

**Wards Affected:**

All Wards

**ITEM 3****DELEGATED DECISION****13 JANUARY 2015****PREPARING DEVELOPMENT BRIEFS FOR MKDP AND OTHER COUNCIL OWNED LAND: AMENDED STEP BY STEP PROTOCOL**

Responsible Cabinet Member: Councillor Legg, Cabinet member for Public Realm

Report Sponsor: Anna Rose, Service Director Planning & Transport  
Author and contact: Neil Sainsbury, Head of Urban Design and Landscape Architecture, Tel: (01908) 252708**Executive Summary:**

This report seeks to amend certain aspects of the adopted protocol for preparing Development Briefs for sites owned by Milton Keynes Development Partnership and the Council as outlined in Annex A.

The amended protocol has been prepared based on lessons learnt from the process of preparing development briefs over the past 18 months and seeks to streamline the process by simplifying how stakeholders can get involved.

It is recommended that the amended protocol outlined in Annex A be adopted.

**1. Recommendation**

1.1 That the amended protocol for preparing development briefs for Milton Keynes Development Partnership and Council owned sites be adopted.

**2. Issues**Background

2.1 The Council has an adopted protocol to guide the preparation of development briefs for land owned by the Milton Keynes Development Partnership (MKDP) and the Council.

2.2 Development briefs are documents that guide what will eventually be built on sites by setting out the relevant current planning policy and design principles for new development.

2.3 Each development brief is prepared in accordance with an adopted protocol which identifies the required level of stakeholder engagement, including with local ward and town Councillors, at each stage of the process.

2.4 The purpose of this is to enable stakeholders to give their views on proposals early in the process so that issues raised can be considered before planning applications are submitted and decisions made. Identifying stakeholder issues and expectations early on helps to speed up the planning process and create a greater level of certainty for both investors and the community.

2.5 The Council adopted the protocol to guide the preparation of development briefs in April 2013 and following an early review decided to exempt small sites

and employment sites under 5 hectares from the full process in September 2013.

#### Proposed Amendments to the Existing Protocol

- 2.6 Since the original protocol was adopted in April 2013 numerous briefs have been prepared and approved. These have allowed various lessons to be learnt particularly regarding the stakeholder engagement process of which the most significant are reflected below in the form of proposed amendments to the existing protocol.
- 2.6.1 A number of Council and MKDP owned sites have land use allocations that provide clearly identifiable development opportunity, for example for residential, mixed use or employment uses, identified in adopted planning policy (i.e. the Local Plan and Core Strategy.) In these cases, it is inappropriate to consult stakeholders on potential land uses as they have already been set and tested by a rigorous examination in public and agreed by Council. However, on some sites where the existing land use allocation does not provide a clearly identifiable development opportunity or the existing allocation is considered inappropriate but the flexibility exists for a variety of uses to be provided it is appropriate to seek views on potential land uses. These sites will be identified by MKDP. Text within Stages 1.1 and 3.2 of the amended protocol have been inserted to reflect these considerations.
- 2.6.2 Some of the sites are also “Reserve Sites” (small sites in residential areas that are left undeveloped to accommodate a variety of unforeseen local needs) and for these it is proposed that the Council undertakes an assessment to determine whether any specific use is required on the site in question. If a specific use is needed then a development brief will be prepared on that basis and formally consulted upon. If a specific use is not deemed necessary, then an initial consultation will take place on the desired use of the site before a draft brief is prepared and formally consulted upon. Stages 1.1 and 3.2 of the amended protocol have been inserted to reflect these considerations.
- 2.6.3 Some of the feedback on the briefs has been that it is not always clear what they are intending to achieve. This is in part because the protocol has previously included the need to test commercial viability as well as set out the relevant current planning policy and design principles. This dual role has potentially presented a confusing picture to stakeholders so it is proposed to focus the briefs more fully on planning policy and design principles applicable to the development of the particular site in question. Matters relating to commercial viability will be dealt with separately by MKDP (for example through marketing briefs) and the Council. This stage has therefore been deleted to reflect this proposal.
- 2.6.5 Following the completion of formal consultation (stage 3.4), controversial comments (eg those not supported by adopted planning policy) or comments that contradict each other will be raised and discussed with the Portfolio Holder for Planning before the report and final brief is prepared for consideration.
- 2.6.6 Stage 4.1 states that Briefs will be approved/adopted via delegated decision rather than Cabinet.

2.6.7 A new step has been included in stage 4.2 (Implement the Brief). Once approved/adopted, the sites together with the brief will be placed on the MKDP website under a list of sites that are being actively marketed (and comprise those sites that benefit from an approved development brief).

2.6.8 Flowcharts have been included as Annex B to highlight in a simplified way the amended protocols

### 3. **Options**

3.1 *This section should outline the option(s) available and justify why they are less viable or appropriate and conclude with a reasoned argument to justify the preferred option(s) recommended above.*

(a) To adopt the amended protocol for preparing development briefs to reflect lessons learnt from preparing them over the past 18 months. This is the preferred option.

(b) To not adopt the amended protocol for preparing development briefs. This is not the preferred option because it will result in development briefs being prepared and subject to a consultation process that from experience of preparing development briefs that is not always practical.

### 4. **Implications**

#### 4.1 Policy

Through formal adoption of the Protocols there will be an implicit agreement and understanding on the way consultation will occur as part of the preparation of each development brief, which will help meet the Council's Statement of Community Involvement.

The National Planning Policy Framework (para 155) states that "early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses is essential". The adoption and adherence to these Protocols will help meet this policy requirement.

#### 4.2 Resources and Risk

##### Resources

The adoption of this Protocol for the preparation of development briefs has no specific budget or resource requirement.

##### Risk

The adoption of this amended Protocol and adherence to it when preparing Development Briefs should minimise the planning risks for 3rd parties when submitting a planning application for a site, mainly because of the stakeholder engagement that will have occurred as part of preparing each development brief.

N	Capital	N	Revenue	N	Accommodation
N	IT	N	Medium Term Plan	N	Asset Management

#### 4.3 Carbon and Energy Management

*n/a*

#### 4.4 Legal

The Development Brief, while not part of the Council's Local Plan is capable of being a material consideration in determining any forthcoming planning applications related to the site.

There is no real identifiable risk to the Council should it take the recommended action.

#### 4.5 Other Implications

N	Equalities/Diversity	N	Sustainability	N	Human Rights
N	E-Government	N	Stakeholders	N	Crime and Disorder

Annex A: Preparing Development Briefs for MKDP and other Council owned land: step by step process

Annex B: Flowcharts of Amended Protocol