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**Date:** 19 December 2025

Dear Paul,

## **MILTON KEYNES CITY PLAN 2050- REGULATION 19 PROPOSED SUBMISSION**

Thank you for consulting us on the Regulation 19 of the Milton Keynes Council's Local Plan. We have reviewed the documents as submitted alongside reviewing the previous comments and recommendations we have provided to you in previous consultations. As this is the proposed submission of the Milton Keynes Council Local Plan (herein Local Plan), we wish to inform you that the recommendation is that the Planning Inspectorate finds the Local Plan unsound and as we do not believe the Local Plan has been informed by robust evidence-based documents.

### **Documents Reviewed**

As part of this consultation, we have reviewed the following documents:

- Proposed Submission Milton Keynes City Plan 2050 (Regulation 19 plan for consultation) (October 2025)
- Milton Keynes City Council – Level 1 Strategic Flood Risk Assessment Final Report (February 2024)
- MKCC Sequential Test (October 2025)
- Draft Level 2 SFRA and Site Sheets (dated November 2025)
- Milton Keynes Integrated Water Management Study Phase 1 Final Report (June 2024)
- Milton Keynes Integrated Water Management Study Phase 2 Final Report (October 2025)
- Sustainability Appraisal (SA) of the MK City Plan 2050 (November 2025)

### **Summary**

We are recommending that the Local Plan is found unsound for the following reasons:

- [Level 1 SFRA uses out-of-date flood risk data](#)
- [Proposed Site Allocations, Policy CEA13 and CEA15 are not supported by sound flood risk evidence base as the Level 2 SFRA has not been completed](#)

We would like to highlight that we believe the following policy is also currently unsound:

- [Policy CEA15 is inconsistent with the NPPF](#)

We have provided further information on these elements in the [Flood Risk](#) section below.

In addition, we have provided feedback on [Policy CEA5](#) to strengthen its justification to assist you ahead of submission. We have also provided additional feedback on [Policy CEA13](#), [Policy CEA14](#), [Policy CEA7](#), and [Policy CEA1](#). While we do not find Policy CEA5 and CEA13 unsound, we have highlighted some concerns that should be addressed to ensure that the Local Plan and its policies are robust and effective.

## **Flood Risk**

We consider that the Local Plan is currently unsound for the following reasons:

1. The Level 1 Strategic Flood Risk Assessment (SFRA) has not been updated following the publication of our new Flood Map for Planning in March 2025. Some of the flood zone extents in Milton Keynes have changed and the mapping within the Level 1 SFRA should be updated to reflect this.
2. The Level 2 SFRA has not yet been completed. As such, the proposed site allocations are not currently supported by a sound flood risk evidence base. The recommendations of the Level 2 SFRA should be incorporated into policies CEA13 and CEA15, as well as any relevant site allocation policies.

The issues we previously raised regarding policies CEA13 and CEA15 have also not been fully addressed.

We also consider that the following changes to the evidence base should be made:

### **Level 1 SFRA**

Flood Zone 3b is defined in the Level 1 SFRA as the 2% AEP defended modelled flood extent, as the 3.3% AEP defended modelled flood extents were not available. In addition, Flood Zone 3a has been used to represent Flood Zone 3b where modelled outputs are not available. Our New National Model includes a 3.3% AEP defended modelled extent and we recommend that this is used to define the extent of Flood Zone 3b where available.

Section 8.3.3 of the SFRA should be updated to reflect current government guidance. The guidance now advises that finished floor levels for vulnerable development should normally be a minimum of 600mm above either the average ground level, adjacent road level or estimated river or sea flood level.

### **Sequential Test**

We acknowledge that The Sequential Test document includes the new flood zones in Annex 1. However, this table does not show the extent of Flood Zone 3b for the new flood zones. This table should be updated once the extent of Flood Zone 3b has been redefined.

## **Proposed Site Allocations**

We are concerned that the Level 2 SFRA has not yet been completed and the recommendations from this have not been incorporated into relevant site allocation policies. The scale of the proposed allocations means that without a strong policy framework being in place, there is a significant chance that flood risk will be increased locally and within the wider catchment, both within the city boundaries and in downstream authorities. There should be a clear aspiration within the allocation policies for development to contribute to a reduction in flood risk within the area, where possible.

### **Redevelopment of Wolverton Railway Works – Policy GS12**

We previously advised that there is potential to seek opportunities to enhance the Blue infrastructure as part of this development and there should be an 8m buffer from the canal within which there is no development. However, there is no mention of this within the allocation policy.

