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## DELEGATED DECISIONS

**When: Tuesday 11 January 2022 at 5.30 pm**

**Where: Council Chamber**

**Civic, 1 Saxon Gate East, Milton Keynes, MK9 3EJ and**  
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## AGENDA

1.	Re-Procurement of NHS Health Checks	Councillor Carr (Cabinet member for Tackling Inequalities and Child Poverty) <b>(Pages 4 to 7)</b>
2.	Adoption of the South East Milton Keynes - Strategic Urban Extension Development Framework Supplementary Planning Document	Councillor Marland (Leader of the Council) <b>(Pages 8 to 19)</b>

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3.	Disposal of Theatre Multi-Storey Car Park, Central Milton Keynes	Councillor Middleton (Cabinet member for Resources) <b>(Pages 20 to 26)</b>
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# Delegated Decisions report



11 January 2022

## RE-PROCUREMENT OF NHS HEALTH CHECKS

Name of Cabinet Member	<b>Councillor Jane Carr</b> (Cabinet member for Tackling Inequalities and Child Poverty)
Report sponsor	<b>Oliver Mytton</b> Deputy Director of Public Health
Report author	<b>Karen McCormack-Morgan</b> Public Health Practitioner Strategy, Primary Care and Performance Tel: 01908 252327

Exempt / confidential / not for publication	<b>No</b>
Council Plan reference	<b>A Healthy Place</b>
Wards affected	<b>All wards</b>

### Executive Summary

Under the terms of the Service Level Agreement for Public Health functions (covering Bedford Borough Council (BBC), Central Bedfordshire Council (CBC) and Milton Keynes Council (MKC)), Milton Keynes Council has responsibility for leading on NHS health checks and managing contracts on behalf of all three authorities. The NHS Health Check programme is a statutory requirement.

This report is seeking approval for the Public Health team to re-commission the NHS Health Check programme.

The contract period requested is two years contract plus one year extension. The total value of the two years contract is £941,206 combined, the MKC value is £441,476. The one-year contract extension value is £470,603, with the MKC proportion equating to £220,738. Payment is activity based and the stated values represent the maximum payments if general practice delivered health checks to all eligible people. Relevant shares of operational costs and activity are recharged to Bedford Borough and Central Bedfordshire Councils.

## 1. Decisions to be Made

- 1.1 That the commencement of an appropriate tender exercise for contracts to deliver the NHS Health Check Programme on behalf of Bedford Borough Council, Central Bedfordshire Council and Milton Keynes Council, be approved.
- 1.2 That the contracts be delivered by General Practitioners for a period of two years, commencing on 1 April 2022 to 31 March 2024, with an option to extend for a further one year.
- 1.3 That the Deputy Director of Public Health be given delegated authority to award the contracts.

## 2. Why is the Decision Needed?

- 2.1 NHS Health Checks aim to assess an individual's risk of developing cardiovascular disease and to spot early signs, in order to put in place interventions to prevent or delay the onset of diseases.<sup>1</sup> The NHS Health Check programme is a statutory requirement.
- 2.2 If we do not recommission this contract, we will not fulfil our statutory obligations. If we do not recommission these contracts, we risk not being able to identify people at risk of cardiovascular disease and so fail to prevent avoidable cardiovascular disease, negatively impacting on people's health and well-being.

## 3. Implications of the Decision

Financial	Y	Human rights, equalities, diversity	Y
Legal	Y	Policies or Council Plan	Y
Communication	Y	Procurement	Y
Energy Efficiency	N	Workforce	N

### (a) Financial Implications

The total value of the two-year contract is £941,206 combined, the Council's value is £441,476.00. The one-year contract extension is £470,603.00 combined, the Council's value is £220,738.00. This is the maximum value; the contracts are activity-based contracts paid per completed NHS Health Check. The payments to an individual practice will not exceed the £25,000 threshold per practice.

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<sup>1</sup> The NHS Health Checks are for patients aged 40-74 years of age with no history of cardiovascular disease and include as standard a BMI check using the patient's height and weight, blood pressure check, a cholesterol check and general lifestyle questions as well as questions about family medical history with onward referral to appropriate clinical and community services such as weight management

The total value of the two years plus one year extension is £1,412,809.00 combined, the Council's value being £662,214.00.

The table below provides a summary of the financial commitments being made by the Council and all three local authorities collectively.

LA	Costs per annum per LA	2 years contract	1 year extension if used	3 years with extension
MKC	£220,738	£441,476	£220,738	£662,214
Total	£470,603	£941,206	£470,603	£1,412,809

Relevant shares of operational costs and activity are recharged to Bedford Borough and Central Bedfordshire councils.

There is no movement of net budgets between authorities. Milton Keynes Council will pay invoices related to Bedford Borough Council and Central Bedfordshire NHS Health Checks and Milton Keynes Council will recharge Bedford Borough and Central Bedfordshire Councils as per the service level agreement, for their proportion of the costs.

(b) Legal and Procurement Implications

- (i) The Health and Social Care Act 2012 amended the NHS Act 2006 to give local authorities (LAs) the leading role in improving their population's health and the Secretary of State the duty to protect the health of the population in England and reduce health inequalities. NHS Health Checks are a prescribed function and mandatory.
- (ii) There is an agreement in place between Milton Keynes Council, Bedford Borough Council and Central Bedfordshire Council in which the Council is obligated to lead on the commissioning and management of contracts relating to the NHS health check services across the three authorities.
- (iii) It is anticipated that the procurement of this contract will follow a light touch regime tender process given the nature of the services. This allows the Council flexibility in how to run the procurement process, but the Council has to comply with the principles of fairness, transparency and equal treatment of all the providers involved.
- (iv) Delegation of authority to award the contracts as requested is permissible.

- (v) Appropriate provisions must be included in the tender and the contracts to ensure that the delivery of the contract will be compliant with General Data Protection Regulations.

