

Planning Policy Frequently Asked Questions, July 2013

The aim of this document is to provide a brief guide on planning policy for Ward and Parish Councillors. The document may also be of interest to the general public. We have used the format of “frequently asked questions” (FAQ) as a way of setting out information in a way that we hope will be easy to follow.

Planning policy shapes the spaces and places in which we live and work. Policy can:

- shape the future of the Borough by identifying where new development, such as housing, retail, community facilities and employment, should be located;
- guide and promote development in areas in need of regeneration or change;
- protect existing assets such as recreation areas, wildlife and buildings of special historic interest;
- improve the quality of the physical environment;
- achieve key objectives for the Council and its partners, such as providing more affordable homes and making places safer for people to use,
- give a degree of certainty to landowners, developers and the public as to the likely future pattern and location of development; and
- contribute towards delivering sustainable development.

The planning system is very complex and it consists of a number of different levels. In recent years the planning system has seen some significant changes. This document aims to provide an overview to help people find their way through the planning system. Links to the documents that are mentioned in the FAQs are included as footnotes, and there is a list of other websites and links that may also be of interest at the end of this document.

1. What legislation governs the planning system in England?

The basic national legislation governing the planning system comes from the Town and Country Planning Act 1990¹. However, that has been amended several times, particularly by the Planning and Compulsory Purchase Act 2004², which aimed to create a more flexible and responsive planning system for England and Wales.

The 2004 Act intended to:

- Introduce a simpler and more flexible system for producing planning policy at regional and local level;
- Increase the effectiveness and quality of community involvement at regional and local level;
- Improve the planning application process in several ways, including the introduction of a standard application form; and
- Speed up the handling of major infrastructure projects (e.g. airports and power stations).

This was subsequently amended by the Localism Act in 2011³. The Localism Act brought in legislation around neighbourhood planning and the Community Infrastructure Levy.

The detail of these Acts is carried through into sets of Regulations, which are more topic-specific and guide the detail of the procedures and processes we use. The main ones that are of relevance to our day-to-day policy work include:

¹ Town and Country Planning Act 1990 <http://www.legislation.gov.uk/ukpga/1990/8/contents>

² Planning and Compulsory Purchase Act 2004 <http://www.legislation.gov.uk/ukpga/2004/5/contents>

³ Localism Act 2011 <http://www.legislation.gov.uk/ukpga/2011/20/contents>

- Town and Country Planning (Local Development)(England) Regulations 2012⁴
- Neighbourhood Planning (General) Regulations 2012⁵
- Community Infrastructure Levy Regulations 2010⁶.

2. What levels of planning policy are there in England?

Previously, four tiers of planning policy existed; national, regional, sub-regional and local, with policy documents prepared at each level. This is no longer the case, as the regional and sub-regional tiers of policy documents and the Government organisations responsible for them have been removed.

The hierarchy is now as follows:

- National, e.g. the National Planning Policy Framework (NPPF)
- Local, e.g. Core Strategy, Local Plan
- Community/Parish, e.g. Neighbourhood Plans or Neighbourhood Development Orders

3. What is national policy?

National policy is set out in the National Planning Policy Framework⁷ (NPPF). The NPPF sets out planning policies for England and how they are expected to be applied. It provides guidance for local planning authorities and decision-takers, both in drawing up plans and making decisions about planning applications. The NPPF is now the main document at the national tier, although there is additional guidance on travellers sites, waste policies and nationally significant infrastructure projects.

The NPPF replaced the suite of topic-specific policy guidance notes and statements that previously set out the government's guidance on planning issues.

4. What is local policy?

Milton Keynes Council is responsible for preparing local level policy documents. Currently, the development plan at the local level consists of the saved policies in the Milton Keynes Local Plan (adopted 2005) that have not been replaced by the Core Strategy; the saved policies in the Milton Keynes Minerals Local Plan (adopted 2006); the Waste Development Plan Document (adopted 2008); and the Milton Keynes Core Strategy (adopted July 2013).

These statutory policy documents are supported by a series of Supplementary Planning Documents and Guidance notes⁸ (SPDs and SPGs) which add detail and further support to the policies.

⁴ Town and Country Planning (Local Development)(England) Regulations 2012

<http://www.legislation.gov.uk/ukxi/2012/767/regulation/34/made>

⁵ Neighbourhood Planning (General) Regulations 2012

<http://www.legislation.gov.uk/ukxi/2012/637/contents/made>

⁶ Community Infrastructure Levy Regulations 2010

<http://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents>

⁷ National Planning Policy Framework <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

⁸ Supplementary Planning Documents and Guidance notes <http://www.milton-keynes.gov.uk/planning-policy/displayarticle.asp?ID=61282>

The local level of planning policy documents also includes a Statement of Community Involvement⁹ which sets out how we will involve the community and stakeholders in the process of preparing our planning documents and in other decisions.

