

Cabinet – Tuesday 15 December 2020

Agenda Item 8 (References from Other Bodies)

Notes:

1. Only the Chair of the referring body / motion owner may speak on a referral from Council, a Committee, or Scrutiny Committee (Cabinet Procedure Rule 2.3 (d) & (e)).
2. Referral from Council 21 October (Urgent Planning Improvements – Statement from the Leader) will be received at agenda item 2 (announcements).
3. Referrals from Council on 25 November 2020 are deferred until the Cabinet meeting on 2 February 2021.

Referring Body	Page Nos
(a) Covid-19 Task and Finish Group (19 August & 29 October 2020)	
Report(s) of the Task and Finish Group (Councillor D Hopkins)	2
(b) Council (16 September 2020)	
(i) Motion – The Impact of Covid -19 on BAME Communities (Councillor Reilly)	2 – 4
(ii) Motion – Low Traffic Neighbourhoods (Councillor D Hopkins)	4 – 5
(iii) Motion – Planning for the Future (Councillor Crooks)	5 – 6
(c) Budget & Resources Scrutiny Committee (15 September 2020)	
Housing Revenue Account (HRA) Business Plan Refresh (Councillor R Bradburn)	6 – 7
(d) Health & Adult Social Care Scrutiny Committee (30 September 2020)	
Health and Wellbeing Strategy – Starting Well (Councillor Jenkins)	7 – 8
(e) Council (21 October 2020)	
(i) Motion – The Economic Impact of Brexit and Covid -19 (Councillor Ferrans)	8
(ii) Motion – Becoming the World’s Greenest City (Councillor Crooks)	9 – 10
(iii) Motion – Community at Work (Councillor Trendall)	10 – 11
(iv) Motion – Saving Golf at Windmill Hill will benefit all MK Citizens (Councillor Rankine)	11-13

(a) Covid-19 Task and Finish Group (19 August & 29 October 2020)

The second interim report of the Covid-19 Task and Finish Group will be circulated ahead of the meeting, along with the Cabinet's response.

(b) Council (16 September 2020)**(i) Motion – The Impact of Covid -19 on BAME Communities**

This Council resolves to request that Cabinet:

- *consider implementing the recommendations from the Public Health England report 'Beyond the data: Understanding the impact of COVID-19 on BAME groups' where possible and appropriate; and*
- *consider investigating whether there is a need for extra support for BAME communities as part of the COVID-19 Recovery Strategy, undertaking a more targeted, specific response.*

Response from Councillor O'Neill (Cabinet member for Health and Wellbeing):

Public Health have analysed local data to review the impact of COVID-19 on BAME communities in MK. Broadly, as seen elsewhere, some BAME communities have been disproportionately impacted.

To 30 October, there have been 648 confirmed diagnoses of COVID-19 among residents of Black, Asian and Minority ethnicity in MK, which represents 30% of all diagnoses where ethnicity data was recorded. During this time, the incidence of diagnosed infection was approximately 2 times higher in people who self-identify as Black or Asian compared to those who self-identify as White or as Mixed ethnicity. Those at higher risk of infection (Black or Asian) were also more likely to get a test than those at lower risk of infection (White or Mixed ethnicity) in MK.

Preliminary data suggest that people who self-identify as Black or Mixed ethnicity had a higher risk of hospital admission than those identifying as White in MK. Those who identified as Asian had a lower risk of hospital admission compared to the White population.

These findings support the need for extra support for BAME communities as part of the COVID-19 Recovery Strategy, the details of which have been set out above.

The Public Health England report, published in June 2020, made seven recommendations, as summarised below. Action on these will be needed at a national level, however some are more directly relevant to Milton Keynes Council working closely with multi-agency partners, with current work and suggested local areas of focus indicated below. The full report is [here](#).

1. Mandate comprehensive and quality ethnicity data collection and recording as part of routine NHS and social care data collection systems.

This is important and will require action at a national level. Collection of ethnicity data has improved in the NHS but there remains more to do. The completeness of ethnicity recording within the COVID testing data itself has improved considerably over the course of the pandemic. Locally, we can commit to reviewing and potentially improving ethnicity recording in our social care data and data for services commissioned by Public Health.

2. Community participatory research

The Council carries out limited academic research, but should it be a partner in research it could ensure a participatory approach is taken.

3. Improve access, experiences and outcomes of NHS, local government and integrated care systems commissioned services by BAME communities

Bedfordshire, Luton and Milton Keynes Clinical Commissioning Groups are committed to working with partner organisations to eradicate health inequalities and have commissioned an independent review, led by Lloyd Denny, Lay Member for Public and Patient Engagement from Luton CCG, into health inequality with a particular focus on BAME groups, so that they can understand the lived experiences in our areas and tackle these issues through our commissioning and partnership work.

Through the BLMK wide Local Maternity Services (LMS) programme, commissioners, Trusts, community midwives and health visitors are working to provide support to BAME families who are most at risk of experiencing complications in pregnancy and birth.

4. Accelerate the development of culturally competent occupational risk assessment tools

The Council includes consideration of ethnicity within current COVID risk assessment frameworks for employees' individual risk assessments.

5. Fund, develop and implement culturally competent COVID-19 education and prevention campaigns, working in partnership with local BAME and faith communities

MKC have established a faith leaders' group to engage local communities, understand issues and help disseminate culturally appropriate messages. Using funds from the Local Outbreak Fund, the CCG have been commissioned to run a local campaign raising awareness amongst the BAME community and other vulnerable groups in MK (<https://www.milton-keynes.gov.uk/your-council-and-elections/council-information-and-accounts/strategies-plans-and-policies/covid-19-recovery-framework>)

6. Accelerate efforts to target culturally competent health promotion and disease prevention programmes

This is potentially an area for future work, linked to activities outlined in (7) as follows.

7. Ensure that COVID-19 recovery strategies actively reduce inequalities caused by the wider determinants of health

The COVID-19 recovery framework in MK commits to working with partners to tackle health inequalities in the BAME communities. £100k has been set aside to support this work. This could be used to develop communications routes, working closely in and with local communities, to promote general health messages. The current Community Champions, particularly those from BAME communities, could take on a broader role for wider health issues, working at a grassroots level within communities. In addition, as noted previously, the CCG is leading a focused piece of communication work on vulnerable groups – principally focusing on the BAME communities, on behalf of the Local Outbreak Prevention Group.

(ii) Motion – Low Traffic Neighbourhoods

That this Council supports the concept of Low Traffic Neighbourhoods and requests the Cabinet investigates introducing them when and where feasible and appropriate, and where available funding allows, in locations where they have the support and involvement of the local community.

Response from Councillor Marland (Leader of the Council) / Councillor J Wilson-Marklew (Cabinet member for Climate and Sustainability):

Low Traffic Neighbourhoods refer to changes in the design of a street(s) that stops or reduces through traffic across a whole area. Typically, these groups of residential streets would be bordered by main or ‘distributor’ roads (the places where buses, lorries, non-local traffic should be), where ‘through’ motor vehicle traffic is discouraged or removed. There are various ways you can make a low traffic neighbourhood, but the main principle is that every resident can drive onto their street, get deliveries etc, but it’s harder or impossible to drive straight through from one main road to the next.

There are various ways to implement this including the reallocation of road space to other purposes, the application of one-way streets, and the closure of streets to traffic. The latter can be via modal filters such as with bollards or planters that restricts vehicles but maintains access for walking and cycling. The London Borough of Waltham Forest’s Mini Holland schemes are an example and are referenced in a useful guide by the charity Living Streets.

The removal of through traffic delivers reductions in traffic levels and speeds, reducing noise and air pollution, improving safety, and encouraging active forms of travel. Local residents can still use their cars, but journeys may become more circuitous.

