

Report considered by Cabinet 19 October 2004

Key Decision	Yes
Listed on Forward Plan	Yes
Within Policy	Yes
Policy Document	Milton Keynes Local Plan

LOCAL PLAN INQUIRY: CONSIDERATION OF RECOMMENDATIONS IN THE INSPECTOR'S PART 1 REPORT

Accountable Cabinet Member: Councillor McCall

Contact Officer: Ian Haynes (Development Plans Manager) - MK252480

1. Purpose

- 1.1 To recommend to Full Council where the Local Plan should be changed in response to the Inspector's recommendations in Part 1 of his report.
- 1.2 Where the cabinet's recommendation to Full Council is to reject a change to the Plan recommended by the Inspector, to agree the reasons for that recommendation.

2. Recommendations

- 2.1 To accept the recommendations in Part 1 of the Inspector's Report, with the following exceptions:
 - (a) the deletion of the Areas of Attractive Landscape (Recommendations 20.7 and 3.11); and
 - (b) the deletion of the performance indicator relating to wildlife (Recommendation 2.3 - point 1).
- 2.2 To partially accept the following recommendations:
 - (a) the allocation of the Strategic Reserve in the Eastern Expansion Area, but retain part of the site as a Strategic Reserve, as per Pre Inquiry Change 13 (Recommendation 20.10);

- (b) the revision of the text relating to the measurement of accessibility to bus services in the Targets and Indicators section of the Vision and Aims chapter, but not the exact wording recommended by the Inspector (Recommendation 2.2.1); and
 - (c) the amendment of the boundary of the Extended Linear Park south of Caldecotte, in the vicinity of Eaton Leys, but retain the Scheduled Ancient Monument within the Linear Park (Recommendation 3.12 - point 2).
- 2.3 To agree the reasons for these decisions, as set out in **Annexes A to C** to this report.
- 2.4 To clarify the Council's position regarding the long term boundary of the City, in the light of the Inspector's comments on this issue and the recommendations of the RPG Panel (see **Annex B** to this report) as follows: the Council considers that the Shenley Ridge and the M1 represent clearly identifiable and defensible longer term boundaries to the City, but this position will be subject to review in the light of the outcome of the 30 year growth study recommended by the RPG Panel.

3. **Issues and Choices**

Background

- 3.1 A public inquiry into outstanding objections to the Local Plan was held from July 2003 to June 2004. The Inspector, with the help of an Assistant Inspector, considered all unresolved objections to the Plan, including any additional written representations from objectors as well as material presented by objectors and presented at the inquiry.
- 3.2 The Inspector has also considered a number of changes to the Plan put forward by the Council before and during the Inquiry, in response to objections or to reflect changing circumstances.
- 3.3 The Inspector's Report following the inquiry will be delivered to the Council in two parts. Part 1 deals with the overall strategy of the plan, objections to the city expansion areas proposed in the plan, and alternative / additional expansion areas proposed by objectors. Part 2 will deal with all other objections to the plan and is currently expected in November 2004.
- 3.4 The Inspector released an interim version of his Part 1 report in April 2004, ahead of the public examination into the Draft Sub Regional Strategy for the MK and South Midlands area. The Inspector confirmed in August 2004 that he would not be amending his interim report in the light of the Panel Report following that public examination. He has responded to some points of clarification raised by the Council on the interim report: this exchange of correspondence is included in the published version of the Part 1 report.
- 3.5 We have notified all objectors to the Local Plan that the Part 1 Report is available online and for purchase. We have also notified all statutory consultees that the report is available and sent copies to all MKC councillors

and all town and parish councils. There are copies available for inspection in all Borough libraries.

Dealing with the Inspector's Report

- 3.6 It is proposed to report each part of the Inspector's Report to Cabinet separately, with the Part 2 Report being considered in early 2005, the exact date depending on the timing and content of that report.
- 3.7 The reasons for Cabinet / Council considering the Inspector's Report in two parts are as follows:
- (a) the length of time between receiving each part of the Report: 7 months between the Interim Part 1 report in April 04 and the Part 2 report, anticipated in November 2004;
 - (b) the need to manage the workload associated with responding in detail to two substantial reports;
 - (c) the need to make progress on key strategic matters rather than delay until we have the full report, particularly in relation to the delivery of new housing; and
 - (d) to allow timely decisions to be made on related matters - e.g. the development frameworks for the Eastern and Western Expansion Areas.
- 3.8 It is proposed to report the Cabinet's recommendations on the Part 1 Report to Full Council in November 2004 and on the Part 2 Report in March or April 2005. It may be necessary to review some decisions on the Part 1 report in the light of the Inspector's recommendations in his Part 2 report.
- 3.9 All the changes which the Council agrees to the plan - known formally as 'Proposed Modifications' at this stage in the process - will be published and placed 'on deposit' for public comment at the same time. The target date in the Local Plan for publishing the Proposed Modifications was early 2005. This was before the length of the inquiry and the timing of the Inspector's Report was known. A more realistic target is now late spring / early summer 2005. The next stages in the Local Plan process are outlined in the Legal Implications of this report (see paras 5.10 - 5.19 below).