(c) Equality Implications

An Equality Impact Assessment will be completed to identify existing or potential inequalities in the promotion and completion of NHS Health Checks.

The contracts recognise the need to focus and incentivise NHS Health Checks for those most at risk of cardiovascular disease. The cardiovascular risk calculation also incorporates postcode to prioritise those living in deprived areas and ethnicity, recognising that these are risk factors for cardiovascular disease.

#### 4. Alternatives

- 4.1 Local authorities have a statutory responsibility to deliver an NHS Health Check programme. Not procuring NHS Health Checks is not an option.
- 4.2 Whilst delivery of NHS Health Checks by general practice is currently challenging because of the pandemic and competing pressures on primary care, it is the only viable option in the short-term for their delivery. Other options are being scoped, notably digital delivery and a community outreach provider, but these will take time to mobilise and would not fully replace General Practice delivery. Alternative models will be most effective if introduced alongside General Practice provision, strengthening the overall offer and supporting uptake amongst hard-to-reach groups.

#### 5. Timetable for Implementation

Delegated Decision to approve this paper	11 January 2022
Call-in Expires	21 January 2022
Tender opens for sign-up	1 February 2022
Contract start date	1 April 2022

List of Annexes and Background Papers - None

# Delegated Decisions report



11 January 2022

## ADOPTION OF THE SOUTH EAST MILTON KEYNES - STRATEGIC URBAN EXTENSION DEVELOPMENT FRAMEWORK SUPPLEMENTARY PLANNING DOCUMENT

Name of Cabinet Member	<b>Councillor Pete Marland</b> (Leader of the Council)
Report sponsor	<b>Paul Thomas</b> Director - Planning and Placemaking
Report author	<b>Matthew Clarke</b> Principal Urban Designer <a href="mailto:matthew.clarke@milton-keynes.gov.uk">matthew.clarke@milton-keynes.gov.uk</a> Tel: 01908 254 766
	<b>Sabina Kupczyk</b> Principal Planning Officer <a href="mailto:Sabina.kupczyk@milton-keynes.gov.uk">Sabina.kupczyk@milton-keynes.gov.uk</a> Tel: 01908 253 132

Exempt / confidential / not for publication	<b>No</b>
Council Plan reference	<b>Not in Council Plan</b>
Wards affected	<b>All wards</b>

### Executive Summary

The Plan:MK South East Milton Keynes Strategic Urban Extension (SEMK) allocation is located to the south of Milton Keynes on land adjacent to Wavendon, Walton, Woburn Sands and Bow Brickhill, straddling the East West Rail railway line. It is allocated for approximately 3,000 homes, associated uses, a secondary school, two primary schools, Gypsy and Travellers site and other supporting social and green infrastructure.

The granting of planning permission for housing and other uses within the allocation is contingent on the preparation and adoption of a comprehensive Development Framework Supplementary Planning Document (SPD). Following an iterative process of engagement and public consultation, an SPD for SEMK has been produced for adoption. Once adopted, it would be a significant material consideration in determining applications within SEMK.

The decision to adopt the SEMK SPD, was taken on 30 November 2021, including a number of additional elements not originally included in the published report which are now fully set out decisions 1.1 - 1.6.

### **Call-in and Mediation**

The decision was subsequently called-in by two parties (Councillors David and Victoria Hopkins, and Bow Brickhill Parish Council), but further to informal mediation, the outcomes of which are set out at **Annex D**, both parties withdrew their call-in.

There were a variety of mediation outcomes, including that the decision to adopt the SPD be retaken by the Leader of the Council on 11 January 2022. A further key outcome was that an additional paragraph be inserted into the SPD making it clear that any change of location shown for Woburn Sands Railway Station is indicative only and that it in no way provides the EWR Company with the opportunity to maintain that this is the Council's final position and should not therefore be open to further debate in the upcoming EWR Statutory Consultation. A revised SEMK SPD for adoption is set out in **Annex A**, whilst a tracked changes version is set out at **Annex B**. Other mediation outcomes are reflected in decisions 1.7 and 1.8 are required by mediation outcomes.

Bow Brickhill Parish Council will meet with the Leader and officers during w/c 4 January 2022 and any additional decisions arising from this discussion will be verbally reported and confirmed at the Delegated Decisions meeting on 11 January 2022.

The remainder of this report (s. 2 - 4) is as it was originally presented at the Delegated Decision on 30 November 2021.

## **1. Decisions to be Made**

- 1.1 That the South East Milton Keynes - Strategic Urban Extension Development Framework Supplementary Planning Document (SEMK SPD), attached at **Annex A** to the report, be adopted.
- 1.2 That the Director - Planning and Placemaking be delegated authority to make any necessary minor corrections to the SEMK SPD.
- 1.3 That a Delegated Decision be scheduled in January 2022 to consider the H10 extension outside the Supplementary Planning Document.
- 1.4 That the Council believes phasing of the site should be West to East and, subsequent to the adoption of the SEMK SPD, would ensure best endeavours to engage with the relevant parties to establish appropriate principles for the phasing of the SEMK development and related infrastructure, and to explore opportunities to phase development of the site from West to East.
- 1.5 That when detailed planning applications are submitted for SEMK, the Planning Committee's attention be drawn to the need to provide adequate noise attenuation and properly considered landscaping, particularly in respect of the proposed Bow Brickhill Bypass, and that the developers consider using the model of best practice undertaken by the MK East development and mediation, if necessary.

- 1.6 That proper traffic and transport modelling be required at the detailed application stage for the bus-rail inter-change at Woburn Sands Station.
- 1.7 That the Leader request that an additional Cabinet appointment of observer to the EWR Consortium Strategic Board be made and that in the event this is agreed, the appointment be Councillor David Hopkins.
- 1.8 That the publication of highways data upon which the decision to adopt the SEMK SPD was based (Technical Note 24 - attached at **Annex E**), be noted.