Low Traffic Neighbourhoods are a possible solution to a set of problems and should not be an end in themselves. The local policy context (Plan: MK and the Milton Keynes Mobility Strategy) for such schemes is already supportive. Schemes would also support other council initiatives such as 20mph zones, road safety/casualty reduction schemes and improvements to the local walking and cycling network. The draft Mobility Strategy Road Safety, Walking & Cycling and Smarter Travel Position Paper consulted on earlier this year and due for adoption shortly will further strengthen the policy support for such schemes. This includes stronger policies regarding a Transport User Hierarchy and 20mph speed limits, as well as Safer School Zones initiatives. The latter includes consideration of School Streets which are an example of a type of Low Traffic Neighbourhood (closing streets to through traffic near schools at pick up/drop off times) and have been applied successfully in other parts of England.

In response to the Council motion, it is not considered that Low Traffic Neighbourhoods require any further investigation beyond this response. In the right circumstances the policy context is supportive of their introduction. However, they are only a potential solution among other options, to address a set of problems in a particular context.

There are undoubtedly locations in the borough where they could be an optimal solution in response to problems arising from through traffic, providing there was local community support, funding to investigate and deliver the scheme, and the scheme would not cause any unacceptably negative impacts. Rather than investigate this potential solution it is recommended it is included in any future options appraisal when there are locations prioritised for investigation that suffer from through traffic, and where it is considered there are adequate alternative routes such traffic should be using instead.

(iii) Motion - Planning for the Future

Resolves to encourage the Cabinet to prepare a response to the Government's consultative White Paper Planning for the Future which includes the following points (note: not duplicated here);

that the Cabinet be requested to write to the Secretary of State for Housing, Communities and Local Government asking that local councils be given access to sufficient resource to promote large scale investment in quality affordable housing to rent; and

that the critical importance of development framework Supplementary Planning Documents and related design guides and codes under the proposed system be recognised, and that the Cabinet assess the resource implications of producing them independently of developers in order to retain control over future developments.

Response from Councillor Marland (Leader of the Council)

In preparing the response to the Planning White Paper Consultation, the Council sought input and commentary from a range of groups on the proposals, including the Council motion on 16 September. The response agreed by the Executive incorporated as many of these views as possible and can be viewed at annexes A and B.

With regard to the preparation of Development Framework Supplementary Planning Documents, it is clear that under the White Paper proposals a greater level of detail will be required compared to current practice. The White Paper acknowledges this will place a greater burden on planning authorities at the plan making stage, and that additional resourcing will be required from Government to support implementation of the reforms. The Council will take every opportunity to strongly encourage the Government to provide the necessary resources to support whatever reforms flow from the Planning White Paper consultation.

(c) Budget & Resources Scrutiny Committee (15 September 2020)

That the Committee recommends to Cabinet that the two-pool approach to the apportionment of debt charges between the HRA and the housing General Fund be adopted.

That the Committee fully understands the current difficulties of buying suitable properties in a buoyant housing market but recommends that the Council continues to pursue this option of acquiring properties to add to its residential housing stock whenever it is prudent to do so.

Response from Councillor Darlington (Cabinet member for Public Realm and Housing Services) / Councillor Middleton (Cabinet member for Resources):

This referral concerns the method for managing the Council's debt and allocating associated servicing costs between the HRA and General Fund. The recommended approach is to move from a single aggregated debt pool to two separate pools. This creates a clear and immediate division of HRA & General Fund debt and gives the HRA the autonomy to pursue its own suitable debt strategy. I'm pleased to say that the recommendation will be implemented from 1 April 2021 but will also be applied inclusive of 1 April 2020.

We continue to work on our successful acquisition programme and are grateful for Scrutiny's support. Whilst the housing market is strong many sellers are keen to sell to the council as this is a risk free and chain free sale, providing more certainty for their purchasing plans.

In view of Covid19 concerns, the economic difficulties likely to come once the furlough scheme ends in March and the potential for further lockdowns, more sellers may be prepared to accept an offer from MKC than they would have done previously under normal circumstances.

MKC has found that larger properties, in particular 4 beds, are not selling as quickly as smaller properties and these, along with 3 beds, have been the main focus of the programme during the last year. There is still a good chance of finding 4 beds for sale within our price cap.

The programme can also purchase properties that are already part owned by MKC. Some tenures are not as important as they once were in supporting people in MK to get onto the housing ladder. MKC shared ownership properties were key to this a number of years ago but now shared ownership properties are plentiful in MK and we can look to purchase the owner shares of some and use them for general rental accommodation. Quite a few are now second properties or sublet and would be better used as MKC owned rental accommodation.

(d) Health and Adult Social Care Scrutiny Committee (30 September 2020)

That, given the concerns the Committee has regarding the impact unemployment and poverty is having / will potentially have on the “Starting Well” strand of the Health and Wellbeing Strategy, the Leader provides the Committee with reassurance that he is fully aware of the importance of the recovery of the local economy to this strand and that the Council, together with its partners, will be using its best endeavours to achieve this.

Response from Councillor Marland (Leader of the Council) / Councillor O’Neill (Cabinet member for Health and Wellbeing):

I welcome the attention that the Committee has given to this pressing issue. As Leader of the Council I have made addressing Child Poverty a priority of this council. The Council Plan includes a specific action to “Cut child poverty by 20% by 2025, turning the report of the Child Poverty Commission into positive action”. The Child Poverty Commission was established by this Administration and its important final report is on the agenda of this Cabinet meeting.

The Strategy for 2050 is also on this Cabinet agenda and makes clear that growing our city and economy is the best way to ensure everyone in Milton Keynes can lead a happy and healthy life. But before Covid-19 over three-quarters of our children living in poverty were in households where at least one adult was working, so access to a job is not alone the answer. We need to ensure that local people have the skills to access work and that all jobs are good quality jobs, which is why this Administration has made a commitment that Milton Keynes should be a REAL Living Wage city.

The recession caused by Covid-19 will have a disproportionate effect on MK's poorest and most vulnerable people. A growing economy will provide work and routes out of poverty but will also bring income to the council that means we can better afford to support those who are struggling. On 1st September 2020 the Cabinet approved an Economic Recovery Action Plan that allocates £2.25 million to local groups and businesses to help drive economic growth and support people into work. We have strengthened the Economy team to work with partners and businesses to deliver the recovery plan. And I will ensure a strong and sustained recovery that works for everyone in Milton Keynes remains a high priority.

(e) Council (21 October 2020)

(i) Motion – The Economic Impact of Brexit and Covid -19

That this Council resolves to request Cabinet to:

- *work with Milton Keynes businesses and service organisations to identify their particular concerns and lobby the Government alongside them;*
- *factor in the effect of the Government's replacement for furlough, as well as the potential of a no-deal Brexit in its continuing work on the COVID-19 Recovery Plan.*

Response from Councillor Baume (Cabinet member for Economy and Culture):

The United Kingdom's exit from the European Union is a pressing issue for local businesses and is especially so during the Covid-19 induced recession. The council's Economy team continues to work closely with SEMLEP in guiding MK Businesses on EU Exit. Critical sessions have recently been provided on key subjects including ensuring HMRC compliance, managing financial risks and improving business resilience.

The Economy team are gathering intelligence on EU Exit concerns in their regular business engagement calls and capturing any specific issues detailed by MK businesses. The Cabinet on 1 September allocated £2.25 million to a Covid-19 Economic Recovery Plan that includes dedicated support for struggling individuals and businesses. Through joint working with its partners organisations and businesses the Council is ensuring it remains flexible in responding to changing economic circumstances and can effectively support businesses and their employees. The Cabinet has ensured that the national funds to help local businesses impacted by Covid-19 restrictions have been efficiently distributed, including through a delegated decision on 24 November to allocated urgent, discretionary funding to businesses that have not been eligible for other payments. A fuller, long-term scheme is being developed.