### **Milton Keynes East Strategic Urban Extension – Policy GS21**

This site includes a significant area of Flood Zone 3 associated with the River Ouzel. We note that the policy includes:

*‘The creation of a linear Park through the site that broadly correlates with the River Ouzel floodplain...’*

We consider that this site should be included in the Level 2 SFRA given the extensive area of fluvial flood risk. Any recommended opportunities for reducing flood risk or safeguarding land for flood storage should be included in this policy.

## **Policy CEA15 Managing flood risk**

Section G, Point 3. is not in line with the National Planning Policy Framework (NPPF) which makes this policy unsound. In accordance with footnote 63 of the NPPF, a Flood Risk Assessment (FRA) should be required for any proposed development that includes a ‘more vulnerable’ use and could be affected by sources of flooding other than rivers (as identified in the SFRA). The current wording suggests that only change of use applications that include a more vulnerable use will require an FRA. This wording should be changed to ensure the policy is in line with the NPPF.

We are pleased to see that Section C. of this policy has been revised to address the concerns we raised at the Regulation 18 stage.

We support the revised wording of Section D. (i.e. the removal of ‘at sensitive locations’).

We support the revised wording of Section E. which now makes it clear that the Sequential Test (ST) may be required for development proposals that have been through the ST at the Local Plan stage. As previously advised, we recommend that this section clarifies that the ST does not need to be applied to any change of use or

minor developments, in accordance with the NPPF. We also recommend that this section clarifies that the application of the ST should be based on the Council's latest SFRA or the outputs of any approved modelling undertaken as part of a site-specific FRA.

We support Section F. but this seems to focus on making improvements to existing flood defences to reduce the risk of flooding from rivers. We consider that reference should also be made to the potential to reduce flood risk using nature-based solutions, as outlined in the Level 1 SFRA.

### **Recommended Additions to Policy CEA 15**

We are concerned that most of our recommended additions to the flood risk policy in our Regulation 18 response have not been included. In particular, we are concerned that the following issues are not covered in the policy:

1. Reduction in flood risk position

There is no clear position on the expectation to reduce the risk of flooding through new development.

Section 167 (c) of the NPPF states: '*...using opportunities provided by new development and improvements in green and other infrastructure to reduce the causes and impacts of flooding (making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management)...*'

Paragraph 13.2.1 of the Level 1 SFRA states: '*Development should seek betterment of existing flood risks both within the site and in the surrounding areas.*'

Although this has been covered to a certain extent in policy CEA 13, it should also be covered in policy CEA15. We suggest re-wording and expanding Section F. to refer to the use of natural flood management techniques to reduce flood risk.

2. Sequential approach to site layout

We strongly recommend including a position on when this is an appropriate mitigation measure and how it should be carried out. The sequential approach should only be considered an appropriate mitigation measure if the sequential test has been passed. The NPPF and Planning Practice Guidance (PPG) make it clear that more vulnerable development should be located within parts of the site at lowest risk of flooding, considering all sources of flood risk and the impacts of climate change, and only water compatible uses should be permitted within Flood Zone 3b.

Inclusion of a position on the sequential approach would help ensure that development in flood risk areas is avoided as much as possible.

Paragraph 181 (a) of the NPPF states that development should only be allowed in areas at risk of flooding where it can be demonstrated that: '*a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location.*'

3. Safe access and escape

We recommend that the definition of safety is included in the policy – i.e. it

should be clear whether a dry route of escape is required or if some depth of flood water along the route is acceptable. Having this clearly defined will improve clarity for developers.

Paragraph 13.1.8 of the Level 1 SFRA states that '*safe access and escape routes will need to be demonstrated at all development sites. Emergency vehicular access should be possible during times of flood.*'

4. Allocating land for flood storage

The Level 1 SFRA recommends that areas are allocated for flood storage but this does not appear to have been brought forward within the Local Plan. The Milton Keynes East Strategic Urban Extension has the potential for flood storage provision to be included within the allocation policy.

5. Modelling position

We recommend providing clarity on the requirement to carry out a site-specific modelling exercise where no recent detailed modelling is available, as recommended in the draft Level 2 SFRA. If a proposal is seeking to develop a site that is partially at risk of flooding by avoiding developing in areas of flood risk, there needs to be a high level of confidence in the evidence base.

