

Draft Supplementary Planning Document, August 2020

Development Plans



milton keynes council



Introduction

- 2.1. Planning Obligations can be made under Section 106 (or 's106') of The Town and Country Planning Act 1990 (as amended). Section 106 provides a mechanism by which measures are secured to make development acceptable, which would otherwise be unacceptable in planning terms.
- 2.2. Such Planning Obligations are a 'Land Charge' and local planning authorities are required to keep a copy of a planning obligation made under s.106 (including any modification or discharge of the obligation) and make these publically available on their planning register

Purpose of the Document

- 2.3. This Supplementary Planning Document (SPD) is intended to guide developers and key organisations on the following:
 - The general approach Milton Keynes Council (the Council) will use to identify infrastructure requirements, how those requirements feed in to the consideration of planning obligations, plus how planning obligations are monitored and developer funding is managed to deliver specific projects;
 - The legal, policy and organisational context in which the system operates in Milton Keynes;
 - An overview of potential planning obligations, how they relate to Local Plan policy, and who the lead organisations are for evidencing need and delivering projects;
 - General principles the Council uses in legal agreements.

Status of the SPD

- 2.4. The SPD has been prepared in accordance with the National Planning Policy Framework (NPPF) February 2019 and The Town and Country Planning (Local Planning) (England) Regulations 2012 and CIL Regulations (as amended), and Planning Practice Guidance (PPG) on Planning Obligations and Viability, both published in September 2019.
- 2.5. This guidance is not meant to be exhaustive or prescriptive. It provides an indication of the sorts of requirements that may be sought in respect of the provision of facilities and services to address the impacts of the development as well as the potential for environmental measures. It supplements the policies in Plan:MK and provides example Heads of Terms to illustrate what planning obligations may be sought. However obligations will be negotiated on a site by site basis, in accordance with the regulatory and local policy framework.
- 2.6. On adoption, the SPD replaces the following documents:
 - Planning Obligations for Central Milton Keynes Supplementary Planning Guidance (2003)
 - Planning Obligations for Education Facilities Supplementary Planning Guidance (2004)
 - Planning Obligations for Leisure, Recreation and Sports Facilities Supplementary Planning Guidance (2005)
 - Planning Obligations for Social Infrastructure Supplementary Planning Document (2005)

- Parts of the Sustainable Construction Supplementary Planning Document (2007)