## 2. Why is the Decision Needed?

### **Implementing Plan:MK**

- 2.1 Plan:MK Policy SD10 requires Development Framework Supplementary Planning Documents (SPD) for strategic sites to be adopted before any planning permissions can be granted. In 2018 we commenced the preparation of the South East Milton Keynes - Strategic Urban Extension Development Framework Supplementary Planning Document (SEMK SPD) in line with the emerging strategic allocation in Plan:MK. Once adopted, the SEMK SPD will be a significant material consideration in the determination of planning applications submitted to us in relation to the SEMK allocation.
- 2.2 The SEMK SPD has been prepared to support the implementation of Policies SD11 and SD10 within Plan:MK and considers other relevant policies within the plan. It has focussed on the spatial distribution of strategic infrastructure and main land uses (typically the strategic movement network, green infrastructure network, housing, education and local centres).
- 2.3 In response to the policy framework within Plan:MK, technical evidence, stakeholder engagement and our understanding of other material considerations affecting the site, the SEMK SPD proposes:
  - a residential-led mixed use development of approximately 3000 homes;
  - two education sites providing a total of seven forms of entry for secondary education and six forms of entry for primary education and early years provision;
  - two local centres, one of which will include a community reserve site;
  - a primary option and a reserve option for the strategic movement network as part of a comprehensive network of transport infrastructure which promote active modes of travel, enable public transport to service the development, enable a future fast mass-transit system connection, and consider potential future railway crossings;
  - a location for seven permanent pitches for Gypsies and Travellers;
  - a comprehensive network of footpaths and cycleways, extending the Milton Keynes Redway network into the site and ensuring good connectivity to adjoining communities of Woburn Sands, Wavendon and Bow Brickhill; and

- a network of green infrastructure with indicated location for associated strategic sustainable drainage systems and open spaces through the site that connects to areas beyond it.
- 2.4 The SPD fixes as much detail as possible, for example the location of land uses, key elements of the green infrastructure and open space network, patterns of housing density, character typologies, location for gypsy and travellers' site, as well as a significant amount of the pedestrian and cycle network.
- 2.5 It also provides a primary option and a reserve option for the strategic movement network as uncertainty still exists over the East West Rail (EWR) Company's proposals for the existing railway-associated changes to level crossings and new bridge crossings.
- 2.6 The primary option with a vehicular bridge at V10 (in addition the eastern bridge as part of the proposed Woodleys Road) is preferred from a placemaking perspective. This places the key highway network in terms of vehicular movement, on the edge of the proposed development and provides for a more integrated development internal to SEMK. A bridge crossing at V10 is currently favoured by EWR Co (based on the Summer 2021 non-statutory consultation) who are now considering various options and alignment over the Marston Vale Line.
- 2.7 Should any of the criteria for a bridge listed below in para 2.10 not be satisfied, the Council will withdraw its inclusion of the V10 bridge option from the SEMK SPD and use the V11 'reserve option' within the Development Framework to assess future planning applications. The reserve option is presented in Appendix C of the SPD.
- 2.8 The main difference between the reserve and primary option is the re-location of a bridge at the V10 to the location where the V11 transport corridor reserve meets the Marston Vale Line. The reserve option assumes that the proposed V10/Brickhill Street Bridge can't be delivered to the Council's agreed specification (listed at para 2.10 below). Whilst the vast majority of the guidance contained within the SPD remains relevant, even if the reserve option becomes the preferred option, Appendix C of the SPD does outline what the differences are.

2.9 The Table below shows pro's and con's of the V10 and V11 bridge options:

	Pro's	Con's
Bridge at V10	<ul style="list-style-type: none"> <li>• Placemaking benefits - keeps strategic infrastructure around the edge of the allocation and thereby contributes to a more integrated and higher quality development at SEMK.</li> <li>• Favoured by EWR in the non-statutory consultation (but actual final alignment agreement is critical as to whether V10 remains a pro) Supports current MRT routings in MK2050 Strategy for 2050.</li> <li>• Supports potential P+R site at junction of A5 and A4146, as identified in the MK2050 Strategy.</li> <li>• Provides continuity to the grid road that currently connects the north and south of the city.</li> </ul>	<ul style="list-style-type: none"> <li>• Existing site constraints (proximity of Tilbrook Roundabout and Redbull in particular).</li> <li>• Impact on existing employment areas including Red Bull and residential areas in Caldecotte.</li> <li>• Impact on development viability at Plan:MK allocation at Caldecotte Site C.</li> </ul>

	Pro's	Con's
Bridge at V11	<ul style="list-style-type: none"> <li>• Technically easier to meet MKC specification for the bridge crossing: <ul style="list-style-type: none"> <li>- maintains the general linearity of the grid roads</li> <li>- would accommodate redways on both side</li> <li>- grid roads specification</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Severance and noise impacts to new community of grid roads* penetrating SEMK</li> <li>• The inclusion of grid roads would impact on the quality of new residential development at the western end of the allocation south of the railway line</li> <li>• The associated grid road infrastructure would likely mean the loss of circa 100 homes</li> <li>• Additional costs associated with grid road infrastructure e.g. underpasses (2 rights of way cross the Bow Brickhill Bypass so underpasses would be required and are likely to require the relocation of a major strategic water main that has a 6m easement)</li> <li>• Impact on residential communities of Browns Wood and Old Farm Park</li> <li>• Significant site constraints through V11 transport corridor reserve north of railway line which a V11 extension would need to cross (Holst and Morley Crescent, Caldecotte Brook, and a leisure route through the Caldecotte Brook linear park)</li> <li>• Does not align with MRT network as proposed in 2050 Strategy and has potential knock-on implications for another proposed MRT route origin just east of V11 at Woodleys Crossing as identified in the 2050 Strategy</li> <li>• Additional costs on overall delivery of SEMK (as bridge would be not be funded by EWR assuming they close V10 and build a bridge there)</li> </ul>