(ii) Motion - Becoming the World's Greenest City

That locally, this Council further resolves to request Cabinet to:

- *establish without delay the Milton Keynes citizens' action panel envisaged in clause 17 of the Council Plan as a means of promoting resident engagement with the task ahead;*
- *work with local schools and parents to embed the practice of a carbon-neutral lifestyle within the curriculum;*
- *work with the College of Education in enhancing training and apprenticeships for young people to work in green industries, such as renewable energy, home insulation, tree planting and rewilding and encourage the employing body to pay at least the National Living Wage for young people after their first year and the Real Living Wage from 24 upwards;*
- *investigate and take further new schemes for local electricity generation; and*
- *insofar as is legally possible, build on the results of the Council's BEIS study to determine whether Council Tax and/or business rate incentives would encourage local people to be more energy efficient.*

That nationally, this Council resolves to request Cabinet to:

- *urge the Government to raise capital by introducing a new system of climate bonds;*
- *promote tax incentives on savings and pensions for investing in green areas;*
- *advocate zero-rating VAT on home insulation and other energy saving products and services; and*
- *play a full part in raising the national ambition to the level commensurate with the scale of the crisis facing us.*

Response from Councillor J Wilson-Marklew (Cabinet member for Climate and Sustainability):

COVID-19 has given us the opportunity to consider alternative options to the MK citizens' action panel and we are currently exploring innovative online community engagement tools, initially directly linked to our Sustainability Action Plan, with the potential to support engagement and consultation across the wider range of Council services.

There is an existing ECO-Warriors initiative operating in our schools and we are looking to continue to expand this in 21/22 following a slight hiatus through COVID-19 pandemic and subsequent lockdowns.

The implementation of our ambitious energy prospectus will see our partners (ENGIE and Mears in the main) deliver social benefit, including apprenticeships and new jobs. Our contractual arrangements require the Real National Living Wage to be paid.

The Sustainability Action Plan being considered by Cabinet at this meeting includes plans to explore local electricity generation and we will continue to work with BEIS and Council Finance to understand how / if the outcomes of this study can be implemented.

As Cabinet member for Climate and Sustainability I will write to Government to urge them to:

- raise capital by introducing a new system of climate bonds;
- promote tax incentives on savings and pensions for investing in green areas;
- advocate zero-rating VAT on home insulation and other energy saving products and services; and
- play a full part in raising the national ambition to the level commensurate with the scale of the crisis facing us.

(iii) Motion – Community at Work

That this Council therefore resolves to request that Cabinet actively support these individuals and informal groups by providing:

- *mentoring, so that the work may continue to be carried out correctly;*
- *the loan of equipment wherever possible; and*
- *logistical support, primarily in regard to the removal of collected litter and green waste.*

Response from Councillor Darlington (Cabinet Member for Public Realm and Housing Services):

We are working in partnership to create new networking opportunities to help individuals and groups to come together for support, information and to mobilise. Regular updates are provided to Parish and Town Councils on litter picking, including advice and risk assessment.

In addition to this, the Eco Warrior Programme is an environmental education scheme currently in primary schools across MK. It encourages pupils in years 3-5 to learn about recycling and the environment, including litter picking.

Regular interactive recycling resources are shared with Parish and Town councils to share with communities and resources are sent directly to schools to use with children and staff. A recycling champion scheme has also been implemented and continues to be developed, which is aimed at supporting and encouraging community settings.

As Milton Keynes continues to become a greener city, we have explored further opportunities with local communities which include:

- Encourage and Get involved – promoting community involvement and engagement in the natural environment through the many active groups already delivering within the borough.
- Community Infrastructure fund – match funding for parishes and town Councils to address their environmental priorities.
- Citizen science – Working collaboratively with community groups, individuals and organisations to create opportunities to capture information to monitor the health and growth of biodiversity in MK.
- Promote initiatives - such as the annual Milton Keynes Festival of Nature to encourage the community and businesses to engage in and help to protect wildlife in the city.
- Support and enable - community and voluntary groups to take local action for wildlife and care of the environment.
- Support community groups by improved partnership working with the MK Community Foundation to enhance the profile their fundraising and grants in this area.

There has been investment in litter picking kits which have been distributed for use to local Parish and Town Councils to support and enable community action. This was enhanced with additional children's litter picking kits including child size high visibility vests, gloves and litter pickers to enable all to be able to participate and to support community and voluntary groups.

Logistical support is also provided for the disposal of waste after community litter picking events. Parish and Town Councils can book slots at household waste recycling centres to dispose of waste at no charge and we've made arrangements so that sacks can be collected from agreed locations by Serco, our Waste Contractor.

(iv) Motion - Saving Golf at Windmill Hill will benefit all MK Citizens

That this Council calls upon the Cabinet to:

- *acknowledge that golf as a participation sport is NOT in decline and to acknowledge that participation of this sport exceeds that of most other sports;*
- *recognise the social and wellbeing benefits of retaining more than one affordable, full size 18-hole golf course within the boundaries of an ageing and growing city;*

- *acknowledge the importance of retaining full size, competitive 18-hole golf as a means to enable young talent and future golf professionals to emerge and to potentially put Milton Keynes on the international golfing map;*
- *conduct a full independent investigation into the finances of the Windmill Course that includes analysis of membership and pay and play / tee occupancy data;*
- *unreservedly commit to the retention of a 18-hole full size golf course on the Windmill Hill site; and*
- *ensure that all commercial options for the regeneration of the Windmill Site are fully explored to find a proposal that satisfies the commercial viability of the site, delivers for golfers and properly addresses the concerns of Windmill Hill neighbours.*

Response from Councillor Middleton (Cabinet member for resources):

Developer Evolve approached MKC with proposals for a sports hub at the site of WHGC containing a number of sports and leisure offers, which includes golf.

WHGC is currently loss making for 1Life who operate the 18-hole golf course under a management contract with MKC following a selection process. This is consistent with the specialist golf course advice we sought from Colliers International, whose report concluded that a new standalone gold course at the current location is unlikely to be viable without associated commercial and community development.

The SportsHub development Evolve propose incorporates a new 18 hole golf course. However, Evolve have only recently agreed to provide a new 18 hole course, having previously wanted to develop a new 9 hole course.

The Lawn Tennis Association are included in the SportsHub proposal and have agreed to partially fund their development on favourable terms with Evolve. An LTA presence would be a significant regional facility for the LTA. However, the Government have put time limits on the LTA spending proceeds from the sale of Wimbledon rights and therefore the LTA need to see their investment in MK and the SportsHub progressed, otherwise there is a high risk another location will be selected.

Going to the market to find a golf operator to invest and take on the current loss-making golf facility or build a new golf course is not a good option as it risks losing the LTA presence. Colliers International advise that if MKC went to the market to find a golf course operator or developer, that we are unlikely to be successful. Consequently, going to the market is not a recommended option in the circumstances.

There has been extensive local public consultation carried out by Evolve on the SportsHub and they have taken on board local views and comments to get to the current proposal master plan.

A DD is to be taken in 2021 to consider the Evolve proposals which offer MKC an opportunity to deliver a large sports and leisure offer including a new 18-hole golf course that would not otherwise be financially viable. Evolve additionally have the advantage that they are funded by family offices who are particularly interested in this type of development.

The SportsHub will deliver on MKC's Sports and Active Communities Strategy (adopted in 2014). If progressed, Evolve will run the new golf course as a municipal course and will set up a SportsHub charity on the site to fund grass roots sport.

List of Annexes

Annex A – Planning White Paper consultation response (summary)

Annex B – Planning White Paper consultation response (technical)

Planning, Strategic Transport and Placemaking

Reply to Andrew Turner
Call 01908 254892
E-mail andrew.turner@milton-keynes.gov.uk



Dear Sir/Madam,

Milton Keynes is at the heart of the CaMkOx Arc, an area that will be internationally recognised for its delivery of growth and innovation. The way in which we plan for growth here in Milton Keynes will be key to the future success of the Arc and the ongoing success of the city. Milton Keynes has always been open to good growth and is actively exploring how best to grow the city and its environs over the long term to 2050. We have engaged with Government on how our 2050 vision and the Government's vision for the Arc can be best aligned to deliver infrastructure and growth to the betterment of our local communities.

It is in this context that I write to you with grave concerns about the planning reforms contained within the Planning White Paper 'Planning for the future'. Our main concerns are outlined below, supplemented with detailed responses appended to this letter. We recognise there are issues with the today's planning system, but we do not think the proposals put forward respond to these problems in an evidenced and appropriate way. Many of the proposals lack detail, but the general direction of travel they signal is worrying. Milton Keynes Council openly offers to assist Government in shaping the reform proposals as they evolve to ensure sustainable and high-quality growth occurs at pace in Milton Keynes and the wider Arc for the betterment of our local communities and the economy.