Approach to Planning Obligations

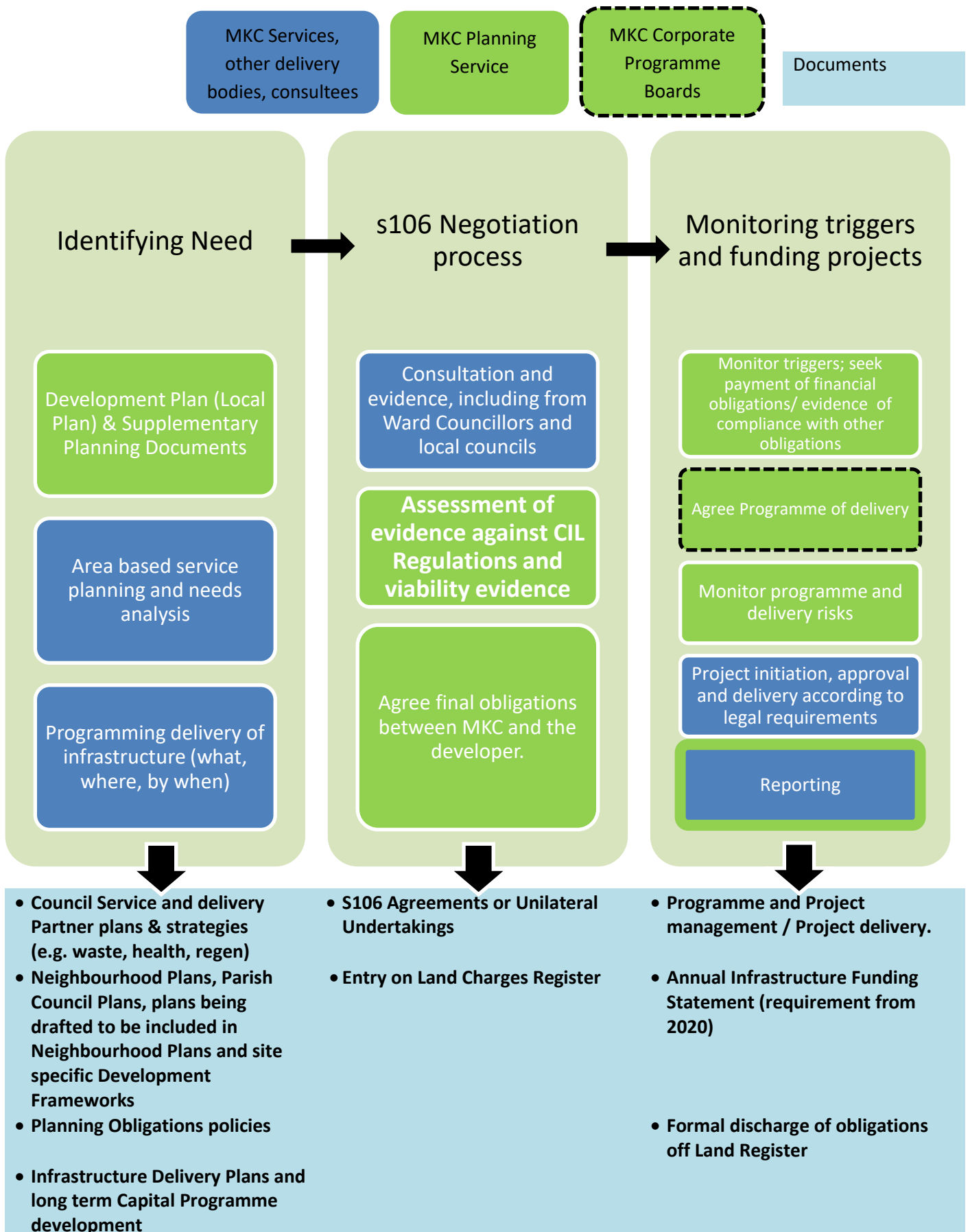
Background

- 2.1 Milton Keynes Council (MKC) as the Local Planning Authority has the statutory responsibility for entering into legal agreements with developers, monitoring the progress of development, relevant triggers in the agreement, compliance with specific obligations, receiving and holding financial contributions, and ensuring that money received is spent in accordance with the legal agreement, providing public accountability over this.
- 2.2 MKC is a Unitary Authority so it also responsible for statutory functions including the provision of sufficient school places, adopting and maintaining roads, collecting and treating waste, and providing public libraries. MKC will therefore take a corporate approach to identifying and evidencing the need for infrastructure to support new development, and towards the delivery of projects from any financial contributions from developers.
- 2.3 Milton Keynes is comprised entirely of parishes and MKC recognises the important role that local Parish and Town Councils have to play in informing the negotiation of new s106 Agreements and in many cases helping to implement them in their local areas. Ward Councillors also have an intimate knowledge of the communities they represent and what impacts a development may have. Therefore, in the process set out below the involvement of Ward Councillors, Town and Parish Councils is also key. A protocol for engaging with these groups has been agreed as part of the pre-application and planning application processes and MKC expects developers to have regard to this.

Approach

- 2.4 The general approach to identifying, negotiating and monitoring planning obligations is summarised in Figure 1 below.

Figure 1: Planning Obligations Process Flow



Identifying Need

- 2.5 MKC's Planning Service works on the basis that the process of identifying planning obligations relevant to a development should start as early as possible. The Development Plan (including Neighbourhood Plans), and supplementary documents (like those for specific sites), set out the scale, and location of development together with likely timescales for that development to be built. The specific impact of development on existing services and facilities can therefore often be considered in advance.
- 2.6 In terms of obligations related to the provision of infrastructure, the evidence supporting Plan:MK is set out in the Local Investment Plan (LIP) and a Draft Infrastructure Delivery Plan (IDP) was submitted at the Plan:MK Examination. These Plans give a broad indication of infrastructure requirements and costs. The IDP remains a 'living' document and continues to be reviewed and updated.