### Comments on Draft Level 2 SFRA

The approach taken to deciding which sites to take forward to a level 2 assessment (section 4.2) appears to be acceptable. However, it is unclear why the East Strategic Urban Extension allocation has been taken forward, given the extensive flood zone 3.

Some of the recommendations set out in section 7.3 should be included in policy CEA13 and CEA15. We consider that the following recommendations could be included in policy CEA15:

- Where no recent detailed hydraulic modelling is present, it is recommended that developers construct new, or update existing, detailed hydraulic models at these sites as part of a site-specific FRA. This is important to ensure that fluvial flood extents are accurately defined and a sequential approach is taken to the site layout.
- Any development proposed adjacent to a canal should include a detailed assessment of how a canal breach would impact the site, as part of a site-specific FRA.

The conclusions set out in the detailed site assessments should be reflected in the relevant site allocation policies.

### Policy CEA5 Water efficiency

We welcome the inclusion of an enhanced water efficiency target within policy CEA5 which demonstrates a strong commitment to sustainable growth, especially in an area [defined as being seriously water stressed](#). To support examination and strengthen the policy's justification, we recommend providing clarity to the inspector on how the figure of 93l/h/d (litres per head per day) was determined. There is a

clear need for enhanced water efficiency measures, and further clarification will assist during examination. You may also find it beneficial to add further commentary in the supporting text.

## Section A

We strongly support enhanced water efficiency measures that go beyond the Building Regulations optional standard of 110 l/h/d. To strengthen the policy and assist the Inspector, it would be helpful to explain the rationale for selecting 93 l/h/d.

The accompanying Integrated Water Management Study- Phase 2 states that the Shared Standard for Water Efficiency '*[...] recommends that new homes are built to a standard of 93 l/h/d [...]*' (Section 4.3.9). However, the Standard recommends that the LPA choose a threshold based on local evidence. It would be beneficial to expand this with your justification. If detailed justification cannot be provided, we suggest clarifying in the supporting text that 93 l/h/d reflects a balanced approach between the 85 l/h/d and 100 l/h/d figures referenced in the [Shared Standards for Water Efficiency](#) as well as paragraph 300 of the Local Plan and Sustainability Appraisal.

This additional commentary will help demonstrate that the policy is evidence-led and supporting its soundness at examination.

## Section B

We are pleased to see the non-residential development targets stated. We recommend that you set out clear criteria for how you will assess the feasibility and viability of circumstances where this policy cannot be implemented. This will ensure the policy is applied consistently, leaving no scope for avoidance or nonapplication if the criteria are met.

As per the Shared Standard (page 7, Recommended Policy Wording, Point 2), we would also strongly encourage the requirement within policy for a Water Efficiency Design Statement to be submitted at the earliest stage of application. This ensures that water efficiency considerations are taken at the earliest stage. In addition, the requirement for a completion certificate currently sits outside of policy wording (in Paragraph 300). We would highly recommend including this within policy CEA5 and to stipulate that this must be submitted prior to the first occupation in accordance with guidance in the [Shared Standards](#).

## Section C

As mentioned in Section B, we strongly recommend that criteria are defined for how you will assess feasibility and viability in order to justify why policy CEA5 Section C was not implemented. This also ensures that any future changes to the Policy are appropriately applied to developments under construction or those to be retrofitted, preventing avoidance of its application on grounds of infeasibility.

We would also suggest reviewing consistency between policies CEA13 and points C.2 and C.3 in CEA5 regarding sustainable drainage systems.

## Paragraph 301

We welcome the emphasis on robust and transparent evidence and suggest complementing this with clear assessment criteria to support consistent decision-making

## Monitoring

We note that as part of your Framework for monitoring the effectiveness of the plan (Annex M) you will assess the number of applications that achieve Sections A and B of policy CEA5. As per the [Shared Standards](#), we would recommend tracking to occur through Authority Monitoring Reports (AMRs) or similar. We recommend that you authority establish a process to monitor and demonstrate how developments continue to comply with the policy over the duration of the plan.

## Data Centres

We would like to highlight the need for your authority to incorporate a policy which addresses the potential high water demand new data centres can introduce for the duration of this plan. We are seeing other water companies developing policy which includes declining applications for data centres that do not incorporate a closed loop systems for water cooling. As mentioned in the IWMS (Phase 2), this is an emerging issue and we would strongly encourage a statement within policy which will address data centres' water efficiency, such as requiring written confirmation from the water supplier that the water demands can be met sustainably.

