

TOPIC / SITE:	WESTERN EXPANSION AREA (WEA) / AREA 11
Inquiry Appearance / Session:	Various parties supporting and objecting to the WEA allocation (formal and informal sessions, 11 – 19 November 2003). Land interests in Area 11 (03 – 05 March 2004).
Issues / Objection:	Principle and extent of the WEA.
Inspector's Recommendation(s) (20.9)	<ul style="list-style-type: none"> The boundary of the Western Expansion Area should be revised to exclude Area 10.4 but to include Area 11 with no net impact on the overall housing figures
Recommended Response:	<ul style="list-style-type: none"> Accept recommendation

1. Background to the WEA allocation

- 1.1 Areas 10 and 11 were identified as potential development areas in city expansion studies carried out in the 1990s. Following a Sustainability Assessment of potential expansion areas in 1999, the Council decided to allocate Area 10 in DV1, including an additional area to the south west of Area 10 as identified in earlier studies (known as Area 10.4).
- 1.2 This area is identified in the Local Plan as the Western Expansion Area with an estimated capacity of about 5,250 - 5,600 dws plus other uses.
- 1.3 Following consideration of objections to DV1, officers recommended that Area 10.4 should be deleted from the Plan. With the exception of land south of Oakhill Wood, the Council decided to retain Area 10.4 in DV2 'to ensure that sufficient housing can be built to meet the Structure Plan requirement to 2011'. (Local Plan Panel - Minute LPP 44/02 refers).
- 1.4 In considering objections to DV1, officers also identified part of Area 11 as one option for a new strategic reserve area on the west of the City. However, having decided to retain Area 10.4 within the WEA, the Council did not consider it necessary to identify a strategic reserve on the western side of the City.
- 1.5 The general location of Area 11 was subsequently identified in the Draft Sub Regional Strategy for MK & the South Midlands as one of 3 broad locations for 'additional development to 2016'. In commenting on the Draft SRS, MKC supported the general principle of development in this location post 2011, subject to a number of caveats.

2. **The Council's case at the Local Plan Inquiry**

2.1 The Council presented evidence to the Inquiry in response to objections to Area 10.4, and also put forward the following benefits in support of retaining Area 10.4 within the WEA:

- (a) Contribution to higher rates of housing delivery
- (b) Facilitation of a mass transit system for the City
- (c) Reduction in the risk of flooding at Lower Weald
- (d) Support for Westcroft District Centre
- (e) Proximity to the proposed secondary school at Hazeley for community use
- (f) The restoration of Whaddon Park and the creation of a linear park along Whaddon Brook
- (g) New pedestrian and cycle links for Whaddon to facilities within the WEA and the wider City

2.2 The Council also put forward arguments for not allocating Area 11 for development within the period covered by the Local Plan (up to 2011):

- (a) Prematurity, in the context of the Draft SRS
- (b) Likely delay to the adoption of the Plan, due to the possibility of a second inquiry if there were significant objections to the allocation of Area 11 at the Proposed Modifications stage.
- (c) The sufficiency of housing land identified in the Plan to meet the structure plan housing requirement to 2011
- (d) The timing of development, in relation to Area 10 (reliance on facilities to be provided within Area 10)

2.3 The Council also made the Inspector aware of the nature of local objections to Area 11 by submitting copies of letters from local councils and residents' groups. However, given that the Council had accepted the general principle of development on Area 11 when commenting on the Draft SRS, officers could not support local objections to the principle of development on Area 11, only to the timing.

3. **Inspector's reasons**

- 3.1 The Inspector concluded that Area 11 is a better site for development than Area 10.4, particularly in terms of landscape impact. It can be substituted for Area 10.4 without any impact on the development capacity of the WEA.
- 3.2 He was not persuaded by the Council's arguments that Area 10.4 is critical to (a) the viability of a mass transit public transport corridor running through the WEA to CMK, or (b) the possible longer term further growth of the city to the west/south west of the City, into Aylesbury Vale District.