Negotiation Process

- 2.7 The general flow of the negotiation process is outlined in Annex A.
- 2.8 The Planning Service, through the case officer dealing with an application, will lead the process of putting together the requirements for a legal agreement. It is their role to assess potential planning obligations against Local Plan policy and the three Community Infrastructure Levy (CIL) tests, and ensure these are included in the relevant (Section 106) agreement.
- 2.9 Planning obligations will naturally vary from site to site, depending on things like the size of the development, where it is located, and the capacity of existing services and facilities to meet the needs likely to arise from the development. Therefore, the need for obligations will be considered on a case by case basis.
- 2.10 The expert advice of statutory service providers (like those within Milton Keynes Council, or outside bodies like the NHS) are critical to this process, together with local knowledge from Ward Councillors, and Town and Parish Councils. The expectation is that the negotiation process will begin at pre-application stage. Draft Section 106 and Section 278 agreements will be published to help the process to be open and transparent.
- 2.11 Planning obligations may be sought from any scale of development, except where size thresholds are specified in Plan:MK. The main thresholds are for:
- Affordable housing – required for residential schemes of 11 homes or more;
 - Public art and cultural wellbeing – required for residential schemes of 11 homes and non-residential schemes of 1,000 sq.m or more;
 - Carbon Offset Fund contributions - required for residential schemes of 11 homes and non-residential schemes of 1,000 sq.m or more;
 - On-site community energy networks – consideration required for residential schemes of 100 homes and non-residential schemes of 1,000 sq.m or more; and
 - Open Space and Recreation Provision – thresholds start at schemes for 11 homes (see Appendix C in Plan:MK for further details).

2.12 Financial obligations will normally be related to the capital costs associated with the delivery of infrastructure, and may include reasonable costs incurred as part of the project implementation (such as project management). However, there will also be some circumstances where revenue contributions may be sought to mitigate the impact of development. This is likely to be:

- To cover maintenance costs associated with public open space (where this is transferred to the Council or another appropriate body);
- Provision of ‘pump priming’ funding to establish a service at the outset of a development before it becomes commercially viable, or other core funding comes into effect. Examples of this might include subsidising bus services, or supporting healthcare services in advance of NHS funding triggers;
- Monitoring and implementation costs in relation to Travel Plans.

Viability

2.13 The Whole Plan Viability for Plan:MK tested the impact of the policies in the Local Plan on viability for different site ‘typologies’. This indicated differing levels of viability in different circumstances/ locations. Viability information related to site-specific proposals should be provided as early on in the planning application process as possible. MKC will generally publish any such information and will have this independently assessed. The costs of this assessment will be met by the developer in full.

Template Legal Agreements and Key Principles

2.14 MKC have template legal agreements and will start the drafting process once instructed by the Planning Officer. Annex B sets out the general principles included in these agreements.

Monitoring Triggers and Delivering Projects and Services from Financial Obligations

2.15 The Planning Service monitors the implementation of development, and specifically developer obligations in Section 106 Agreements. The Service will also record when obligations have been fulfilled and update the Land Charges record.

2.16 Financial obligations are required to be paid to MKC and held in an appropriate account until drawn down to be spent on relevant projects or services. MKC will take the strategic lead on programming the spend of financial obligations with the engagement of Ward Councillors, Town and Parish Councils, and other statutory service providers. Delivery programmes will be governed through relevant programme and project arrangements within MKC to ensure a best value approach.

2.17 The Planning Service will ensure there is accountability around the spending of financial obligations through the annual Infrastructure Funding Statement, and reporting requirements will be set out in funding agreements with external partners.

2.18 Respective roles and responsibilities are depicted in Annex C.

Development Strategy Obligations

- 3.1 Chapter 4 of Plan:MK sets the general housing, employment, retail and leisure development strategy for Milton Keynes.
- 3.2 MKC has a key role in assessing local economic conditions (through the Local Economic Assessment), and leading strategies for inward investment and bridging any skills gaps in the local labour force through training initiatives (such as through the Economic Development and Skills Strategies).
- 3.3 Milton Keynes is home to the three campuses of MK College, a post 16 further education provider and a key partner to MKC.
- 3.4 In terms of higher education, the University Campus Milton Keynes (UCMK) is a small higher education institute based in Central Milton Keynes, England, and is a campus of the University of Bedfordshire. This has been the forerunner of establishing a STEM-focused (science, technology, engineering and mathematics) university in Central Milton Keynes (being led by Cranfield University).
- 3.5 In Central Milton Keynes, the older Town Centres (Bletchley, Wolverton, Newport Pagnell, Olney and Woburn Sands), and the newer District Centres in Milton Keynes, a combination of MKC led initiatives and Neighbourhood Plans set out the priorities and ambitions for the growth and potential redevelopment of these centres as hubs of retail, leisure, entertainment and culture.
- 3.6 The 'renaissance' of Central Milton Keynes is one of the big '2050' projects for Milton Keynes, and the investment opportunities presented by some of the older Town Centres are being promoted by MKC and Town Councils.