Our first and most significant concern is that the reforms outlined in the White Paper would fundamentally undermine the democratic nature of the planning process. This shift will deny or at least drastically curtail local peoples' right to participate in decisions that will have real-world effects upon the places they live, work and enjoy. The implicit justification is that democratic decision making and planning per se prevent or slow down good growth and housing delivery more specifically from occurring. This justification is unfounded. Milton Keynes, via local democratic decisions, has and will continue to have significant growth occurring. Whilst not without fault, local democracy and the planning system are not the causes of slow housing delivery. Delivery is almost entirely within the gift of developers, beyond the influence of local representatives, local communities or the planning system more generally.

The proposed reforms are also based upon a highly limited (and predominantly centralised) policy framework guiding development. The combination of highly constrained local decision making and a limited centralised policy framework has never been tested before and so is likely to give rise to unforeseen or unintended detrimental consequences with no built-in checks or recourse to remedy them. This has been and continues to be the case with the extension of permitted development rights into more substantial forms of development that has created poor living conditions for some of the most vulnerable in our society. It has

taken Government years to address these consequences, despite them being so readily apparent. The White Paper reforms risk repeating this mistake.

With Milton Keynes being at the heart of the CaMkOx Arc, we are also gravely concerned that the reforms to cross-boundary working would leave no space or architecture for the regional or sub-regional planning that is necessary for delivering the CaMkOx Arc ambitions. Specifically, it is not clear how a spatial framework for the Arc would fit into the proposed planning regime. Clarity is needed on this crucial point, and we would welcome an opportunity to discuss it with Government.

The reforms would also extinguish any opportunity for creating a vision and wider placemaking for Milton Keynes through the local plan process. This is a valuable aspect of the current system, operating in the space between national policy and the more detailed local plan policies governing allocations and decision making. The White Paper proposal would effectively close this space. The ability of local communities to make positive use of this creative aspect in the planning process is currently hamstrung by national policy and legislation which tips the balance in the favour of developers and the development industry rather than local communities and public benefit. The White Paper reforms should seek to strengthen this creative aspect of the planning system rather than close it down. Associated with this is the resourcing of planning departments and the plan-making functions in particular. Unlike planning applications which are part-funded by fees, Local Plans are wholly resourced from a Council's budget and require significant investment. We urge Government to consider ways in which landowners and developers should help fund the preparation of Local Plans without introducing prejudice, bias or conflict of interest into the process.

As a unitary authority, we are also concerned by the complete lack of any proposals relating to waste and minerals planning. As reference in our more detailed responses accompanying this letter, waste and minerals planning cannot be delinked from wider town and country planning, due to competition for land and the relationship between the inputs to development and growth and the externalities that development growth create and need to be managed sustainably. To a slightly lesser extent the same applies to planning for jobs, retail and other development needs which are intrinsically linked to housing. The current planning system rightly considers these related matters iteratively at the local level where local knowledge and judgement and can be applied.

I look forward to opening up a conversation with Government about how to improve the planning system so it works with and for local communities in the public interest and delivers good growth.

Yours sincerely,

Cllr Peter Marland.

Appendix A Detailed response to Planning White Paper proposals and questions

4	<p>What are your top three priorities for planning in your local area? [Building homes for young people / building homes for the homeless / Protection of green spaces / The environment, biodiversity and action on climate change / Increasing the affordability of housing / The design of new homes and places / Supporting the high street / Supporting the local economy / More or better local infrastructure / Protection of existing heritage buildings or areas / Other – please specify]</p>
Response	<p>The question is reductive in its formulation. The priority for Milton Keynes is place making. All of the above elements (and others) are part and parcel of creating and maintaining successful places and seeking to just deliver three in the absence of the others does not make for good planning or place making. For instance, the design of new homes and places cannot ignore questions of climate change, local infrastructure, or protection of green spaces. The question pre-supposes you can deliver one or other in isolation in a reductive functional way.</p> <p>However, in terms of the scale of the challenges which planning can help respond to, climate change, the affordability of housing, and economic recovery are the greatest faced in Milton Keynes. These are obviously interlinked, and draw in elements of design, green spaces, local infrastructure and others.</p>
5	<p>Do you agree that Local Plans should be simplified in line with our proposals?</p>
Response	<p>No. The plan making system is a drawn out process and has a number of negative aspects, but in particular its accessibility (particularly for local communities) due to the highly technical and regulatory governing framework, ability to drive forward place making due to the balance generally being tipped in the favour of the development industry rather than local communities, and excessive requirements for evidence or assessment that does not support place making objectives.</p> <p>However, the proposals in the white paper either go too far in seeking to address these problems, thereby creating problems of their own, or would worsen the existing problems particularly in terms of accessibility and the involvement of local communities in shaping the plan. Along with other proposals in the White Paper, the resultant local plan and the process of creating and implementing it, would unacceptably reduce technical rigour, throwing doubt on the sustainability and deliverability of growth proposals, and reduce democratic accountability and public participation.</p> <p>The ‘Renewal’ and ‘Protected’ areas are more problematic due to the lack of certainty and unpredictable nature of how development could occur in such large areas. For renewal areas this could be remedied by setting very small ‘Renewal’ areas akin to small scale allocations in the current system. However, this would leave a vacuum for the rest of the urban areas in local authority which it is assumed would benefit from a presumption in favour of sustainable development outside of the plan-led process (akin to operating without an up to date plan and/or five year housing land supply under the current system) which would be wholly undesirable for local communities.</p> <p>‘Growth areas’ as a concept is not too dissimilar to existing strategic allocations for certain uses in local plans, but combined with proposals for the use of permission in</p>

	principle becomes problematic due to how detailed matters are (or aren't) dealt with and the curtailing of democratic decision making on how such proposals should come forward.
6	Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally?
Response	Yes, although Local Plans should still have the ability to create bespoke development management policies that respond to local ambitions, vision and challenges. For instance, policies geared towards responding to climate change or public health. These policies would clearly need to be more than a regurgitation of national policy, which could be tested via the examination process.
7a & 7b	Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of “sustainable development”, which would include consideration of environmental impact?
Response	<p>No</p> <p>If the legal Duty to Cooperate is to be removed, then other regional/sub-regional strategic governance arrangements or national requirements will need to be introduced in its place to ensure neighbouring authorities (or authorities that form part of functional strategic geographies) engage in a cooperative, meaningful and ultimately productive fashion about how growth can be sustainably planned and delivered. This needs to be vision/strategy-led and would also assist engagement with infrastructure providers and other agencies and bodies that operate at larger than local scales or cross-boundary (e.g. utilities and transport bodies).</p> <p>Sustainability Appraisal, often incorporating Strategic Environment Assessment, is linked to the ‘positively prepared’ soundness test, which can create duplication, circular arguments and confusion amongst expert and non-expert participants in the plan-making and examination process. Reforms that remove these downsides would therefore be sensible, but it is difficult to determine whether the proposals in the White Paper would achieve this, given the lack of detail.</p> <p>Sustainability Appraisal, coupled with the ‘justified’ soundness test, has in the past unintentionally become a site selection process, creating an expectation amongst developers of a ‘beauty parade’ at Examination in Public. This is due to contested interpretations of regulations and guidance and the pressure of developer interests in pushing for more and more detailed assessments in the hope their site performs marginally better than others. This is often acted upon by planning authorities out of fear of failing the legal and soundness tests. In many cases this has resulted in extensive matrices which offer nothing to an assessment or understanding of whether the plan contributes to the achievement of sustainable development (or indeed significant environmental effects), which is the purpose of SA/SEA. This has been helped by a change to the ‘justified’ test which means the Local Plan no longer has to be the ‘most appropriate strategy’ for meeting development needs. However, the principle of carrying out an assessment of whether a plan or the proposals therein contribute to the achievement of sustainable development, or could result in significant environmental effects, remains valid. This principle should be retained but its implementation reformed to ensure SA/SEA and policy tests focus on likely outcomes and avoids becoming a proxy for exhaustive site selection processes (which</p>

