

ITEM 4

Preparation of a new Local Plan for Milton Keynes, January 2021

Report Author

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Purpose

1. To update CAG members on the preparation of a new Local Plan to replace Plan:MK and as a first step in delivering the Strategy for 2050.

Background

2. The Plan:MK Inspector concluded that it was necessary for MKC to undertake a review of Plan:MK in light of the emerging plans for transformational growth along the Cambridge-Milton Keynes-Oxford Arc (anticipated to be captured in a Spatial Framework for the Arc) and strategic growth ambitions for the Borough (now in the form of the Strategy for 2050). A new Policy DSO was added to Plan:MK which requires a new plan to be submitted for examination by the end of 2022, an extremely challenging timescale heavily influenced by, or dependent upon, external factors. Following adoption of Plan:MK in March 2019, the Council agreed and published a Local Development Scheme in September 2019 which outlined the broad stages in preparing a new Local Plan for submission in 2022.
3. Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) requires local planning authorities to review local plans at least once every five years from their adoption date to ensure that policies remain relevant and effectively address the needs of the local community. National Planning Practice Guidance clarifies that 'review' means assessing whether the local plan or parts thereof need to be reviewed and updated, for instance because national planning policy has changed or there has been a change in circumstances that necessitates new or updated policies. The need to update policies may arise sooner than five years since adoption of the local plan.
4. Notwithstanding Policy DSO of Plan:MK and the anticipated adoption by council of the Strategy for 2050, there are no other reasons or changes in circumstances at this time to warrant an immediate and quick review and update of Plan:MK, in whole or in part. However, there is still a clear rationale for preparing a new Local Plan for Milton Keynes to respond to the longer-term growth aspirations for Milton Keynes and the Cambridge-Milton Keynes-Oxford Arc. The

remainder of the note sets out in brief the context shaping that process, what work the Council intends to carry out to inform the new Local Plan, and the timescales this entails.

Context shaping progress to date

5. As noted, the Council published a Local Development Scheme (LDS) in September 2019 outlining how a local plan would be prepared for submission in 2022. When preparing the LDS during the summer of 2019, it was acknowledged that achieving the 2022 submission would be extremely challenging; preparing a new Local Plan in three years is largely unheard of and those which have been done in three years are often limited in scope and ambition. Since September 2019, the likelihood of submitting a new plan in 2022 has reduced further due to the following factors:
 - a) Timescales for adopting the Strategy for 2050: The Strategy for 2050 is a cornerstone of the new Local Plan, indicating in high-level terms the ambitions for growth through to 2050. It had been anticipated that the Strategy for 2050 would be adopted by Summer 2020. However, with the onset of the pandemic additional work to understand its effects upon medium to long-term economic conditions and ability to deliver the ambitions set out in the strategy was required, delaying adoption by around six months.
 - b) Timescales for preparing evidence: Since publishing the LDS, further work scoping out evidence base studies indicates that, taking into account the other factors outlined here (notably the effects of the pandemic) key studies that inform the plan would not be completed until 2023/24. These studies need to be completed before a final draft Local Plan (Regulation 19) can be prepared, consulted upon and then submitted for examination.
 - c) Circumstances of neighbouring authorities: Delivering some of the aims and objectives of the Strategy for 2050 would require agreement on principles with neighbouring authorities at the early stages of the plan making process. Adjoining authorities (Bucks and Central Beds) are still in examination on Local Plans abutting the MK boundary, a considerable delay to what was expected when the LDS was published in 2019. respective local plan examinations have been considerably delayed since the LDS was published. Until their examinations are concluded, the opportunity for MKC to engage with them proactively from the beginning of its new local plan as part of the Duty to Cooperate is very limited.
 - d) Spatial Framework for the Arc: A key purpose of Policy DS0 is for the new local plan to take account of and help deliver plans for transformational growth along the Arc. It is understood that MHCLG are working with stakeholders in the Arc on progressing a Spatial Framework, however this has been delayed and the latest indication is that this won't reach an advanced stage, when there would be certainty over proposals, until early 2024. The new local plan will need to reflect the Spatial Framework assuming it gains status as a national or sub-regional statutory planning policy document.
 - e) Planning White Paper: In early 2020, Government indicated it would be publishing a white paper on changes to the planning system. This was eventually published in August 2020, containing potentially radical changes to the plan-making system. In broad terms, it proposed changes to the form Local Plans, the types of policies Local Plans could contain,

the evidential and appraisal requirements informing Local Plans, the duty to cooperate, and the stages and timescales involved. Given the significance of the proposed changes, the Council required time to consider what the implications could be for the next Local Plan and what progressed could be made whilst awaiting the final set of proposals Government would enact. This has further delayed progress on the Local Plan.