\*In order to provide a continuity of grid roads (V10 south of the railway line joining to V11), the Bow Brickhill Bypass would need to be upgraded to grid road standard

- 2.10 In the absence of an agreed design for the V10, we will only support a solution if it:
- maintains the general linearity of the grid roads (thereby allowing provision of an MRT route, red ways and grid-road specification roadways);
  - keeps to an absolute minimum the impact on Red Bull's access to, and amenity of, their campus;
  - does not compromise the access to, or amenity of, the Caldecotte Lake Business Park site; and
  - does not cause unacceptable harm to the amenity of the surrounding residential properties.
- 2.11 It should be noted that whether either of these bridges are built (in addition to the bridge serving development further east towards Woburn Sands at Woodleys Crossing) will be entirely dependent on the decision EWR Co take, as the Council and developers are unlikely to build an alternative additional bridge given the planned growth does not necessitate this.
- 2.12 Three key factors have influenced the progress and content of the draft SEMK SPD, namely the Oxford to Cambridge Expressway, East West Rail and stakeholder engagement, and are summarised below.

#### **Stakeholder engagement during preparation of the SPD**

- 2.13 We commenced work in 2018 to prepare the SEMK SPD and have undertaken significant local and technical stakeholder engagement. This included the preparation and examination of Plan:MK, as well as the establishment of a SEMK Local Stakeholder Group which was principally formed of ward, parish and town councillors in the area.
- 2.14 Informal engagement with a range of internal and external technical stakeholders has also taken place. This commenced when preparing Plan:MK and has continued to inform the preparation of the SEMK SPD including:
- MKC Education in relation to primary and secondary place provision.
  - MKC Highways and Transport Policy in relation to highways, public transport, cycling, walking and wider mobility issues.
  - MKC Flood and Water Management in relation to flood risk management.
  - MKC Archaeology in relation to potential archaeology within the site and the approach to mitigating any possible impacts.
  - Highways England in relation to their strategic road network and the Expressway.
  - Network Rail and the East West Rail Company in relation to the Marston Vale Line.

- Parks Trust in relation to green infrastructure matters within and beyond the allocation.
- Bedfordshire, Luton and Milton Keynes Clinical Commissioning Group in relation to the need and form of health provision within the allocation.

### **Oxford Cambridge Expressway**

- 2.15 Criteria A of Plan:MK Policy SD11 states that; “If the chosen corridor for the Oxford Cambridge Expressway (OCE) maintains the possibility that the OCE could be routed through the site, then planning permission for housing and associated uses will not be permitted until the detailed alignment of the OCE is known.” Early preparatory work on the SEMK SPD was paused by us in mid-2019 on the understanding that a route for the OCE would be announced by Government in Autumn 2019. After the Government itself paused work on the OCE in March 2020 we recommenced work on the SEMK SPD to ensure the timely delivery of the allocation. In March 2021 the OCE was cancelled by the Government.

### **East West Rail**

- 2.16 As part of the consideration of highway connectivity and placemaking objectives for SEMK, we have had to consider potential changes to the existing railway between Bow Brickhill and Woburn Sands associated with plans to deliver a comprehensive East West Rail service between Oxford and Cambridge.
- 2.17 The East West Rail Company (EWR Co) undertook a non-statutory public consultation in 2021 which coincided with the consultation on the draft SEMK SPD. The consultation provided options for future of stations and level crossings on the existing Marston Vale Line (MVL). EWR Co will refine these options for a future statutory consultation in late 2022, before a new Development Consent Order (DCO) is submitted.
- 2.18 Upon review of the EWR non- statutory consultation proposals we have selected a primary option for the movement network and a reserve option which is presented in the Appendix C of the SPD.

### **Public Consultation**

- 2.19 A draft version of the SEMK SPD was consulted on between 8 February and 19 April 2021, which was extended to 9 June 2021 to allow respondents to review EWR Co’s non-statutory consultation alongside the draft SEMK SPD.
- 2.20 We received over 1,500 responses from 1,411 respondents. These representations can be found at **Annex C** to this report, which summarises the comments made and our response to them. The greatest number of responses came from members of the public. In addition, we received:
- representations from Parish and Town Councils and Councillors;
  - representations from other local authorities: Central Bedfordshire Council, Gloucestershire Council;

- representations from Developers or Agents who have interests in the site or land adjacent to the site;
- representations from Statutory consultees such as Environment Agency, Natural England, Forestry Commission;
- representations from utilities/infrastructure providers;
- representations from organisations and partnerships including: CPRE, Marston Vale Community Rail partnership, The Greensand Trust, MK Cycling Forum;
- representations from local liaison groups;
- representations from local businesses;
- comments from officers of MKC and external partners; and
- representation from East West Rail company.

2.21 The following key issues were raised:

- A large number of respondents commented on highways and transport matters. In particular, concerns were raised over the future road links and uncertainties of the EWR Co proposals and the need to undertake the strategic transport review. Concerns were raised over the impact of additional traffic on existing roads and communities and ability of the new road infrastructure outlined in the SPD to mitigate those impacts.
- Comments in support and against all proposed movement options.
- Requests to delay the works on the SPD in light of the uncertainties around EWR proposals.
- Several respondents commented on the proposed network of routes and connections for pedestrians and cyclists throughout the site and into areas beyond it, in terms of their location and ensuring delivery.
- Several respondents commented on the landscape and open spaces provision within the site and the amount and quality of the green access links.
- Several respondents commented on the infrastructure provision and the need for early delivery of services ahead of housing completions. Respondents generally supported provision of schools and community facilities.
- Several respondents commented on the location of playing fields and location and adequacy of the proposed location of Gypsy and Traveller pitches.
- Several comments received were in relation to character and densities within the SEMK site.
- Several comments were provided on the surface water, drainage, and flooding matters. Support provided to the inclusion of SuDs and

concerns over impact on adjacent areas of Old Farm Park, Browns Wood, Tilbrook and Caldecotte.