	<p>there would still be a need for to some extent under the wider proposals within the White Paper).</p> <p>The four current tests of soundness are interrelated (and relate to Sustainability Appraisal as outlined above) and can be difficult for communities to understand and engage with, both at plan-making and examination stage. However, they aim to test whether a plan seeks to meet development needs, would meet those needs in an appropriate way, and is consistent with national policy. The ability of a plan to do these things is already subject to being consistent with achieving sustainable development, courtesy of Sustainability Appraisal and the ‘positively prepared’ soundness test. It is therefore unclear how a consolidated ‘sustainable development’ test would, substantially, be any different to the current set of tests and speed up plan-making (this assumes that local plans would still need to be consistent with national policy and meet development needs, based on other proposals contained in the White Paper). Reforms may bring the benefits of removing duplication and making it simpler for non-experts to understand, but until the details of such a consolidated test are known it is difficult to comment further on the proposal.</p>
<p>8a & 8b</p>	<p>Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced?</p> <p>Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated?</p> <p>The following comments should be considered alongside the Council’s response to the proposed interim changes to the standard method, namely that it ought to take account of forecasted economic growth alongside other factors.</p> <p>Constraints and the demand for land from other uses should rightly be taken into account during the plan-making process when considering how much housing development can be accommodated. Whether this is best done upfront via a national algorithm is highly doubtful, for three reasons.</p> <p>Firstly, clarity would be needed over what is to be treated as absolute constraints to housing development when determining housing requirements nationally and what pattern of housing requirement this creates. Milton Keynes, being without green belt and AONB, yet on the edges of the south eastern region where housing pressures are greatest. The Borough faces its own affordability pressures and is likely to see the housing requirements of the wider region directed towards it, resembling the London overspill of the early post-war period. Milton Keynes has always been pro-growth and has ambitious plans through to 2050, but it would not welcome significantly greater and binding housing requirements (compared to current housing requirements derived through either the authorities’ Strategic Housing Market Assessment or the current standard method) without the supporting investment in transport, social or green infrastructure that is needed to create successful places that respond to climate change.</p> <p>Secondly, whilst some quantitative assumptions about constraints could easily and accurately be made (e.g. proportion of land designated as green belt or AONB) other assumptions would carry degrees of uncertainty to greater or lesser extents. For example, if functional flood plains are to be treated as absolute constraints then this</p>

would require outputs of local Strategic Flood Risk Assessments to be available and for them to have been modelled on a consistent basis. This information would potentially change on a regular basis, as changes in land use and climate change modelling need to be factored in. Other more local but still valid constraints, such as heritage-related or physical constraints, would be incredibly difficult to factor into any national algorithm with the requisite confidence. This suggests that constraints would need to be factored into the process in two stages, firstly absolute constraints when setting a local housing requirement nationally, and secondly other constraints when subsequently preparing and examining the Local Plan. However, that does not appear the intention within the White Paper and therefore presents a problem if the housing requirement given by the standard method is to be binding.

Finally, it is unclear how the new standard method would factor in development needs (and therefore land take) of other land uses as required by national policy. This includes employment, retail, and recreation and leisure, but also other forms of development which can directly or indirectly (e.g. through sterilisation) take up significant land areas, such as waste and minerals developments, education facilities or transport infrastructure. The development needs for many of these land uses are partly influenced by forecasted future population and economic growth, with higher forecasts typically pushing up the need for more employment and retail floorspace, but also more schools, waste management facilities and other infrastructure and land uses. It is highly doubtful that an algorithm could replicate this feedback loop in any sensible, realistic or transparent way for each authority in England, unless Government were minded to set employment, retail, waste and mineral development requirements at the national level as well.

Affordability can be used as a proxy measure of housing demand in each area, and an indication of patterns of demand across the country. However, this pattern of housing demand is also heavily influenced by wider patterns of economic investment, job creation and income levels. The economic imbalance in England has given rise to an imbalance in affordability ratios across England. This has led, under the proposed interim standard method, to higher levels of growth being directed to the south east and London, and lower levels of growth to other areas (often lower than the housing requirements already evidenced). Affordability also does not serve as a reliable proxy of housing need at a local level or at larger scales (i.e. England). Housing need is a function of various factors, not affordability alone although this is a key factor. Using affordability alone to determine patterns of housing growth would not address the deeper economic imbalance across England, entrenching patterns of economic growth, rather than redressing the balance as part of the levelling up agenda. Coupled with other proposals in the White Paper, we are also deeply sceptical that simply directing housing growth to areas of higher unaffordability would meet the need for affordable housing locally or nationally which is a significant concern.

Whilst offering some stability to the method, and perhaps serving as indicator of where natural population growth may occur, distributing housing according to the size of urban areas across England would be a backward step in planning terms. Proportionate-based distribution lacks strategic thinking and vision for place making. Proportionate-based distribution of housing is often the simplest and first 'strategy' looked at by planning authorities as its easy to understand, enables people to more easily understand the scale of growth local areas have to accommodate, and appears 'fair' to communities. However, this simplistic approach would be entirely ignorant of

	<p>limitations for growth in certain areas or conversely the problems or challenges faced by certain locations that housing growth could help solve, the opportunities or capacity for growth the individual places may hold, or the wider benefits that growth in certain locations may unlock. The proposed method attempts to resolve this by factoring in other considerations, but these are judgements best made by local planning authorities in conjunction with local communities, tested through examination. More often than not, once these factors are considered Local Plans (and larger strategies before them, including Structure Plans and Regional Spatial Strategies) move away from simplistic proportionate-based distribution 'strategies'. Embedding this into the standard method will not help address the levelling up agenda and would not represent or enable good planning or place making for communities.</p> <p>Taking account of all the factors mooted in the White Paper and the consultation on more immediate changes, it is difficult to see how this the standard method could ever produce binding housing requirements in a transparent fashion that are sensitive to local constraints and opportunities, enable visioning and place making to occur, and address the reality of our housing crisis and the levelling up agenda.</p> <p>This section of the White Paper proposes scrapping the five-year housing land supply requirement but retaining the Housing Delivery Test. A question on these proposals is notable by its absence, but it is felt this is an important issue. The proposal is somewhat confusing considering the extent of control or influence planning authorities have over these two tests or requirements. Milton Keynes has circa 16,000 dwellings with planning permission (c. 9,000 with detailed permission). Together with further land allocated in Plan:MK, Milton Keynes can boast a housing buffer of around 28% above its housing requirements through to 2031. Five-year housing land supply is effectively a measure or test of how much land benefits from planning permission or allocation and is deemed deliverable. This is something local authorities have a degree of influence over. The White Paper suggests the new system would effectively ensure enough housing land is in supply rendering the five-year housing land supply requirements unnecessary. We do not raise an objection to this as doing so would remove an at times perverse incentive for developers to submit speculative proposals based on highly questionable assessments of housing land supply. Often this only has the effect of tying up scarce resource within planning departments and creating uncertainty amongst communities.</p> <p>The Housing Delivery Test, meanwhile, is a test purely based on delivery which is in the gift of the development industry at large. The planning system, planning authorities and Councils more widely have much more limited control or influence over delivery after planning permission is granted. Considering how many homes already have planning permission, and how many will in due course be course allocated through local plans in replacement for the five-year housing land supply, it is no longer necessary to continue to subject planning authorities to a test which penalises them and local communities for something almost entirely outside of their own control. This proposal is a clear indication that the White Paper is founded on a misplaced and unevicenced assertion that the planning system, planning authorities, Councils and local communities are the blockage to housing delivery.</p>
<p>9a, 9b & 9c</p>	<p>Do you agree that there should be automatic outline permission for areas for substantial development (Growth areas) with faster routes for detailed consent?</p>