- 3.3 He also considered the other advantages claimed for Area 10.4 - i.e. the benefits of energy efficient housing on south-facing slopes; resolving flooding problems at Lower Weald; support for Westcroft District Centre; the creation of a linear park along the Whaddon Brook; and new pedestrian and cycle links from Whaddon to the WEA and the wider City.
- 3.4 He did not consider that any of these benefits, either alone or in combination, outweighed the harm that would be caused by development breaching the 'Shenley Ridge' (para 6.13). He considered that the benefits claimed were either modest, (energy efficiency, support for Westcroft); could be provided in other ways (dealing with flooding); or were less satisfactory than leaving the current landscape in tact (linear park, proposed restoration of Whaddon Park).
- 3.5 In his view, the Shenley Ridge should be a long term boundary to development on the west of the city: in the longer term, developing east of the M1 would be preferable to developing Area 10.4. If the Council did not accept this view, then the Inspector considered that it would be 'probably inevitable that in the medium to long term development will have to sweep over the Shenley Ridge' (para 6.8).
- 3.6 In relation to Area 11, the Inspector 'took account' of strong local opposition including concerns re visual impact, loss of farmland, coalescence, availability of infrastructure, traffic and flooding. However, the Inspector was confident that the Council was 'alert to these concerns' and that they are being taken into account in preparing a development framework for the area.
- 3.7 He also felt that Area 11 could facilitate one of the main diameter public transport routes recommended in the Public Transport Long Term Vision Study.

4. RPG Panel Report

- 4.1 The Panel Report on the Public Examination into the Draft SRS was published in August 2004, about 4 months after the Inspector's Interim (Part 1) Report on the Local Plan Inquiry. Following publication of the Panel Report, the Inspector did not consider that he needed to make any changes to his Interim Report
- 4.2 The Panel Report does not get involved in detailed, site-specific issues about where development should take place: the Panel considers that this is properly a matter to be resolved through the Local Plan process.
- 4.3 The Panel recommended that the SRS should indicate possible future directions of growth diagrammatically, and felt that there were more options that should be looked at than the 3 areas identified in the Draft SRS. They did not rule out further expansion west / south west of the City and called for a further study to assess options over the next 30 years.
- 4.4 Until the ODPM publishes a revised SRS in October / November 2004, the Panel Report is a material consideration for the Council to take into account in considering how to respond to the Local Plan Inspector's recommendations -

particularly where such recommendations overlap with the recommendations of the Panel regarding the longer term planning of the City.

5. Arguments for/against accepting the Inspector's recommendation

- 5.1 The Inspector compares the merits of Area 10.4 and Area 11 for development within the Local Plan period. He concludes that Area 11 is a better site for development and can be substituted for Area 10.4 without affecting the overall development capacity of the WEA. His recommendation to delete Area 10.4 is consistent with the officer recommendation in response to objections at DV1 stage.
- 5.2 At that time, officers did not consider that Area 11 was needed to meet housing requirements up to 2011 (the Local Plan end date). MKC subsequently endorsed the general location of Area 11 for 'additional development up to 2016' in the Draft Sub Regional Strategy subject to a number of provisos.
- 5.3 The Inspector also states that he does not see the logic of regarding the Whaddon Valley (which includes Area 10.4) as a possible long-term development area. He favours longer term development east of the M1 in preference to development beyond the Shenley ridge. This issues is dealt with more fully in Section 6 of this Annex.
- 5.4 Given the size of the areas that the Inspector is recommending should be deleted from or added to the Plan, it is relevant to consider whether there any arguments that might be used to reject the Inspector's recommendation.