### **Preparing the final SPD**

- 2.22 Responses were reviewed as they were received during the consultation and in the period after the consultation closed allowing for late responses up to early June 2021. As a result of the consultation and further engagement undertaken, several changes are proposed to the SEMK SPD in response to issues and points raised.
- 2.23 Since the changes address points raised in the consultation and are not significant departures from the proposals contained in the draft SPD, further consultation on the SPD is not considered to be necessary. The SEMK SPD found in **Annex B** to the report shows the changes made to the document so that it is clear where and how the document has been changed from the draft version consulted upon in 2021.
- 2.24 The below list provides a summary of the more substantial changes made to the SPD:
- from three strategic movement networks options, consulted earlier in the year, a primary option in terms of strategic movement network was selected and a reserve option is provided in the Appendix C of the SPD;
  - relocation of the primary school to the west of the Woodleys Road to better relate to the development;
  - selection of the Gypsy and Travellers site location at the far western end of the site;
  - further detail on the land equalisation as part of delivery;
  - Community Hub now called local centre;
  - updated Phasing Paragraph;
  - updated stronger vision which is landscape-led;
  - focal open space provided adjacent to Spine Street and extended interconnected open space network (e.g. open space network added along Bow Brickhill Road);
  - widening of the buffers especially the buffer close to Wavendon;
  - playing field location on the Woburn Sands side of the allocation; and
  - character areas largely remaining the same except for the overlaid green network of open spaces.
- 2.25 The updated SEMK SPD was presented at the Planning Cabinet Advisory Group (CAG) meeting on 13 October 2021 where it was requested that the phasing chapter for the site contain a requirement for early delivery of the infrastructure and Gypsy and Traveller site.

- 2.26 Following consideration of the consultation response and Planning CAG meeting, the SPD has been revised and finalised, and is set out in **Annex A** (version showing the track changes available in **Annex B**). The SEMK SPD is considered to provide a clear and comprehensive framework for bringing forward development the SEMK allocation in a way which will fulfil the policies and strategic objectives of Plan:MK and which responds appropriately to the views and feedback of local communities and stakeholders.

#### **Next steps**

- 2.27 Stakeholder engagement will continue as part of pre-application and application process. Developers will be expected to undertake stakeholder engagement when preparing subsequent planning applications and engagement on MK East is to be considered as a model of good practice. This engagement will include discussions around phasing, highway and landscaping design.
- 2.28 The transport strategy reflected in the development framework for SEMK is informed by various scenarios modelled in the council's strategic transport model. As part of future planning applications, the developer will produce a Transport Assessment which will identify any mitigation measures required in response to the traffic generated by the site. This will be informed by the council's transport model and, where necessary, include additional local traffic data collection. The mitigation measures will vary depending on the detailed design and layout of the development proposals, which would come through the submission of a planning application, and can include e.g. traffic calming, speed limit restriction, parking restrictions or Low Traffic Neighbourhood schemes.
- 2.29 A comprehensive traffic modelling study of the planned growth in the area is expected to be undertaken by EWR Co next year when they have clarified their preferred level crossing closure options for the statutory consultation. This would need to include the significant highway network interventions required to support delivery of the East West Rail project, as well as reflecting changes in travel demand associated with the EWR/Marston Vale line rail stations.
- 2.30 EWR Co are paying for the Council's Strategic Transport Model to be updated with all this information. It will comprise an updated reference case (assuming no EWR changes), alongside future forecast years to represent the construction, opening and operational phases of East West Rail. EWR Co are doing this to inform their Transport Assessment, which will accompany their Development Consent Order application. This modelling and accompanying analysis will identify impacts and inform any required mitigations.
- 2.31 We will carry out our own Transport Modelling for the needs of the new Local Plan which could be utilised to inform ongoing planning.

### 3. Implications of the Decision

Financial	Yes	Human rights, equalities, diversity	No
Legal	Yes	Policies or Council Plan	Yes
Communication	Yes	Procurement	No
Energy Efficiency	No	Workforce	No

#### (a) Financial Implications

Any work associated with the recommendation above is being funded by existing budget provision. There are no identified significant risks to adopting the SEMK SPD. The higher risks are associated with the 'Do Nothing option'.

#### (b) Legal Implications

The Town and Country Planning (Local Planning) (England) Regulations 2012 set out the statutory requirements for the consultation and adoption of Supplementary Planning Documents. Under section 19(3) of the Planning and Compulsory Purchase Act 2004, we must prepare SPDs in accordance with the Council's Statement of Community Involvement (which sets out the Council's policy for consulting and engaging with individuals, communities and other stakeholders).

If adopted, in line with statutory requirements, the SPD will be a significant material consideration in the determination of planning applications. We would also be required to make the SPD and an adoption statement available for a period of at least three months in electronic and hard copy form.

#### (c) Communications

As noted above, once adopted, the SPD and an adoption statement need to be made available on our website and at Civic and other places deemed appropriate in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012.

#### (d) Policies or Council Plan

The SPD refers to the relevant planning policy, legislation and best practice guidance. It sets out what information should be provided with planning applications, how it should be evaluated, and how the final form of development should respond to that aspect of the natural environment. This will be implemented through the determination of planning applications to deliver high quality design where biodiversity net gains are achieved across future proposed developments in Milton Keynes.