Response	<p>No</p> <p>Milton Keynes Council acknowledges that the process of considering and determining applications for larger schemes is often too long and drawn out, and efforts to streamline the process would be positively received. However, the proposal within the White Paper is not considered to be the right approach for the reasons set out below.</p> <p>For larger sites, it will be difficult to make an assessment regarding the principle of the development proposed without more detailed information regarding the scheme, often including supporting technical material, which is not currently required to be submitted as part of a Permission in Principle (PiP) application or (based on the sketch of how Local Plans would be prepared) be dealt with during the plan-making process.</p> <p>For example, matters such as surface water drainage which can have an impact on the developable area of a site and therefore the capacity of the site cannot be assessed; impacts on traffic which could determine the acceptability of the development rely on transport statements to address any issues, these are not required to be submitted under PiP applications and therefore cannot be considered by the decision maker. Some of this detail would be apparent in the current plan-making process, whilst other elements would not, but it is certainly the case that they would not be adequately addressed through the new Local Plan process envisaged in the White Paper. Furthermore, the impact on local designations such as heritage assets or ecology, for which larger schemes can have a much wider impact cannot be assessed, whilst the mitigation and positive benefits a scheme may bring to these areas cannot be committed to through PiP and as such do not form part of a decision makers consideration when determining a scheme.</p> <p>Another issue relates to S106s, which are also dealt with at the outline stage and are critical for infrastructure provision particularly in relation to large sites and major development proposals. The proposal to use PiP for major development would undermine the position with legal obligations in that these are only reasonable if they are necessary to make a development acceptable. By granting a PiP you would be confirming that it is acceptable, without first identifying what obligations might be required to make the scheme acceptable in principle.</p> <p>Furthermore, the five-week period for determination and 14 day period for statutory consultations is unrealistic given the potentially complex nature and scale of the proposed development and the impact major developments can have on a wider area. This will shorten the time in which officers and consultees have to fully assess a proposal, putting further pressure on local authority planning officers and statutory consultees and leading to decisions which are made on limited information.</p>
	<p>Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas?</p>
	<p>Whether the principle is acceptable in Renewal areas depends very much upon the extent of such areas. In practice, the entire urban area of Milton Keynes (excluding areas that might be deemed 'Growth' areas within it) functions as an area of 'renewal' where new development is focussed under current planning policy. However, what</p>

	<p>can occur there is guided by a set of restrictive designations and associated policies covering a wide range of matters together with general development management policies that guide what type, form and scale of development would be acceptable. These policies are applied in a democratic and discretionary system where judgement is needed. Reducing and inverting this policy framework (which every other LPA will have in place for urban areas) to a set of limited criteria would most likely be unworkable in practise but certainly result in types and forms of development coming forward in parts of Milton Keynes in unforeseen ways (outcomes of recent permitted development rights changes being an example of this), most likely with negative societal and environmental consequences and certainly without any regard to place making.</p> <p>The approach for Protected areas is akin to the current regime for the open countryside in Milton Keynes. Whilst this places significant limitations on what development can occur there, it does not convey the same expectations conveyed by the term 'Protected' which would give the impression to local communities that they are protected from speculative developments outside of Local or Neighbourhood Plans.</p> <p>In this vein, applying a restricted route to planning permission within Renewal areas and retaining the facility for speculative development to occur within 'Protected areas' potentially contradicts the White Paper's claims of improving certainty for local communities and developers by being clearer (and inflexible) about what can happen where. These proposals do, however, reflect the wider deregulatory and anti-democratic foundations of the White Paper more generally which is of significant concern.</p>
	<p>Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?</p>
	<p>No. In line with earlier comments, such an approach would further erode the local democratic process for shaping and creating places that are intrinsically local. There may be occasions where, should a new settlement be of such a significant scale (e.g. of city scale) and/or cross local authority boundaries, that the NSIP regime becomes the most appropriate and pragmatic process, but as currently written the proposals would not accommodate this nuance.</p>
10	<p>Do you agree with our proposals to make decision-making faster and more certain?</p>
Response	<p>Yes, we support efforts for planning to become a more interactive and customer focused activity through much greater use of digital technology. The use of digital tools can be used to enable greater transparency, understanding and participation in the planning process. However, there is a need for government to clarify where the resource and skills will be drawn from to enable LPAs to deliver the proposals as set out. It will be complex and challenging and there is a need to ensure LPAs are fully supported throughout this process.</p>
11	<p>Do you agree with our proposals for accessible, web-based Local Plans?</p>
Response	<p>Yes, Milton Keynes Council agrees with the principle of making local plans more accessible and making greater use of digital tools to enable public participation and improve the democratic process that is integral to the planning system. This should be the focus of any digitisation of local plans rather than solely creating data for consumption and exploitation by the Property Tech sector or the development industry more generally. Such tools should be standardised where possible across England to ensure communities and the development industry can engage with the planning system on a consistent basis.</p>

12	Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans?
Response	<p>No. As per the response to question 5, the simplified Local Plan envisaged by the White Paper would create a system that prevents local communities creating and advancing a vision for their local areas and would severely hamper any efforts at place making by planning authorities or local authorities more widely. The timescales proposed rely on a simplistic and reductive approach to planning, and for that reason alone we disagree with the 30-month timescale. Whilst plan-making can be beset with burdensome evidence studies, some of which do not particularly influence the vision or strategy for places, nonetheless the evidence-based approach to plan making is right and proper. We know from experience that some of the key evidence that informs a local plan takes longer than 9 months to prepare, consider and influence local plans, for instance transport modelling can take 2-3 years and evidence on infrastructure often takes longer than 9 months to feed into the Local Plan. Such studies are not simply done to tick a box, they rightly inform decisions on how much growth should be directed where, and what mitigation or investment is needed to ensure that growth creates successful places. This evidence is also essential to determine whether a site, with the necessary mitigation, would be deliverable. The consequences of not undertaking this work in a robust manner is that sites would be identified as Areas of Growth that cannot be delivered.</p> <p>With Areas of Change in Local Plans being granted outline planning permission, it is likely that there will be a much greater focus by developers and land promoters in getting their sites included within this designation. This will undoubtedly result in greater levels of engagement and legal representation through the examination process than is currently experienced. To ensure the system, and adoption of Local Plans, is operated in an efficient manner, it will be critical for the new examination process to be designed as to remove and discourage any need for legal representation for the parties involved.</p>
13	<p>Do you agree that Neighbourhood Plans should be retained in the reformed planning system?</p> <p>How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design?</p>
Response	<p>In principle, yes, although it is unclear from the White Paper what role they would play other than as local design guides/codes, if allocations are left to local plans and development management policies to the NPPF, together with the further expansion of permitted development rights into more substantial forms of development. If the Neighbourhood Plans are to continue to allocate sites for development, then they should be more rigorously tested at examination. The idea of extending neighbourhood plans to smaller areas such as individual streets would seem to defeat the objective of making the system simpler. Proposals for smaller areas, such as streets, could be covered within a neighbourhood plan, prepared by a parish council or forum.</p> <p>If local design guides/codes are to be given greater weight in the planning system, then they will need to be evidence-based and robust. If there is to be a prior approval system, then it could be that proposals would only need to accord with these design codes/guides to gain permission.</p>