Area 10.4

- (a) The Council could disagree with the Inspector that the Shenley Ridge should be seen as a long term boundary to the City
- (b) The Council could disagree that development east of the M1 would be preferable to development west of the Shenley Ridge
- (c) In considering the visual / landscape impact of development on Area 10.4, the Inspector did not rule out the potential for successful mitigation of that impact, but considered that it was preferable to avoid such impact if possible
- (d) The Council could place more weight than the Inspector on the fact that already built and committed development within the Designated Area is or will be visible from the Whaddon Valley
- (e) Although the Inspector was not persuaded, additional development within Area 10.4 could increase the viability of the proposed mass transit route through the WEA
- (f) If the Council decided not to allocate Area 11, alternative provision would be needed to meet the housing figures recommended by the Inspector. This can be achieved by retaining Area 10.4

5.5 Points (a) and (b) relate to the issue of the long term boundary of the City. This is dealt with in Section 6 below.

- 5.6 Points (c) and (d) relate to the visual impact of development on the Whaddon Valley, both in terms of existing / planned development within the city and development on Area 10.4. This issue was the subject of detailed landscape evidence submitted by both the Council and by objectors.
- 5.7 The Inspector's approach of recommending the allocation of sites with less visual impact than Area 10.4 is consistent with the Council's Sustainability Assessment of potential expansion areas in 1999 and 2002. In the Assessments, Area 10.4 was the only area graded C in both assessments for visual amenity (highly valued landscape). Area 11 was graded B (little landscape value).
- 5.8 In relation to the visual impact of existing / committed development, the Inspector concludes that this should not set a precedent for further development on Area 10.4. Area 10.4 is separated from and screened from committed development to the south by Oakhill Wood and would be visible from large parts of the Whaddon Valley north of Whaddon village, unlike planned development in the Oxley Park / Kingsmead area.
- 5.9 It is therefore not considered that there are strong grounds for disagreeing with the Inspector's conclusions in relation to the visual and landscape impact of development on Area 10.4.
- 5.10 Point (e) relates to the contribution that Area 10.4 could make to the viability of mass transit system through the WEA. The Inspector was unconvinced by the calculations of financial viability put forward by the Council, due to the number of assumptions required and uncertainty over the transport system that might be adopted.
- 5.11 In addition, the Inspector considers that substituting Area 11 for Area 10.4 will have no impact on the housing capacity of the WEA, and he supports the prior provision of a mass transit route through Area 11 as well as through Area 10 (Part 1 Report - para 12.4). It is therefore not considered that there is any stronger evidence than was available at the Inquiry to support the argument that Area 10.4 is critical to the viability of a mass transit route through the WEA.
- 5.12 Point (f) relates to the relative merits of Areas 10.4 and Area 11 as development sites within the Local Plan period. The possible arguments for not allocating Area 11 are considered below.

Area 11

- (a) Prematurity, in the context of the Draft SRS
- (b) Process: objectors to the allocation of Area 11 have not had the same opportunity to make their case as was available to objectors to Area 10.4. This may lead to the need for second inquiry if MKC accepts the Inspector's recommendation.

- 5.13 In terms of point (a), the Council argued that the principle of development in this location needed firstly to be endorsed through the RPG Public Examination process. However, the RPG Panel effectively leaves the identification of new sustainable urban extensions to the Local Plan and successor LDDs, within 'areas of search around the western, southern and eastern edges of the urban area' (Panel Report - R7.5).
- 5.14 In relation to point (b), the Inspector was aware of, and states that he has taken into account, the general nature of objections to Area 11, but concludes that it is a more appropriate site for development than Area 10.4. The process for considering Area 11 as an 'omission site' at the LP Inquiry is no different from the consideration of all other omission sites put forward by objectors, and consistent with the normal inquiry procedures for considering such sites.
- 5.15 In conclusion, setting aside the issue of the long term boundary of the City, the arguments that might be put forward for rejecting the Inspector's recommendation are not considered to outweigh the reasons put forward by the Inspector for deleting Area 10.4 and allocating Area 11.