### 4. Alternatives

- 4.1 A 'Do Nothing' option is to not adopt the SEMK Development Framework SPD. This is not considered appropriate, as Policy SD10 of Plan:MK requires Development Framework Supplementary Planning Documents (Frameworks)

for strategic sites to be adopted before any planning permissions can be granted. Furthermore, this option would result in concerns that developers may seek to bring forward the site anyway in advance of the SPD, which is likely to be informed by their own development framework/masterplan. Delay to the delivery of the site could also have longer term implications for the Council's housing land supply.

- 4.2 The 'Recommended Option' is to adopt the SEMK SPD. Once adopted, the SEMK SPD will be a significant material consideration in the determination of planning applications submitted to the Council in relation to SEMK allocation.

## 5. Timetable for Implementation

- 5.1 The SPD will be adopted on 11 January 2021. As the decision has been called-in, subject to agreed mediation outcomes and re-taken, cannot be called-in again.

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### List of Annexes (circulated under separate cover)

- Annex A South East Milton Keynes - Strategic Urban Extension Development Framework Supplementary Planning Document 2021
- Annex B South East Milton Keynes - Strategic Urban Extension Development Framework Supplementary Planning Document 2021 (track changed version)
- Annex C Summary of Representations received on the draft South East Milton Keynes - Strategic Urban Extension Development Framework Supplementary Planning Document 2021
- Annex D Call-in Mediation Outcomes
- Annex E Highways Technical Note 24

### List of Background Papers

Plan:MK

<https://www.milton-keynes.gov.uk/planning-and-building/plan-mk>

V11 Tongwell Street Extension Feasibility Report

<https://www.milton-keynes.gov.uk/planning-and-building/planning-policy/south-east-milton-keynes-strategic-urban-extension>

# Delegated Decisions report



11 January 2022

## DISPOSAL OF THEATRE MULTI-STOREY CAR PARK, CENTRAL MILTON KEYNES

Name of Cabinet Member	<b>Councillor Rob Middleton</b> (Cabinet member for Resources)
Report sponsor	<b>Stuart Proffitt</b> Director - Environment and Property
Report author	<b>Peter Beer</b> Interim Assistant Head of Property and Facilities <a href="mailto:Peter.Beer@milton-keynes.gov.uk">Peter.Beer@milton-keynes.gov.uk</a>

Exempt / confidential / not for publication	<b>Annex C</b>
Council Plan reference	<b>Not in Council Plan</b>
Wards affected	<b>Central Milton Keynes</b>

### Executive Summary

This report sets out the proposals to dispose of the closed Theatre Multi Storey Car Park in Central Milton Keynes. Prior to its closure, the car park was under-utilised and required significant investment to bring it up to standard. A planning led Development Brief sets out the aspirations for the site in placemaking terms and an options analysis and appraisal examined several redevelopment opportunities for the site. The proposed decision is to commence marketing of the site in the New Year for bids to create an exceptional mixed-use development that meet the aspirations of the development brief and provide the council with an albeit, small, capital receipt.

### 1. Decisions to be Made

- 1.1 That the public and press be excluded from the meeting by virtue of Paragraph 3 (Information likely to Reveal the Financial or Business Affairs of the Authority) of Part I of Schedule 12A of the Local Government Act 1972, in order that the meeting consider **confidential Annex C** to the report.
- 1.2 That the disposal route and evaluation criteria for bidders of the Theatre Multi-Storey Car Park be approved.

1.3 That the Director - Environment and Property, in consultation with the Cabinet member for Resources, be given delegated authority to select a preferred bidder and enter into a contract for the disposal.

## 2. Why is the Decision Needed?

2.1 The Theatre Car Park has been underused and prior to closure ran at a loss, particularly since the new John Lewis car park opened, and also requires significant refurbishment of approximately £150k to bring it up to standard fit to reuse as a car park. As part of the Council's Corporate Property Strategy, the site has been assessed against the criteria for disposal through the asset challenge process and has been recommended at Strategic Property Board to be disposed of as part of the asset rationalisation programme. A site plan and aerial view of the building can be found at **Annex A**.

2.2 Subsequently, the car park was closed at the start of the pandemic and a delegated decision was taken on 17 November 2020 not to reopen it. The decision recommended to develop an options appraisal for alternative uses. Officers have worked with consultants CCD Properties to develop an options appraisal which include several options including mixed used and residential schemes.

2.3 Given the prominence of the site in Central MK and its adjacency to the Theatre, 12<sup>th</sup> Street Leisure Quarter, and MK Gallery, a development brief has been considered, consulted upon, and adopted by the Council by a Delegated Decision taken on 7 December 2021. The development brief will influence what the site is eventually used for and what the layout and design will be and therefore engagement with local stakeholders to establish their issues, views and aspirations is essential to the process. The brief provides prospective developers with planning and design guidance to enable the submission of an informed and high-quality proposals for the development of this site.

2.4 The vision for the site is: *"To create an exceptional mixed-use development that capitalises on its outstanding gateway location that affords stunning views over Campbell Park and beyond and is positioned adjacent to the most popular theatre outside London, an acclaimed and recently expanded MK Art Gallery and complementary uses."* More in-depth information can be found in the Development Brief (see List of Background Papers)

2.5 There are essentially two preferred options for the site. Both involve the demolition of the theatre multi-storey car park building to bring forward a redevelopment with a mixed-use scheme. An active mixed-use ground floor facing its eastern, southern and western edges level that includes community focused uses will be looked on favourably. The second option goes further in promoting oversailing of the existing public realm on upper floors in order to increase the overall capability, capacity and economic viability of the site. The latter option will require negotiation with the adjacent landowner who owns land between the site and the classic infrastructure. Discussions with the

third- party landowner so far have been positive given the benefits it will bring to the 12<sup>th</sup> Street development.