	<p>The White Paper refers to ‘community preferences about design’, but unless communities have a degree of understanding about design, there is a danger that ‘community preferences’ could lead to poor design outcomes. Neighbourhood planning groups should work with the Council’s design professionals to develop design guidance reflecting the local context and that is supported by the local community.</p> <p>Digital tools have a part to play in community engagement, but only where they add value to the process. If Neighbourhood Plans are to focus on design guidance, then money spent on design training would be a better use of neighbourhood planning groups’ limited resources.</p>
14	Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support?
Response	<p>Yes, we welcome the emphasis on providing a more diverse housing offer as this was a key recommendation within the Letwin review, but other tools should be made available to speed up housing delivery which as noted above is largely outside of the planning authorities’ control at this time. Other reviews, notably the Raynsford Review, go much further in regards to giving local authorities greater powers to enable and drive forward delivery, which we suggest should be incorporated in the White Paper proposals as they evolve. The proposals in the White Paper present an opportunity to ensure there are adequate sanctions in place for landowners and developers who, after getting a site allocated, do not bring it forward for development. If land is identified as an Area of Growth there should be an expectation that it will then be developed in a timely manner.</p>
15	What do you think about the design of new development that has happened recently in your area?
Response	<p>‘Beautiful’ and ‘ugly’ are the wrong terms to use as they are very subjective terms and because they also suggest the focus is on buildings rather than all aspects that contribute to the quality of the development and place making.</p> <p>The use of the term ‘design’ also suggests the proposals only relate to the building scale. The question should rather have included “What do you think about the <u>layout and design</u> of new development that has happened recently in your area?</p> <p>Alternatively it should be defined what ‘design’ means, and we would suggest it is used in a broader sense covering all aspects of physical form in a new development, including open space. Perhaps the question could also ask whether a strong character has been created for new development in your area.</p> <p>In overall terms, Milton Keynes has achieved quite good quality development – particularly regarding provision of an integrated network of open space. We have also achieved a strong identifiable character for the most publicly prominent part of new developments.</p> <p>We still however have a lot of challenges with volume housebuilders and their standard product that could represent ‘anywhere-development’ (non-descript places). As said previously we have achieved some success in creating identity for the key frontages where the image of a development is most logically established.</p> <p>A key challenge is also to create meaningful green streetscapes – the need for car parking often means street trees are sacrificed. With the move away from rear parking courts the fronts of houses have now become dominated by cars which is one key reason why streets are devoid of trees.</p>

	<p>There is also not enough of a range in densities, largely because each developer wants to (generally speaking) include their own range of housing types to meet the needs of all purchasers.</p>
16	<p>Sustainability is at the heart of our proposals. What is your priority for sustainability in your area? [Less reliance on cars / More green and open spaces / Energy efficiency of new buildings / More trees / Other – please specify]</p>
Response	<p>The Council’s recently adopted Sustainability Strategy has three overarching principles:</p> <ul style="list-style-type: none"> - Green Energy: Maximising the use of renewable energy, reducing carbon and providing resilience to the grid - Circular economy: Increasing the efficient use of resources to reuse materials, use less water, and ensure the best use of land - Low emissions: Reducing the level of emissions from transport, industry and agriculture and ensure clear air <p>At the heart of this Council’s action is an acknowledgement that there needs to be a systems-wide change to our thinking, design and models as sustainability cannot simply be reduced to a set of isolated projects or slogans. Through a systems-wide approach the Council aims to achieve the following outcomes:</p> <ul style="list-style-type: none"> - Use less carbon than we are able to capture; - Contribute positively to action on climate change; - A more sustainably designed city; - A transition to low-cost renewable energy sources; - A sustainable green economy with well-paid jobs; - Reduce the consumption of resources without sacrificing economic development; - A diverse, green and bio-diverse environment; - Less use of water; - Clean air; - A healthier and more sustainably conscious population. <p>The planning can play a more active role is delivering these outcomes, particularly in regard to harnessing the relationship between land use, urban design and movement to deliver various outcomes (for example reducing carbon emissions from movement, support healthier active lifestyles, or creating more vibrant communities).</p>
17	<p>Do you agree with our proposals for improving the production and use of design guides and codes?</p>
Response	<p>In principles yes but the ‘devil is in the detail’. The model design code sounds like it will be something akin to design guides CABE used to prepare – so nothing new but could be useful to promote good design.</p>

	<p>A revised Manual for Streets with more statutory weight (particularly if it focusses on more pedestrian- scaled streetscapes) will be supported.</p> <p>It is incorrect to lump together the loose terms, “local guides and codes” – they could be two very different types of documents with different levels of scope and detail. What is a ‘local guide’ (as stated on pg48)? Terminology needs to be clear and well-defined. The final para on pg 48 refers to ‘designs’ only being given weight in the planning process if they can demonstrate that local community input has been secured. Is this a typo and should have read “Design Guides”? Again is this the same as a ‘local guide’?</p> <p>More thought needs to go into the role of community engagement on design guides and codes. Most residents are mainly interested in their immediate area and what directly affects them, so if the intention is for individual cities such as Milton Keynes to prepare its own design guide for the entire city (is this the intention of wording on pg48?) then it will still be quite generic so I am not sure how useful community engagement will be – although clearly the overall design guide would be consulted upon. Detailed engagement will lead to a massive divergence in views which will then be difficult to pull together within a single design guide for the whole city.</p> <p>Design Codes however are site specific and technical in nature. Their preparation hasn’t traditionally involved a lot of community engagement because of their technical nature (design codes are in effect a set of technical rules that developers need to adhere to). Incidentally, clarity is required on whether the use of the term ‘codes’ as stated on pg 48 means a city wide code or site specific code.</p> <p>There is a concern that, whether it is design guides or codes, if there is too much community input the professional integrity of them might be undermined. It is easy to engage with local communities but the draft wording suggests the design guides and codes must have local support which suggests that producers of design guides and codes need to include community comments when preparing them. Can community comment be ignored if they don’t make sense or contradict other strategic policy, including the NPPF?</p>
18	Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making?
Response	Yes, anything that promotes good quality placemaking / design is to be supported. Agree that there should be a chief officer for design and placemaking. The conflict often though is the need to meet housing numbers to be delivered and design quality. Design quality needs to be seen as a standard reason for refusal even if it impacts on housing delivery rates.
19	Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England?
Response	Yes, but this should be the emphasis for all developers. The danger is that by putting an emphasis on design quality for HE, it might suggest developers can adhere to a different set of standards.
20	Do you agree with our proposals for implementing a fast-track for beauty?

Response	<p>Yes in principle. In principle these are good proposals but there are some more detailed issues / further clarity required (the devil is in the detail): Agree significant growth areas should have masterplan and design code, but this seems very similar to the existing way of achieving outline permission which requires a masterplan as part of Design and Access Statement as well as often a Design Code.</p> <p>In Milton Keynes it is a requirement within our Local Plan that all major allocated sites (equivalent to the Growth Areas stated in this White Paper) have a Development Framework prepared by the LPA in conjunction with stakeholder (including the developer and local communities) and have it approved as a Supplementary Planning Document. This is to be completed before an application is submitted. The advantage of this process is that it allows the LPA to establish the strategic masterplan or development framework plan and associated principles for the site (and not be led by developer aspirations) but also gives the developer certainty that if they adhere to the SPD they are likely to get planning permission. The approach suggested in the White Paper appears similar to what Milton Keynes Council already does and is supported.</p> <p>While Milton Keynes Council has capacity and ability to prepare the ‘masterplan and design code’ for sites identified within the Growth Areas it is questionable whether most LPA’s would have the resource to do this.</p> <p>It would be helpful to define what is meant by a masterplan. Normally a masterplan is prepared by the developer to prescribe a specific outcome and is detailed. It would be difficult for an LPA to undertake this level of detail. What might be more appropriate is development framework plans which may include an illustrative masterplan and supporting guidance on the key strategic planning and design principles for the site (the White Paper suggests that this might be case which is supported). This development framework plan could be adopted as an SPD.</p> <p>It is noted that there will be a pilot programme to test the suitability of having a limited set of ‘pre-approved’ form-based development types that could then be built out. We reserve judgement on this proposal until the outcome of the pilot is known. Whilst it may prove to be successful, some concerns/questions of clarity include:</p> <ol style="list-style-type: none"> 1. How many development types will be prepared – if just a few it may result in all infill areas within the renewal areas across the country looking the same because developers/homeowners will just simply replicate them and reduce innovation 2. Every context is different requiring a bespoke approach so a set of ‘template’ house types appears to contradict this bespoke approach required because each context is unique. <p>The White Paper states the limited set of form-based development types will be used for the redevelopment of existing residential buildings. Is this the only scenario? It seems a very limited one as only limited new housing will result from redevelopment of existing residential buildings. What about infill sites between 1-500 homes or subdivision of large plots?</p>
21	<p>When new development happens in your area, what is your priority for what comes with it? [More affordable housing / More or better infrastructure (such as transport, schools, health provision) / Design of new buildings / More shops and/or employment space / Green space / Don’t know /</p>