The Council also publishes an Annual Monitoring Report¹⁰ each year which includes information on the performance and effectiveness of planning policies and the progress made on preparing new policy documents. The AMR includes monitoring data on housing starts and completions including affordable housing, employment land availability, completion of key transport projects and changes in the natural or historic environment.

We also have a responsibility to publish a Local Development Scheme¹¹ which sets out the planning documents we propose to prepare and the timescales for their preparation. We do this as a living timetable published on our website which we endeavour to keep up to date.

The Council is in the process of preparing two new documents that will be part of the development plan. As the preparation process of these documents advances, the policies within the plans will gain increasing weight, even before they are finally adopted by the Council.

The first new document being prepared is the Site Allocations Plan, which will allocate additional residential development sites to ensure we can demonstrate a deliverable five-year land supply position to support the Core Strategy. It is intended that the Site Allocations Plan will be adopted in mid 2015.

The second document is the new Local Plan, which is being referred to as PlanMK. PlanMK will review the remaining policies in the Milton Keynes Local Plan (2005) and replace the current Core Strategy, by developing a new strategy to guide the future development and growth of the Borough up to 2031. Background work is underway to develop an evidence base to support the preparation of PlanMK.

5. What is the Development Plan?

Planning applications have to be decided in accordance with the Development Plan, unless there is a very good reason not to do so. As mentioned above, the development plan in Milton Keynes consists of the following documents:

- Milton Keynes Core Strategy¹² (2013) – this sets out the strategic policies to guide development in the Borough up to 2026, including annual housing targets and the designation of a Strategic Land Allocation in the south east of the city as a location for future development.
- Saved policies in the Milton Keynes Local Plan¹³ (2005) – this is the non-strategic saved policies in the Local Plan that were not replaced by the adoption of the Core Strategy. These are generally the day-to-day policies used by Development Management in the determination of planning applications.
- Saved policies in the Milton Keynes Minerals Local Plan¹⁴ (2006) – which is used in the determination of applications for mineral-related development.

⁹ Statement of Community Involvement <http://www.milton-keynes.gov.uk/planning-policy/displayarticle.asp?ID=61284>

¹⁰ Annual Monitoring Reports <http://www.milton-keynes.gov.uk/planning-policy/displayarticle.asp?ID=61287>.

¹¹ Local Development Scheme <http://www.milton-keynes.gov.uk/planning-policy/displayarticle.asp?ID=61288>

¹² Core Strategy <http://www.milton-keynes.gov.uk/planning-policy/>

¹³ Local Plan <http://www.milton-keynes.gov.uk/planning-policy/displayarticle.asp?ID=61013>

¹⁴ Minerals Local Plan <http://www.milton-keynes.gov.uk/planning-policy/displayarticle.asp?ID=61489>

- Waste Development Plan Document¹⁵ (2008) – which sets out how the waste management requirements for Milton Keynes will be achieved and policies against which waste-related applications will be determined.

In the future, any Neighbourhood Plans or Neighbourhood Development Orders will become part of the development plan.

6. What are Neighbourhood Plans?

A Neighbourhood Plan is a community-led initiative which allows communities to create a vision and set out policies on the development and use of land within their Parish or neighbourhood area.

Milton Keynes Council has set out further guidance on Neighbourhood Plans on its website¹⁶.

7. Other planning documents

For major projects, Development Frameworks, Development Briefs or Design Codes, are often prepared. This has been the case of the Eastern, Western and Northern Expansion areas, for example.

Development Frameworks set out the vision for a specific area and determine land uses together with the phasing of development. The finer detail can then be decided through subsequent, lower-level development briefs or design codes. These documents will usually be prepared in partnership with, or may be led by, the developer of the site in question. Once approved, they are used by the developer to inform their detailed proposals as part of a planning application and will be used by the Council in the determination of such applications.

8. What are Planning Obligations?

Planning obligations, also known as Section 106 Agreements, are legal agreements between a local authority and a developer, or undertakings offered unilaterally by a developer, that ensure that certain works related to a development are undertaken.

The Government intends that the use of S106 planning obligations is scaled back, and has introduced the Community Infrastructure Levy¹⁷ as a mechanism to pool developer contributions to fund strategic infrastructure projects. MKC is considering its approach to the Community Infrastructure Levy and whether it is the most effective way of securing contributions from developers.

9. Where does transport and parking policy come from?

Transport policy is separate from planning policy in that it is dealt with by a specific transport team, and does not form part of the development plan. The Local Transport Plan¹⁸ (currently LTP3) is the main transport policy document, which sets out the authority's local transport strategies and policies and implementation plan.