2.6 The Option Analysis report examines several redevelopment opportunities for the site. These included:

- *Commercial Use* - single storey footprint of 17,000sqft or a multi-level scheme for uses such as Self-Storage which could provide 80,000sqft over four floors.
- *Residential* - a multi-level apartment style scheme. 126 apartments, over 6/14 stories. The scheme is configured to provide a 31% Affordable Housing content in line with adopted Supplementary Planning Guidance.
- *Senior Living* - a McCarthy and Stone type layout - 73 Apartments over five floors.
- *Temporary Housing* - 30 micro flats in a prefabricated/modular temporary short-term option or 53 bed spaces in a more traditional lodge type arrangement.
- *Specific Occupiers as part of a mixed-use development:*
  - An A3 Community Led Use - 17,000sqft.
  - Upper level residential within the airspace - 108 Apartments with split tenure providing 33% Affordable content.

2.7 High-level development appraisals were undertaken for several of the options to provide a comparative indication of the potential residual site value. As with all Option Analysis there is a range of site values generated dependent on the use and building type. A summary can be found in **confidential Annex C**. The simplistic long term storage option created the best site value however, in Planning terms is the most unlikely to be supported.

2.8 The commercial, residential and mixed-use schemes to match the Development Brief will be considered most favourable albeit the challenges in generating a positive site value are recognised at this stage. Over time, it is felt as Milton Keynes becomes recognised as the pivotal point in the growth of the Cambridge/Oxford Arc the demand for town centre sites within the mixed use/private rented residential sector will increase resulting in improved land values and viability.

2.9 We will market the site for sale with the benefit of the adopted development brief and will be looking for high quality schemes in accordance with the requirements of the Development Brief. The Council's strategic property consultants CCD Properties will run the marketing campaign with agents

Bidwells, a very established consultant who specialise in the “golden triangle” - Oxford/Milton Keynes/Cambridge Arc. Bidwells have been procured in accordance with the Council’s procurement regulations (three quotes given the value). They have extensive experience and networks among the development sector, and as a team have sold land with a gross development value in excess of £2bn over the past five years It is intended to commence marketing in early February for a period of six weeks.

- 2.10 There is a strip of land around the south eastern and south western boundaries of the site abutting the structure which is not in the Council’s ownership. Previously owned by the HCA, it has now transferred to the owners of the Theatre District which creates a potential ransom situation. Discussions with the owners have however been positive on doing a deal here.
- 2.11 Bids will be assessed in accordance with the following criteria of which 40% will be on the bidder’s financial offer and the remainder on their track record, quality and deliverability of proposals. This will go some way in ensuring any scheme will be the right fit for Central Milton Keynes, in accordance with the development brief and which will be delivered to a high standard.

<b>Financial Offer</b>	<b>40%</b>
<b>Financial Track Record &amp; Covenant</b>	<b>10%</b>
<b>Quality and Deliverability of proposals</b>	<b>50% made up as follows:</b>
1. Compliance with the development Brief	10%
2. Ability to include Community/Arts uses	20%
3. Design	10%
4. Appraisal and deliverability	10%

- 2.12 Bidders will be made aware of any site constraints including proximity to existing uses. This will include, for example, the Theatre which can be a loud operation when touring shows arrive and depart. Consideration should be given by bidders on compatible uses and any mitigation needed, such as sound proofing.

### 3. Implications of the Decision

Financial	Yes	Human rights, equalities, diversity	No
Legal	Yes	Policies or Council Plan	Yes
Communication	Yes	Procurement	No
Energy Efficiency	No	Workforce	No

#### (a) Financial Implications

We are not expecting to see a significant capital receipt for this disposal. Our disposal costs of up to 4% of the capital receipt can however be offset against the value of the receipt received, any further costs incurred will be reflected in the Council’s outturn position. However, we’re expecting our disposal costs to be 1.5% for agency fees plus legal

costs. The property is not currently opted to tax, and therefore are exempt from VAT. SDLT is not payable on disposals. Depending on the offer received, we may ask the successful bidder to enter into an overage agreement to secure any future uplift in value in order to meet our obligations under S123 of the Local Government Act, 1972.

(b) Legal Implications

Under s123 Local Government Act 1972, there is a requirement for the Council to obtain the best consideration that can reasonably be achieved when disposing of its assets. The property has a gross book value of £1,007,837. The Council can, however, give an undervalue of no more than £2 million if the disposal promotes the social, economic or cultural well-being of an area. This must be considered when selecting a bidder before entering into contract.

(c) Other Implications

A clear communications plan will need to be worked up after selection with the successful purchaser on the future of the site and development proposals. Consultation with key partners including CMK Town Council should continue.

#### 4. Alternatives

4. The alternative to disposing of the car park is to retain its use and re-open it as an operational car park. As discussed in the body of the report, this would require significant investment for an already under-utilised asset and would be contrary to the Corporate Property Strategy.

#### 5. Timetable for Implementation

- 5.1 The draft preliminary programme is attached at **Annex B** to the report which gives full details of the timeline. In overall terms, we will be seeking to commence marketing on 9 February 2022 for a period of six weeks. Tenders will be returned by 23 March 2022, followed by any clarifications with an assessment and report issued by 11 May 2022. We should be able to make a formal decision and agree heads of terms to instruct legal in June 2022.