Structure of this Report

- 3.10 The Inspector's recommendations are dealt with in five **Annexes** to this report as follows:
- (a) **Annex A**
The broad strategy of the plan - Section A of the Part 1 report.
 - (b) **Annex B**
The Western Expansion Area (Area 10.4 and Area 11).

(c) **Annex C**

Specific policies in Chapters 1-3¹ of the Plan - Section B of the Part 1 report.

(d) **Annex D**

Those policies in the Part 1 report, and a number of Omission Sites where the Inspector recommends no change to the plan.

(e) **Annex E**

Location plans relating to some of the matters in **Annexes A to C**.

3.11 Where appropriate, options are considered against individual recommendations.

3.12 Where the Council resolves to reject a recommendation of the Inspector, they must set out their reasons for doing so.

4. **Key Issues**

4.1 The following issues, which are dealt with in full in **Annexes A and B**, are considered to be the key issues for the Council arising from the Inspector's recommendations in his Part 1 Report:

- (a) housing numbers and future directions of growth, including the relationship between the Inspector's Report and the RPG Panel Report;
- (b) the extent of the Western Expansion Area: the proposed deletion of Area 10.4 and the allocation of Area 11;
- (c) the proposed allocation of the Strategic Reserve in the Eastern Expansion Area for development;
- (d) the proposed allocation of Area 13 (Stantonbury Park Farm);
- (e) the proposed new Strategic Reserves in the Wavendon area, east of the City;
- (f) the proposed Strategic Reserve at Tickford Fields Farm and adjoining land, Newport Pagnell;
- (g) the proposed deletion of Areas of Attractive Landscape; and
- (h) the proposed reclassification of Hanslope as a Selected Village (rather than Key Settlement), and reduction in the number of dwellings planned for the village.

¹ 1: Introduction; 2: Vision & Aims; 3: Strategic Policies

- 4.2 In summary, the cabinet is recommended to **reject** the following recommendations, for the reasons set out in **Annexes A and C** of this report:
- (a) deletion of the Areas of Attractive Landscape; and
 - (b) deletion of the wildlife performance indicator (for increasing the extent of the Borough covered by nature conservation designations).
- 4.3 The Cabinet is recommended to **partially accept** the following recommendations:
- (a) the allocation of the Strategic Reserve in the Eastern Expansion Area;
 - (b) amending the text relating to the measurement of accessibility to bus services in the Targets and Indicators section of the Vision and Aims chapter; and
 - (c) amending the boundary of the Extended Linear Park south of Caldecotte, in the vicinity of Eaton Leys.
- 4.4 The Cabinet is recommended to **accept** all other recommendations in Part 1 of the Inspector's Report. This is subject to the possibility that further consideration might be necessary in a limited number of cases in the light of recommendations in Part 2 of his report.

5. **Implications**

5.1 Policy

The Local Plan is a Key Document under the constitution. Decisions on modifications to the Plan are the responsibility of Full Council.

The Local Plan will provide a framework for development up to 2011, and, if the Inspector's recommendations are accepted, will indicate 'directions of growth' for the period to 2016. The location of further development post-2011 will be determined by the Council in future 'Local Development Documents' - the successors to the Local Plan under the new development plans system (see Legal Implications below).

Such decisions will need to take into account both the final version of the Sub Regional Strategy and any further studies that examine in more detail the 'directions of growth' identified by the Inspector and/or the 'areas of search' referred to in the RPG Panel Report.

5.2 Resources

Financial

There is the possibility of a further public inquiry into objections to the Proposed Modifications. This will not normally be necessary where the matters raised have already been considered at the original inquiry.

The decision whether or not to hold a second inquiry is not one that can be made at this stage. If a second inquiry was required, it would probably be in 2005/06. At this stage, no budget provision has been made for either a second inquiry or to meet the costs of a successful legal challenge (see Legal Implications).