6. Taking the above factors into account, it is considered more realistic and appropriate to progress a Local Plan for submission in 2025 rather than 2022 (see broad programme below). This will need to be kept under review as there is still considerable uncertainty surrounding the future plan-making system as well as proposals for the Arc, including how our neighbouring authorities will respond to this uncertainty.
7. The programme is framed in terms of the current system of plan making, i.e. Regulation 18 Draft Plan and 19 Proposed Submission stages. Once Government confirms how a new system would operate, the LDS and programme would need to be reviewed and updated. Whilst there is no detailed timetable for legislative changes coming into force, commentary from Government and others suggest it would be early 2022. The programme is considered to be in line with the White Paper proposals, in that authorities who had adopted a Local Plan within three years prior to the new system being introduced would be given 42 months (3.5 years) from when the legislation is brought into force to adopt a new Local Plan. Since Plan:MK was adopted in March 2019, Milton Keynes would likely have 42 months from early 2022 to adopt a new Local Plan, i.e. by mid 2025. If legislative changes are made later than March 2022, then Milton Keynes would likely need to adopt a plan within 30 months (2.5 years).

		J	F	M	A	M	J	J	A	S	O	N	D
2021	Local Plan stages												
		Evidence Preparation (including Call for Sites Consultation in 2021)											
2022	Local Plan stages												
		Evidence Preparation											
2023	Local Plan stages		R18 Draft Plan consultation										
		Evidence Preparation											
2024	Local Plan stages		R19 Proposed Submission consultation				S	Examination					
2025	Local Plan stages	Examination	A										

S = Submission, A = Adoption

8. There is still uncertainty over exactly how the Planning White Paper proposals would change the plan-making process, particularly in terms of evidence. However, it is considered prudent

and reasonable to progress certain key studies that are important to progressing Local Plan work in a timely fashion and underpin wider aims and objectives, namely supporting 2050 priorities outside of the statutory Local Plan and supporting decision-making now. From the long list of studies being funded via the 2020 Annex W budget, the following will commence in 2021:

- i. Mass Rapid Transit Study
- ii. Transport Modelling
- iii. City-wide Infrastructure Study
- iv. Land Availability Assessment
- v. Housing Needs Assessment
- vi. Gypsy and Traveller Accommodation Assessment
- vii. Open Space Assessment
- viii. Landscape Character Assessment

Risks associated with submission in 2024

9. There are five main risks associated with moving the submission of the new local plan from 2022 to 2024, however these have been assessed as being of low risk in the current circumstances
 - Policy DSO and Plan:MK: potential challenge (through planning and legal processes) arguing that Plan:MK is out of date as we are no longer seeking to submit a new plan by 2022. However, Policy DSO is a statement of intent rather than a binding requirement with material consequences for the status of the plan or planning applications. MKC would be able to make a robust defence, based on national planning policy and guidance, against these arguments.
 - Housing land supply: Delaying plan preparation may be portrayed as risking the housing land supply. The current housing trajectory indicates this wouldn't be the case with ample housing coming through in the short to medium term via existing commitments and Plan:MK allocations coming forward. However, progress in bringing forward commitments and housing land supply needs to be monitored and prioritised to ensure the Council maintains this strong position. The proposed submission in 2024 should ensure that additional supply from the new Local Plan would be forthcoming toward 2030 onwards, when supply from existing commitments and Plan:MK allocations would begin to gradually reduce.
 - MHCLG intervention: Government has the ability to intervene in Local Plan processes where they consider there is a lack of progress being made, plans are out of date, or there are high housing pressures and intervention would have an impact. The risk of this is very low, not least due to the progress already made via the Strategy for 2050, but also because the authority will be setting out a clear way forward in preparing a Local Plan that takes into account regional strategic planning (the Arc) and the changes in the planning system.
10. There are also risks attached to 'going fast' and attempting to submit a plan in 2022. These is principally the risk of being found unsound (or failing a new style examination) because the

evidence base is not sufficient (given the short timescales available) to support policies that match the ambitions set out in the Strategy for 2050. For instance, evidence around Mass Rapid Transit and low carbon development is likely to take considerable time to prepare and then inform policies within the new Local Plan. An inspector may also consider that progressing the plan without regard to the Spatial Framework for the Arc renders the plan unsound, given that is a key purpose of preparing a new plan to replace Plan:MK.

Next steps

11. Feedback on these matters is sought from the Planning CAG. This will inform further detail on the proposed programme to be set out in a revised Local Development Scheme to be published via a Delegated Decision in early March 2021.