12.16 The MKC 2005 Parking Standards SPG set maximum parking standards, whereas the CMKAP parking standards are "expected" levels of provision. Were the policy to operate in this way, it could encourage development which may exceed this "expected" standard. Therefore to achieve greater convergence and to avoid confusion, whilst accepting the proposed business parking standard in the Plan, all of the parking standards should be regarded as the maximum floorspace ratio in each case. This proposed alteration would more accurately bring parking for office development in the city centre in line with other town centres in Milton Keynes.
- 12.17 In the Primary Shopping Area, the option of providing some parking off-plot in the outer Blocks, subject to agreement of the relevant landowner(s); and a requirement for un-allocated (visitor) parking for residential development in Campbell Park grid square appear reasonable.
- 12.18 I note that the parking standard proposed for residential development is also more relaxed in the Plan area than Zone 1 for dwellings with 3 or more bedrooms. This proposed change, subject to again to being maximum rather than expected provision, would I believe be acceptable in relation to likely market demand. I further note that the Plan's standards for disabled bays, cycles and powered two-wheeler parking are in accordance with the 2005 SPG, as is the need for work travel plans.
- 12.19 The proposal for servicing arrangements prohibiting the loading/unloading of HGVs directly on Gates and Boulevards appears reasonable.
- 12.20 In reaching these conclusions in relation to this policy I have considered the weight that should be accorded to the Parking Standards SPG, which was adopted as long ago as January 2005 and also the provisions of Policy CS11 in the recently adopted Core Strategy, covering matters relating to transport planning and connectivity throughout the Borough Council's administrative area. I consider that taken together, Policy CMKAP T4 and the other access, transport and parking policies provide a framework for increased modal choice in the context of a city centre where higher density mixed use development is

anticipated during the Plan period to 2026. The issue of transport demand management in Milton Keynes through relevant policy is likely to be a strategic matter affecting the entire borough not simply CMK and therefore not a matter for the neighbourhood plan.

12.21 I also note that the majority of the parking stock is controlled by MK Council. There will need to be considerable co-operation between MK Council and the CMK Alliance in order for the CMKAP parking proposals to work in practice; but over the course of the Plan additional parking and delivery spaces are likely to be required through private development to supplement publicly owned parking provision. I see no reason in principle why privately owned and managed additional parking should not come forward to supplement the existing parking spaces within CMK.

12.22 I therefore recommend that this policy be modified as follows:

“Policy CMKAP T4

Parking

a) The car parking standards for CMK are shown in Table 3. These are the *maximum* number of parking spaces ~~that are expected~~ to be provided by new development.....”

12.23 In order to aid understanding of Table 3 which provides guidance on parking standards, it would be helpful if the following rubric or similar could be included within the table, as in the earlier SPG:

“(All values refer to 1 parking space per X square metres (m2) gross floor area, unless described otherwise).”

13.0 The Plan – Other Matters

13.1 Proposals, Plan, Implementation & Monitoring

13.2 For the purpose of the examination of the CMKAP, it is not necessary to consider in any further detail the Proposals Plan and the related Table: Indicative Land Uses. The explanatory figures, comprising Figure 13 identifying and explaining the Block numbering system, Figure 14, demonstrating the existing land uses within CMK (2013) and Figure 15 identifying the extensive public realm infrastructure and development sites all provide useful graphic context for the Indicative Land Use Proposal Plan, Figure 16 and Table 4. The existing land use plan and proposals plan are integrated to form an all land use proposals plan (Figure17) which attempts to show how CMK might appear in land use terms in 2026.

13.3 The delivery aspiration that about 3 hectares within CMK will be developed annually over the life of the Plan to 2026 is an ambitious target and will be dependent upon market conditions and the willingness of the major landowners to work co-operatively to realise the Plan’s objectives. The Plan recognises the importance of such co-operation between the civic societies and amenity groups as well as the Town Council and the business community Whilst the

neighbourhood plan has identified the land use planning aspirations for CMK, delivery will be dependent upon continuous and much wider partnership working throughout the Plan period, not least because most of the HCA's land-holdings in CMK have been sold to MK Council and then transferred last year to the Council's wholly-owned subsidiary, Milton Keynes Development Partnership (MKDP).

- 13.4 The duty to co-operate that underpins the ethos of neighbourhood planning will be important if the Plan is to be successful. This appears to be fully recognised by the CMK Alliance in relation to the need for carefully planned infrastructure investment and introducing an effective Community Infrastructure Levy. The Plan also recognises the significance of contributions towards the education and skills training, education and physical infrastructure development that can be provided by the South East Midlands Local Enterprise Partnership (SEMLEP) for the purpose of promoting CMK, together with assistance from MK Council through its Economic Development Strategy, together with The Business Council, CMK Business Forum and Milton Keynes City Centre Management. Similarly, the Plan recognises the importance of not for profit organisations and the voluntary sector in achieving community cohesiveness within CMK.

14.0 Recommendations

14.1 Modifications to meet the basic conditions

- 14.2 For the reasons set out above and subject to all of the modifications indicated in the preceding sections of this examination report, I consider that the plan would meet the basic conditions in terms of:
- having appropriate regard to national planning policy;
 - contributing to the achievement of sustainable development;
 - being in general conformity with the strategic policies in the development plan for the local area
 - being compatible with human rights requirements; and
 - being compatible with European Union obligations.