## **Policy CEA13 Sustainable drainage systems (SuDS) and integrated flood risk and water management**

### Flood Risk

We do not support the following terminology in Section A:

*'Development proposals which are likely to cause a measurable change to the drainage characteristics of a site...'*

As advised in our response to the Regulation 18 consultation, this allows for ambiguity over the definition of 'measurable change'. This term should be defined within the Local Plan or SFRA, which it is currently not. The NPPF requires that the cumulative impact of new developments should be considered. This wording will risk large numbers of small changes to occur within the catchment. Given the scale of the housing and economic growth being sought in Milton Keynes Council, this is a significant concern.

We support the requirement to integrate Sustainable Drainage Systems (SuDS) and fluvial flood risk reduction features into the design and layout of the development.

We also support the requirement for proposals to explore opportunities for de-culverting watercourses and the restoration of natural river flows and floodplains.

## Water Quality

We believe that a separate policy for Policy CEA13, Section B would be beneficial. However, the wording of Section B should be sufficient to ensure foul sewerage and sewage treatment capacity is available to all developments, which should prevent deterioration of watercourses caused by treatment works exceeding their capacity.

Waste water in Milton Keynes is of increasing importance in the context of planned growth. The Milton Keynes Renewed Town growth is likely to bring forward the date when capacity is reached at Cotton Valley Waste Water Treatment Works (WWTW), increasing the risk to the water environment in the medium to long term. The IWMS Stage 2 concluded that treatment to the Technically Achievable Limits (TAL) is required at five WWTW so that the achievement of good ecological status in the future is not prevented by planned growth. However, the IWMS does not take into consideration the feasibility of upgrading works to TAL. Therefore, development proposals will need to understand the timescales for this work. This provides a strong evidence base for Policy CEA13 part B. We would therefore expect the policy and/or supporting text to refer to the IWMS.

The supporting text requires early engagement with Anglian Water regarding sustainable point of connection to the foul sewer network. This requirement should be applied to WWTW capacity as well, where the IWMS or more recent information indicates the receiving WWTW has limited capacity. Early engagement will enable developers to provide information to meet part B of the policy.

For clarity we recommend additional wording at the end of the first sentence: 'in time to serve the development *prior to first occupation*'.

Development should assess whether phasing is required in line with capacity at the WWTW to prevent deterioration of water bodies, and submit evidence of this during application. Grampian style conditions may be appropriate to control phasing.

## Groundwater

We support the use of SuDS schemes where appropriate and recommend that the following guidance be referenced: [The Environment Agency's Approach to Groundwater Protection](#), particularly statements G1 and G9 to G13; [The CIRIA C753 SUDS Manual](#); [The Susdrain website](#); [The Sustainable Drainage Systems: Non-Statutory Technical Standards](#) guidance on gov.uk and the [Recommendations To Update](#) these.

## **Policy CEA14 Protecting and enhancing watercourses**

Policy CEA14 Section B should be amended to include the Water Framework Directive legislation (WFD), this change would provide policies covering both recommendations that were mentioned in the last response. This could just be the protection and enhancement extended to preventing deterioration of local watercourses and the addition of WFD ecological and chemical status in the list of elements to be protected or enhanced.

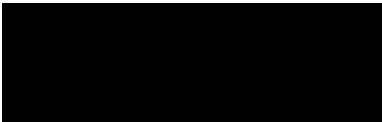
### **Policy CEA7 Mitigating wider environmental pollution**

We note the Policy CEA7: Mitigating wider environmental pollution, highlights the need to ensure new developments will not pose a risk of contamination. However, we would recommend further additions to promote the development of existing potentially contaminated and brownfield sites as this is a sustainable approach which provides an opportunity for environmental improvement via remediation. The Local Authority is responsible for identifying and inspecting potential contaminated land sites in their area. We note and appreciate that a section of Strategic Brownfield Sites is included under 'Our Spatial Strategy'.

We recommend that the following guidance be referenced in the policy's supporting text: Paragraphs 123, 146, 180, 189 and 190 within the National Planning Policy Framework (NPPF); Part IIA of the Environmental Protection Act 1990; The Land Contamination Technical Guidance on gov.uk including the Land Contamination Risk Management (LCRM) guidance. Our guidance is regularly revised, and therefore, throughout the plan's duration, the most recent version or replacement guidance for superseded versions should be consulted.

We trust that this advice is useful.

Yours sincerely,



**Ms Megan Turnpenney**  
**Sustainable Places - Planning Advisor**