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#### List of Annexes

Annex A	Site Plan and Ariel View
Annex B	Draft Preliminary Programme
Annex C	Options Appraisal (Confidential)

#### List of Background Papers

- Delegated Decisions - 17 November 2020: [Delegated Decisions - 17 November 2020](#)  
Delegated Decisions - 7 December 2021: [Delegated Decision - 7 December 2021](#)  
Development Brief (final version): [Development Brief final version](#)



SITE PLAN AND ARIEL VIEW

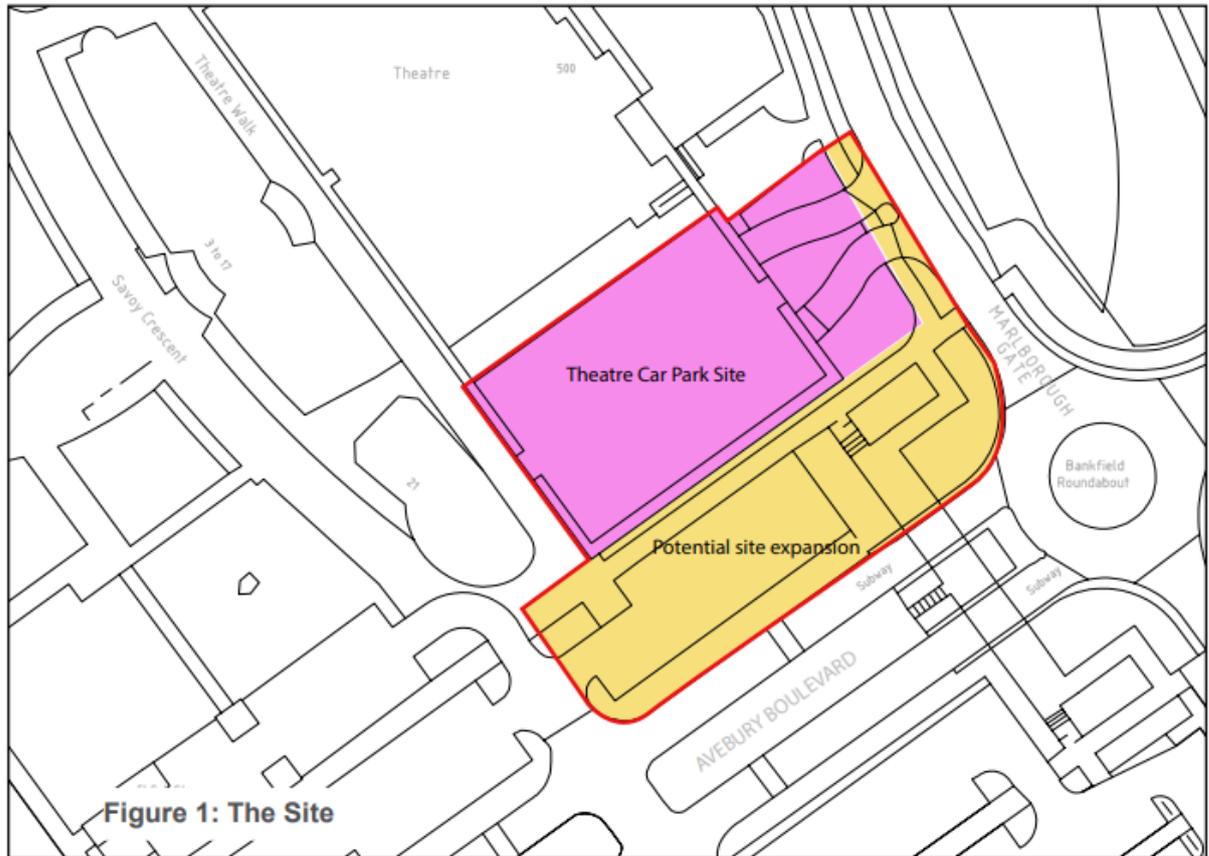


Figure 1: The Site



Figure 2: Ariel view of site



DRAFT PRELIMINARY PROGRAMME

THEATRE CAR PARK SITE, MILTON KEYNES - PRELIMINARY PROGRAMME (CONDITIONAL SALE)		Qtr 1, 2023 Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec												Qtr 2, 2023 Jan Feb Mar			Qtr 3, 2023 Apr May Jun Jul		
ID	Task Name	Start	Duration	Task Mode															
1	Adopt Development Brief	Tue 07/12/21	0 days	📄															
2	Decision to Utilise Delegated Powers	Tue 11/01/22	0 days	📄															
3	Expiry of Call In Period	Tue 18/01/22	1 day	📄															
4	Instruction to proceed with disposal	Wed 19/01/22	1 day	📄															
5	Compile Marketing Data	Thu 20/01/22	3 wks	📄															
6	Release Tender packages/advertising	Wed 09/02/22	0 days	📄															
7	Tender Period	Thu 10/02/22	6 wks	📄															
8	Tender Returns	Wed 23/03/22	0 days	📄															
9	Tender Evaluation/Clarification	Thu 24/03/22	4 wks	📄															
10	Interviews	Thu 21/04/22	1 wk	📄															
11	Tender Report (Final Draft)	Thu 28/04/22	2 wks	📄															
12	Issue Report to Delegated Decision Maker	Wed 11/05/22	0 days	📄															
13	Consideration Period	Thu 12/05/22	4 wks	📄															
14	Decision	Wed 08/06/22	0 days	📄															
15	Agree HoT's	Thu 09/06/22	2 wks	📄															
16	Instruct Solicitors	Wed 22/06/22	0 days	📄															
17	Legal Drafting	Thu 23/06/22	10 wks	📄															
18	Exchange Conditional Contract	Wed 31/08/22	0 days	📄															
19	Purchaser to Prepare Pre App	Thu 01/09/22	4 wks	📄															
20	Purchaser to Submit Pre-App	Wed 28/09/22	0 days	📄															
21	Pre-App Processing	Thu 29/09/22	8 wks	📄															
22	Pre App Feedback	Wed 23/11/22	0 days	📄															
23	Prepare Planning Application	Thu 24/11/22	10 wks	📄															
24	Submit Planning Application	Wed 15/02/23	0 days	📄															
25	Planning Application Processing	Thu 16/02/23	14 wks	📄															
26	Planning Application Decision/Trigger Completion	Wed 24/05/23	0 wks	📄															
27	Complete Legals	Thu 25/05/23	3 wks	📄															
28	Sale Completes/Receipt of Funds	Wed 14/06/23	0 days	📄															