¹⁵ Waste DPD <http://www.milton-keynes.gov.uk/planning-policy/displayarticle.asp?ID=61257>

¹⁶ Neighbourhood Plans <http://www.milton-keynes.gov.uk/planning-policy/displayarticle.asp?ID=86113>

¹⁷ Planning Obligations and Community Infrastructure Levy <http://www.milton-keynes.gov.uk/planning-policy/displayarticle.asp?ID=82001>

¹⁸ Local Transport Plan and other transport policy documents <http://www.milton-keynes.gov.uk/transport/displayarticle.asp?ID=13771>

Parking policy in the Borough is set out in the Parking Standards Supplementary Planning Guidance note and addendum, which provides parking standards for most types of development, including standards for cycles, motorcycles and parking for people with disabilities.

10. What are Conservation Area Reviews?

Conservation Areas¹⁹ are designated by Local Planning Authorities; they are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. Local authorities have a duty to, from time to time, appraise and revise their conservation areas, to determine whether any changes to the boundaries are required and to produce character appraisals and management plans.

Conservation Area Reviews have been undertaken for the following areas:

- Wolverton
- Broughton
- Lower Weald Calverton
- Newport Pagnell
- Woburn Sands.

11. How important is planning policy in determining planning applications?

Planning applications are dealt with by the Development Management team. Decisions on planning applications must be made in accordance with the Development Plan (see Question 5), unless material considerations indicate otherwise.

Some policies within the Development Plan apply to specific areas; some apply to the whole Borough, some to the city or parts of it, and some to the rural area, or specific settlements within it. To find out which policies apply to a particular area of the Borough, you can refer to the interactive Proposals Map²⁰.

There is no defined list of material considerations, but they must be related to the development and use of land in the public interest and to the application concerned. The National Planning Policy Framework (see Question 3) is a material consideration in determining planning applications, as are Supplementary Planning Documents (see Question 4). Other material planning consideration can include, for example, loss of privacy, loss of sunlight (where significant), noise, smells, loss of trees and highways issues. Land ownership, legal covenants, loss of views, inconvenience of the associated building works and the potential effect of development on property values are NOT material considerations.

The Development Management pages on the MKC website provide more information about how to submit and comment on planning applications²¹.

12. Which documents does a Parish Councillor need to look at when responding to planning applications?

¹⁹ Conservation and Archaeology webpage <http://www.milton-keynes.gov.uk/archaeology/>

²⁰ Interactive Local Plan and Proposals Map <http://www.milton-keynes.gov.uk/planning-policy/displayarticle.asp?ID=61244>

²¹ Development Management webpage <http://www.milton-keynes.gov.uk/development-control/>

When responding to a planning application, the main documents that a Parish Councillor should look at are the Milton Keynes Local Plan and the Core Strategy. The Local Plan provides the detailed policies on which a planning decision will be made, whereas the Core Strategy sets out the overall strategy which may be particularly relevant on major development proposals.

A Parish Councillor may also want to look at any Supplementary Planning Documents or Guidance notes which may be of relevance to the planning application, and also refer to the National Planning Policy Framework. Similarly, for applications in areas that are subject to a Development Framework, Brief or Design Code, Councillors should refer to these documents as they will provide detailed guidance on how development in the area is to be designed and delivered.

For applications relating to minerals or waste development, Councillors will also wish to refer to the Minerals Local Plan and Waste Development Plan Document respectively.

Further useful links

Milton Keynes Council Planning Policy homepage

<http://www.milton-keynes.gov.uk/planning-policy>

Planning Portal

<http://www.planningportal.gov.uk>

Planning Advisory Service

<http://www.pas.gov.uk>

Department for Communities and Local Government

<https://www.gov.uk/government/organisations/department-for-communities-and-local-government>

Locality Roadmap Guide to Neighbourhood Planning

<http://locality.org.uk/resources/neighbourhood-planning-roadmap-guide/>

Community Infrastructure Levy guidance

<https://www.gov.uk/government/publications/community-infrastructure-levy-guidance>

Contact details

Development Plans (responsible for planning policy)

development.plans@milton-keynes.gov.uk or 01908 252358

Development Management (dealing with planning applications)

planning.enquiries@milton-keynes.gov.uk or 01908 252358

Conservation and Archaeology

planning.enquiries@milton-keynes.gov.uk or 01908 252358

Urban Design and Landscape Architecture

urban.design@milton-keynes.gov.uk or 01908 691691

Milton Keynes Intelligence (for statistics and monitoring data)

research@milton-keynes.gov.uk or 01908 254257

Transport Policy

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