- 14.3 I therefore recommend that in accordance with Schedule 4B to the Town and Country Planning Act 1990, paragraph 10 (2), b) that modifications specified in this report are made to the draft Neighbourhood Plan and that the draft CMKAP as modified is submitted to referendums.

14.4 Referendum Area

- 14.5 It is the independent examiner's role to consider the referendum area appropriate in the event that the Qualifying Body wishes to proceed to the referendum stage. As the CMKAP is a Business Neighbourhood Plan, two referendums will be required; one comprising those persons with a vote in local elections and with a qualifying address is in the referendum area, the other a business based referendum in which those entitled to vote are non-domestic ratepayers in the referendum area. The provisions of the Neighbourhood Planning (Referendums) (Amendment) Regulations 2013, which came into force on 6th April 2013 set out

the process and procedure. The referendum areas are to be identical and must as a minimum comprise the neighbourhood plan area.

- 14.6 In the case of the representations made during the consultation period, all of the respondents who commented on the matter of referendums in the event that the Plan went forward to the referendum stage, sought that the area of the referendum should extend to the Milton Keynes Borough Council administrative area. This is an entirely reasonable expectation as the CMK retail, leisure and employment uses benefit not only the small current resident population of about 3,000, based within the neighbourhood plan area, but the 250,000 individuals, or thereabouts comprising the resident population of the Borough. Borough-wide referendums, should these endorse the Plan, will increase the legitimacy of the Plan and on the basis that support is given, such endorsement should encourage greater community cohesiveness and a shared ambition to secure and deliver the objectives of the Plan.
- 14.7 The consultation responses referred to the democratic need to consult widely on the Plan which will shape the future character of Central Milton Keynes. A keen sense of ownership of CMK was expressed by a number of respondents.
- 14.8 To the extent that the residential and business referendum areas must be identical to comply with the regulations. As I consider that it is appropriate for the residential referendum to be Borough-wide, for sound reasons of democracy and equity, it follows that this geographic area must apply to the business referendum. There is no opportunity for the examiner to specify different referendum areas under the regulations.
- 14.9 I therefore recommend that if referendums are to be held, that the geographic extent of each should extend to the administrative boundary of Milton Keynes Council.

15.0 Summary

- 15.1 In accordance with Schedule 4B to the Town and Country Planning Act 1990, paragraph 10(6), b), I set out below the summary of my findings below
- 15.2 I am satisfied that CMK Town Council is a qualifying body and is entitled to submit a Neighbourhood Development Plan (NDP) for its own parish. In relation to the Neighbourhood Area covered by the CMK Alliance Plan 2026, I am satisfied that this is appropriate to be designated as a neighbourhood area and note that it was designated as a Business Neighbourhood Plan Area by Milton Keynes Council on 25th July 2012.
- 15.3 I am also satisfied that the Central Milton Keynes Alliance Plan does not relate to more than one neighbourhood area and that there is no other NDP in place within this neighbourhood area.
- 15.4 The Plan period is defined as being up to 2026, aligning the Plan with Milton Keynes' Core Strategy, adopted in July 2013. The Basic Conditions Statement

dated May 2013, confirms that the CMKAP does not make provision for any excluded development such as national infrastructure.

- 15.5 I am satisfied that the draft CMKAP has adequate regard to the policies in the National Planning Policy Framework (NPPF). Overall, I consider that the CMKAP policies subject in a number of cases to some modification, will make a positive contribution to sustainable development, promoting economic growth, supporting social wellbeing whilst conserving the natural and historic environment within Central Milton Keynes. The proposed modifications are explained in more detail in the following sections of this report.
- 15.6 The CMKAP objectives and policies generally reflect, subject to some modification, the key objectives as set out in the relevant strategic Core Strategy Policies CS4 and CS7. A number of the policies against which the Plan policies have been considered in the Basic Conditions Statement, May 2013 are topic based rather than strategic in nature, notably policies CS11, CS12, CS13 and CS20 dealing with developing and enhancing transport, successful neighbourhoods, design and the historic and natural environment respectively.
- 15.7 The Basic Conditions Statement confirms that MK Council has used as a basis for screening, the “Environmental Assessment of Plans Regulations 2004”, and the government’s advice on applying EU Directive 2001/42/EC and have concluded that SEA is not required. I am content with this conclusion and consider that the draft CMKAP meets the basic conditions requirement in this respect. I also consider that the CMK Alliance Plan is compatible with EU obligations and human rights legislation.
- 15.8 As to public consultation, the process and management of the community and business consultation has been exemplary and I am confident that the Consultation Statement and the supporting evidence, outlining the terms of reference of the Steering Group, the web-site, workshops and expert panel sessions fulfills Section 15 (2) of Part 5 of the Neighbourhood Planning Regulations 2012.
- 15.9 I recommend that in accordance with Schedule 4B to the Town and Country Planning Act 1990, paragraph 10 (2), b) that modifications specified in this report are made to the draft Neighbourhood Plan and that the draft CMKAP as modified is submitted to referendums. As the CMKAP is a Business Neighbourhood Plan, two referendums will be required; one comprising those persons with a vote in local elections and with a qualifying address is in the referendum area, the other a business based referendum in which those entitled to vote are non-domestic ratepayers in the referendum area.

Jeremy Edge BSc FRICS MRTPI
24th March 2014

Appendix 1

Figure 11A,

Comparison Plan showing the extent of the CMK Primary Shopping Area with a notional 300m edge of centre zone and the actual edge of centre zone identified within the draft Plan.



