

PLANNING OBLIGATIONS

Background

15.1 Planning obligations are benefits that may be in kind or a financial contribution from developers to ensure that development proposals make adequate provision for infrastructure and community facilities. Benefits will usually be secured through a legal agreement between the Council and the developer.

Agreements are usually made under Section 106 of the Town and Country Planning Act 1990- but can be made under Highways (and Local Government)) Acts

National and Local Policy Objectives

15.2 The Council wants to ensure that future development continues to contribute to meeting the infrastructure needs and facilities of its area, and meets the increased demands generated by new residential and commercial development. Its approach follows the line of government advice. The Council will have regard to the 5 tests set out in Circular 1/97 when considering the need for planning obligations. The tests are that planning obligations should be

PPG1 and DOE Circular 1/97

- necessary
- relevant to planning
- directly related to the proposed development
- fairly and reasonably related in scale and kind to the proposed development
- reasonable in all other respects

Policy Objectives

15.3 The policies in the previous Local Plan are well established and generally have worked well in practice; therefore, their basic principles have been retained.

15.4 The policies provide a clear statement of the most common circumstances where planning obligations will be sought and give an indication of the likely benefits to be negotiated. By providing this information, developers will be aware, in advance, of their possible on-site and off-site liabilities.

15.5 Consultation on the Issues Papers included the response that clear guidance was needed on planning obligations in relation to new development so that the necessary facilities could be provided at the right time. This view is reflected in the objectives, and also in the policies related to the City Expansion Areas and other new development sites.

Policies

GENERAL POLICIES

Objectives of policies

- To ensure that all development provides adequate physical and social infrastructure
- To identify the circumstances where planning obligations will be sought

15.6 Planning obligations will be sought where major developments are proposed. The scale of "major" development is specified, where appropriate, in the policies. The scale and nature of a development proposal may only be sufficient to

justify a financial contribution towards the cost of a necessary off-site facility or improvement, rather than its provision. However, financial contributions towards off-site facilities or improvements will only be sought where it is likely that work will start on site within 10 years from the planning permission being granted.

15.7 The Council will seek to ensure that development proposals make adequate provision for the infrastructure and facility needs, either generated by the development itself or identified within the surrounding area.

15.8 The following examples indicate the type of considerations and improvements to which contributions will be sought. Contributions may take the form of a combination of land, buildings and financial contributions. Provision may be sought on-site, off-site or both. The list is not intended to be exhaustive, as circumstances will vary between areas and sites.

Housing developments:

- Community facilities
- Public open space, leisure and recreation facilities
- Improvements to pedestrian and cycle facilities, public transport road access and parking
- Public art
- Affordable housing

Redevelopment of industrial and warehouse sites:

- Public open space, leisure and recreation facilities
- Small business units
- Improvements to pedestrian and cycle facilities, public transport, road access and parking
- Landscaping and screening

Development in town, district and local centres:

- Environmental improvements
- Improvements to pedestrian and cycle facilities, public transport, road access and parking
- Closed circuit TV systems
- Improvements to town centre leisure and recreation facilities

Development or redevelopment in the extensions to the Linear Parks:

- Improvements to public access including footpaths, cycle ways, bridle routes, public transport, car parking and picnic areas
- New wildlife habitats and the protection and improvement of existing habitats
- Protection and improvement of the landscape and natural environment, including interpretation facilities

Policy PO2 indicates the 'main types' of development where obligations will be sought; and there may be other improvements sought in relation to particular proposals depending on local circumstances.

15.9 The Council has adopted or has published for consultation a number of Supplementary Planning Guidance/Supplementary Planning Documents that

provide more detailed guidance on planning obligations. These cover the following subjects:

- Drainage and Flood Risk
- Affordable Housing
- Planning Obligations for CMK
- Education Facilities
- Leisure and Recreation
- Social Infrastructure
- The Council also intends to publish guidance in relation to Transport

The Council is working with Milton Keynes Partnership to agree with landowners and developers a standardised tariff approach to Section 106 contributions. This will apply to major housing and employment developments within the Milton Keynes Partnership Committee Urban Development Area. The details of this approach will be set out in a Supplementary Planning Document.

15.10 In addition to relying on Policies PO1-PO2, when negotiating planning obligations the Council will take such SPG/SPD into account as a material planning consideration.

GENERAL POLICIES

POLICY PO1

The Council will seek to ensure that development proposals make adequate provision for both infrastructure and community facilities that directly relate to the proposed development

In making an assessment of such needs, it may be necessary to take into account the cumulative effect of a number of developments on the existing infrastructure of the surrounding area.

Developers will be expected to meet the full costs of facilities required as a consequence of development and contribute to resolving existing deficiencies where these would be made worse by the development

POLICY PO2

The main types of development proposal where the Council will seek improvements to infrastructure and community facilities are:

- (i) Proposals for development in the City Expansion Areas (Policies EA1 to EA6)
- (ii) The redevelopment of existing industrial and warehousing premises
- (iii) Proposals for development in the extended Linear Parks
- (iv) Proposals for new housing
- (v) Proposals for redevelopment, extension, change of use, or new development for offices, shopping or commercial leisure, in Town, District and Local Centres.

(vi) In support of the principle of maximum parking standards, planning obligations may be required for improvements to public transport services and/or facilities for walking and cycling

In all cases, development proposals must be acceptable in principle when judged against the policies of this Local Plan. The scale and nature of the benefits sought will be directly related to the scale and nature of the proposed development.

PROVISION OF SMALL BUSINESS UNITS

Objective of Policy

- To increase the stock of small business units

15.11 Redevelopment proposals and changes of use provide one of the few opportunities to increase the supply of small business units within the Borough. Provision of such units can assist in the growth and establishment of new and small businesses. The potential for redeveloping existing industrial and warehouse facilities is most likely to arise within the older towns and grid squares such as Bletchley and Old Wolverton, although this policy applies throughout the Borough.

PROVISION OF SMALL BUSINESS UNITS

POLICY PO3

Where proposals involve the redevelopment or change of use of existing industrial or warehousing floor space, and the redevelopment or change of use is not wholly to meet the operational needs of the existing occupier, the Council will seek a proportion of small business units (up to 300 sq m each) as part of the new development.

PERCENT FOR ART

Objective of Policy

- To add visual interest to buildings and places
- To improve the environment of the Borough

15.12 The provision of public art can not only enhance the environment but also create a wide variety of other important benefits such as:

- Improving the quality of life for local people
- Creating a local distinctiveness and a sense of place
- Enriching the cultural life of Milton Keynes and raise its profile
- Providing a focus and stimulus for tourism

15.13 Milton Keynes has an extensive, important and unique collection of public art with the most important works located in CMK and forming part of the Milton Keynes Art Trail. Planning obligations will be used to encourage the provision of public art in all development. Appendix PO4 defines public art and explains how the Council encourages its provision in new development.

PERCENT FOR ART

POLICY P04

Where new development is proposed, developers are encouraged to allocate at least 1% of the capital cost of a development towards the incorporation of public works of art that enhance the appearance of the development