6. Long term development boundary of the City

- 6.1 The Inspector has expressed his opinion about the long term development boundary of the City both east and west, while acknowledging that he is not considering the long term (defined as post 2016) in his report (Part 1 Report - para 6.6).
- 6.2 The report does not therefore contain any recommendations about the appropriate location of such a long term boundary, either east or west of the City, nor in relation to the location of development east of the M1. Indeed, such decisions are not wholly within the remit of the Council or the Local Plan given that they are likely to affect land beyond the Council's administrative boundaries within neighbouring local authority districts.
- 6.3 At the inquiry, officers explained that the M1 was considered to be an appropriate development boundary on the east of the City for a longer period than that covered by the current Local Plan. This was part of the reasoning for defining a 'strategic reserve' within the EEA, between new development allocations and the motorway. Officers also referred to a number of practical constraints relating to development extending across the motorway - e.g. noise, air pollution, traffic congestion at motorway junctions, and the cost of new infrastructure (roads etc) having to bridge the motorway.
- 6.4 The RPG Panel has subsequently recommended that, in order to determine the best locations for development up to 2021 'beyond those established through the MK Local Plan', the Council should prepare a joint Local Development Document with Aylesbury Vale DC and Mid Beds DC, to ensure that future decisions on growth are not constrained by local authority boundaries (Panel Report - R 7.2). The Panel also recommended that 'a vision (for the City) to 2031' should be prepared (R 7.4).

- 6.5 It is not yet known whether the ODPM will accept these recommendations and amend the SRS accordingly. However, given current uncertainty about the directions of longer term growth, the Council may wish to reserve its position on the matter of a long term boundary for the City - i.e. that at this stage, if the Council deletes Area 10.4 from the plan, in line with the Inspector's recommendation, this does not mean that the Council either agrees or disagrees with the Inspector's comments on the long term development boundary of the City, either to the east or the west.
- 6.6 Alternatively, the Council may wish to express a view about the Shenley Ridge and the M1 as longer term boundaries to the city. If so, officer advice is that this should be set out as the Council's current position, without prejudice to the outcome of the 30 year study recommended by the RPG Panel. The Milton Keynes Partnership Committee is currently drawing up a brief for this study, in consultation with the Council and other organisations. In the context of this study, there may be longer term directions of growth for the city that do not require crossing either the Shenley Ridge or the M1.

7. Officer recommendation

- 7.1 The officer recommendation is to accept the Inspector's recommendation in relation to the WEA - i.e. to delete Area 10.4 and allocate Area 11.
- 7.2 The Council may also wish to clarify or reserve its position in relation to the long term boundary of the City - both east and west of the city - on which the Inspector has also commented in this part of his report. It is considered that less weight should be attached to these particular comments than to the recommendations of the RPG Panel regarding future directions of growth and the need for a further study.
- 7.3 If the cabinet (or subsequently full Council) is minded to reject the Inspector's recommendation - i.e. wishes to retain Area 10.4, not allocate Area 11, or both - legal advice is that such a decision could be supported by the 'clear and cogent' reasons outlined in Section 5 of this report (see paras 5.4 and 5.12 above). However, if members are minded to follow this course of action, it is recommended that a further report should be prepared to set out these reasons in more detail.

8. Other matters

Policy EA5

- 8.1 Policy EA5 sets out the policy requirements for the WEA. The Inspector will consider objections to the wording of Policy EA5 in his Part 2 Report. If the Council accepts the Inspector's recommendations concerning the extent of the WEA, the policy will need to be amended to reflect this - i.e. the inclusion of Area 11 and the exclusion of Area 10.4 will have implications for some of the requirements in the policy.

- 8.2 A revised policy will need to include the retention of the travellers' site within the WEA.

Planning application: Area 10.4

- 8.3 An outline planning application has already been submitted for Area 10.4. It will be the responsibility of the MK Partnership Committee to determine this application.

WEA Development Framework

- 8.4 A draft development framework for the WEA is being prepared for public consultation. It includes two scenarios:
- (a) The WEA as per DV2 - i.e. including Area 10.4 and excluding Area 11
 - (b) The WEA as per the Inspector's recommendations - i.e. excluding Area 10.4 and including Area 11
- 8.5 When the WEA development framework is adopted as SPG following public consultation, it will need to reflect decisions at Local Plan level on the boundary of the WEA - i.e. it will include only one scenario, consistent with the Council's decisions on the Local Plan regarding the boundary of the WEA.
- 8.6 The development framework may also need to be reviewed in the light of the final, adopted version of the Local Plan.