	Other – please specify]
Response	<p>The Council’s expectations of what supporting infrastructure, amenities, facilities and investment accompanies development (assuming the question refers to housing development) is set out in Plan:MK, guided by our approach to discussing and negotiating planning obligations. The Council does not currently employ prioritisation for local infrastructure improvements as it depends upon what the development proposal is for and the location/context it is situated, which has a significant bearing on what needs to ‘come with’ development. Outside of those things which make up the fabric of good urban design (e.g. green spaces, sustainable drainage systems, high quality landscaping, informal recreation spaces), and taking the cue from the list of ‘examples’, there are certain things that are required more often than not which typically carry the largest cost to developers, namely the provision of affordable housing, the provision of education facilities and/or obligations and highway and transport improvements. However, this does not delegitimise obligations and investments that may be needed to support development, such as recreation and leisure, incidental uses like shops or dentists, biodiverse habitats, health, carbon offsetting, or public art and culture. This list could be much longer, hence why it should be determined according need for a given proposal or the ability of a development to provide or support the provision of more strategic amenities/facilities that benefit the wider community.</p> <p>MKC is keen to develop a more dynamic approach to infrastructure planning (both strategic infrastructure and local infrastructure) to establish place based priorities, reflecting our long term spatial vision for growth and our other corporate priorities (like being the greenest city). We are currently looking to scope this work in support of our next Local Plan and longer term 2050 strategy for growth. We would be interested in developing a best practice approach with relevant partners, including MHCLG and Homes England.</p> <p>The design of new buildings (assuming this means good and sustainable design) should be non-negotiable and not seen as something that ‘comes with’ development. It should be woven into the fabric of all development. The same can be said of green spaces and, in a wider sense, the provision of other uses to accompany housing in larger development proposals, such as employment land or local centres.</p>
22	<p>Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold? [Yes / No / Not sure. Please provide supporting statement.]</p> <p>22(b). Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally? [Nationally at a single rate / Nationally at an area-specific rate / Locally]</p> <p>22(c). Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities? [Same amount overall / More value / Less value / Not sure. Please provide supporting statement.]</p> <p>22(d). Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area? [Yes / No / Not sure. Please provide supporting statement.]</p>

Response	<p>Planning obligations and the CIL charging regime is currently based on the local authority's evidence of what infrastructure/ obligations are required to mitigate the impact of development. If rates are set nationally then our concern is that there is no guarantee that the levy will help mitigate impacts locally, even if they are collected by the local authority. It may be a sufficient approach to some locations but where significant growth is planned then we would advocate the ability to adopt other models proven to help deliver infrastructure at scale and at a pace that supports accelerated housing delivery. In Milton Keynes the 'Tariff' model has proved hugely popular with developers and resulted in the successful delivery of a both a locality and city-wide infrastructure programme. The approach, supported by a significant forward funding mechanism, is being replicated in part on the MK East site where the recent HIF award will support accelerated delivery of this 5,000 home site.</p> <p>The proposals in the White Paper appear to be focussed on securing funding for infrastructure and 'in kind' provision of affordable housing. Often other obligations are required, which could also be delivered in kind, or discounted from the final levy payable; examples include on-site play areas, or provision of land for facilities (like schools, playing fields, etc). Other obligations may cover the transfer of buildings (like community centres), or landscaping, open space, and recreational facilities. It is not currently clear how these obligations could be captured. In MK we also require obligations to enter in highways (Section 278) agreements, so that these become enforceable under Section 106.</p> <p>A nationally set rate appears overly simplistic and it's not clear if this would include a 'sliding scale' locally depending on site typology (e.g. brownfield, greenfield, urban, rural). Also, it is proposed that the is levy based on a percentage of development value. It is unclear whether this would take account of development costs which may render a project unviable if the land value reduces to a level that would not compel the landowner to sell (as per the existing NPPF). This needs to be factored into any national levy if it is to be pursued further, and again raises concerns regarding the ability of the national levy to match or exceed the current level of developer obligations received under the existing S106 arrangements.</p> <p>We welcome the potential to borrow against future Levy receipts but moving payment triggers to occupation, whilst potentially decreasing the risk and cashflow challenges for developers increases the risk for local authorities, unless this is backed by a forward funding mechanism like we currently have under the MK Tariff model and HIF supported MK East development. It may still be difficult for developers to pay the entirety of their levy upon first occupation of a large scheme, if this is what is intended (the consultation document is not clear on this point). Phased payments should still be considered an option, with small and medium sized schemes still being able to pay later into the scheme delivery (e.g. occupation).</p> <p>In terms of viability, the consultation is not clear if there is the potential for a 'review mechanism' if development values drop after the applicable levy rate has been calculated. Section 106 agreements often include such review mechanisms but if there is no 106 agreement then it is not clear how a review might be triggered.</p> <p>S106 agreements are also a mechanism to secure both non-financial planning obligations. If S106 agreements are to be abolished altogether, it would not be possible to secure non-financial obligations to bind the land, for example to use the</p>
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	<p>land in a particular way, in order to make the development acceptable in planning terms. The reforms will need to ensure such a mechanism is available.</p> <p>It will be critically important for government to recognise the significant administrative burden that would be placed on all local authorities to administer, collect and enforce payment of the infrastructure levy. Therefore, there should be a clear direction that a portion of Infrastructure Levy receipts can be used to resource authorities to undertake this function.</p>
23	Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights?
Response	<p>The ability to obligated permitted development to contribute to infrastructure is welcomed; office to residential conversions in particular have an impact on infrastructure and services that currently cannot be mitigated through Section 106 obligations or CIL.</p> <p>Clarity is required around current CIL exemptions would be rolled forward into the proposed Infrastructure Levy. We have some concerns over this as CIL excludes affordable housing from charging regimes. This housing has an impact on infrastructure and services too. The Milton Keynes Tariff, which has operated successfully since 2007, levies a flat rate Tariff on all housing tenures, and related site-specific Section 106 agreements require the provision of affordable housing also.</p>
24	<p>Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as much on-site affordable provision, as at present? [Yes / No / Not sure. Please provide supporting statement.]</p> <p>24(b). Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a 'right to purchase' at discounted rates for local authorities? [Yes / No / Not sure. Please provide supporting statement.]</p> <p>24(c). If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk? [Yes / No / Not sure. Please provide supporting statement.]</p> <p>24(d). If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality? [Yes / No / Not sure. Please provide supporting statement.]</p>
Response	<p>The Council would welcome an 'at least' approach and for delivery of affordable housing to be on site to ensure we continue to get levels that meet local need.</p> <p>The question suggests that only local authorities can buy at a discounted rate and is silent on the role of Registered Providers. This is not acceptable.</p> <p>Regarding any in-kind payment, this is too risky and could allow developers to ramp up costs. A specified percentage of units is the best way to keep adequate numbers coming through. Therefore, there should be mitigation in place to prevent overpayment.</p> <p>Regarding quality, yes, there would have to be an agreement early on with regards to housing in-kind and standards, room sizes, etc. This is necessary to avoid affordable housing that does not help us meet our need.</p>
25	25. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?

	[Yes / No / Not sure. Please provide supporting statement.] 25(a). If yes, should an affordable housing 'ring-fence' be developed?
Response	<p>This is going to depend on the rates locally; even under the MK Tariff model, tariff contributions (including 'in kind' works and land) the anticipated receipts are only sufficient to pay for 75% of local infrastructure costs, with the remaining 'gap' to be filled from other sources (this has included Growth Area Funding in the past). Section 106 and Tariff receipts also only account for a percentage of strategic infrastructure costs, as these projects are never fully funded by developer contributions.</p> <p>Whilst MKC supports the principle of Neighbourhood Share it does potentially reduce the ability of the local authority to plan strategically for infrastructure delivery and maximise the use of developer funding, especially in an area where high levels of growth are aspired to (like in Milton Keynes). It is also hard to see how there would be any headroom in the proposed new Levy to spend on other items once infrastructure priorities have been delivered.</p>
26	Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?
Response	No