Additional funding (up to £30,000) has been identified from corporate budgets for a further study of landscape character (see **Annex B** - Policy S11: Areas of Attractive Landscape).

Staffing

The programme for responding to the Part 2 report and publishing Proposed Modifications to the Plan assumes that the Development Plans team remains full staffed for the next 9 months.

5.3 Legal

The Local Plan is being produced under the current development plans system as a borough-wide local plan. Although the development plans system will change as a result of the Planning and Compulsory Purchase Act 2004, once the Local Plan has been adopted (target date: late 2005), it will be 'saved' for three years. It is also possible for some aspects of the Plan to be saved for a longer period.

The Inspector's Report is the outcome of an independent examination of the Plan. Under the current system, the Inspector's recommendations are not binding on the Council: the Guide to Procedures says 'although authorities will wish to accept the Inspector's recommendations in most cases, they are not obliged to do so'. However, the Council must set out full reasons where it decides to reject a recommendation. These must be 'clear and cogent' reasons (PPG12 **Annex B**, paragraph 20).

The 'Proposed Modifications' to the Plan must be placed 'on deposit' for six weeks, together with a statement setting out the Council's decision on each of the Inspector's recommendations, and the reasons why the Council has rejected any of the recommendations made by the Inspector. Anyone can then object in writing during the deposit period: they can only object to a Proposed Modification (PM), or to the absence of a PM where the Inspector recommended one.

At the end of this six week period, the Council must consider all objections and decide whether to make further changes to the Plan and also whether it is necessary to hold a further inquiry. Planning guidance advises that the decision as to whether new issues are raised by any objections to modifications that justify a further inquiry is a decision for the Council.

Where the Inspector has supported Pre Inquiry or Inquiry Changes put forward by the Council, these will also need to be advertised as Proposed Modifications to the Plan.

Making other changes to the Plan at this late stage of the process - apart from minor changes such as factual updates - runs the risk of increasing the need

for a second inquiry if such changes raise new matters not debated at the original inquiry (see also Financial Implications above).

It is important that Proposed Modifications and a statement of decisions are produced speedily to avoid delay to the progress of the plan. An up-to-date adopted Local Plan remains essential for planning decisions by the Council and now also by the new MK Partnership Committee. The timetable set out in the Second Deposit Plan envisaged the Proposed Modifications being placed on deposit in early 2005 with adoption of the Plan in late 2005. This was before both the length of the inquiry and the anticipated date of receipt of the Inspector's Report were known. A more feasible timescale for the Proposed Modifications would now be May/June 2005, with adoption still late 2005, although this depends largely on the timing and content of Part 2 of the Inspector's Report (see also Staffing Implications above).

Where relevant, new planning guidance that has been published since the close of the inquiry is referred to in the Annexes to the report. However, in some cases, it will be more appropriate to deal with such advice in a review of the plan rather than by introducing significant changes at this late stage of the current process (in line with advice in PPG12 - paragraph 6.32).

The Secretary of State also has rarely used reserve powers to direct the Council not to adopt its Local Plan if parts of it appear to him to be unsatisfactory. There is also a legal right to challenge the plan in the High Court on grounds that it goes beyond the Council's statutory powers or that the Council has not complied with the relevant regulations and procedures. Any challenge has to be made within 6 weeks of the Council publishing the notice of adoption of the plan.

5.4 Other Implications

(a) Equality

We will take into account equality considerations when publicising the Proposed Modifications to the Plan.

(b) E-govt

The Local Plan and the Inspector's Part 1 Report are available online. The Proposed Modifications will also be available online, together with the facility to submit objections or supporting representations by email, as per the Second Deposit Version of the Plan.

(c) Users, Partners and Stakeholders

The Milton Keynes Partnership has planning powers for major development proposals within the city expansion areas. In this context, we have consulted MKP informally in the preparation of this report.

Background Papers: Milton Keynes Local Plan - Second Deposit Version
(October 2002)

Local Plan Inquiry Inspector's Report - Part 1 (August 2004)
MK and South Midlands Sub Regional Strategy -
Consultation Draft (July 2003)
Draft MK and South Midlands Sub Regional Strategy -
Public Examination: report of the Panel (August 2004)
Local Plans and UDPs - DETR Guide to Procedures (1999)

Annexes

- A Response to the recommendations in Section 1 of the Inspector's Part1 Report
- B Response to the recommendations in Section 1 of the Inspector's Part1 Report relating to the Western Expansion Area and Area 11
- C Response to the recommendations in Section 2 of the Inspector's Part1 Report
- D Policies where the Inspector recommends no change to the Plan
- E Location plans