Policy DS3 (Employment Development Strategy)

- 3.7 This policy specifies that MKC will encourage **training and skills development** at all levels and promote the provision of extended and enhanced **further and higher education**. In terms of planning obligations, proposals will be discussed with MKC that may be required to support Policy DS3. For example, the delivery of new development provides a unique opportunity to support the development of construction skills locally.
- 3.8 Expansion of the capacity of post 16 education and training facilities may also be necessary as the resident population grows. The Department for Education ¹expects Local Planning Authorities to secure contributions for 'sixth form' places which are expected to have broadly the same cost as a secondary school place. MKC will lead on the evidencing of particular requirements as they relate to specific development proposals. This may include evidence from partners providing further education.
- 3.9 In terms of higher education, Plan:MK is supporting the establishment of the new University in Central Milton Keynes through the allocation of a site.

Example Heads of Terms

¹ <https://www.gov.uk/government/publications/delivering-schools-to-support-housing-growth>

3.10 Planning obligations might include:

- Local Labour Agreements;
- Financial contributions to the expansion of or creation of facilities for further education.

Policy DS4 (Retail and Leisure Development Strategy)

3.11 Policy DS4 covers Central Milton Keynes, Bletchley and 'Other' Town and District Centres. Neighbourhood Plans and more detailed site specific SPDs for these centres (or parts of them) will include more specific requirements, which may result in a planning obligation to secure. This might be in response to development within Town Centres, or to mitigate the impact of development on existing town centre infrastructure.

Example Heads of Terms

3.12 Planning obligations might include:

- Improvements to the public realm to facilitate greater capacity and access (in response to greater demand);
- Improvement to the accessibility of Town Centre facilities and services (such as through town centre parking, cycle routes, or public transport services – see also Transport and Connectivity Obligations).

Strategic Site Allocation Obligations

Strategic Site Allocations (Policies SD1, SD3-SD9, SD11-SD14, SD16-SD18)

- 4.1 Chapter 5 of Plan:MK sets out a number of policies (both generic principles and site-specific) for the most strategic residential and employment allocations in the Local Plan. In addition to any specific policy requirements that might result in planning obligations, the guidance in the rest of this SPD will help define obligations in response to more generic policy requirements (such as providing green infrastructure or connectivity), and these may also be reflected in any site-specific SPDs for key sites.

Transport and Connectivity Obligations

Introduction

- 5.1 Chapter 8 of Plan:MK sets the policy context for the connectivity of places through different forms of transport, and digital infrastructure. It describes the unique characteristics and resulting challenges of the New Town, and sets out policies to help support a step change in terms of sustainable transport network.
- 5.2 MKC is the local Highway Authority, and will provide the strategic lead on matters related to highways, cycleways and footpaths (including Public Rights of Way), public transport, and parking. The context for this is the Council's Local Transport Plan. MKC owns and maintains a strategic transport model, which can be accessed by developers to model the impacts of new development
- 5.3 Developers may be required to enter into an agreement with MKC to undertake works to the Council maintained highway network (under Section 278 Agreements), or for the Council to 'adopt' new roads, cycle paths and footpaths (under a Section 38 Agreement)
- 5.4 It is expected that details of proposed off-site (s278) highway works will be included within s106 agreements. These details would include a description of the works to be provided along with a general arrangement plan.
- 5.5 The M1 motorway and the A5 Trunk Road both run through the area, which are the responsibility of Highways England who have an interest in the impact of development on these parts of the national road network.
- 5.6 The southern part of Milton Keynes would also be affected by proposals for the Oxford to Cambridge Expressway.
- 5.7 The West Coast Main Line runs north/south through the area, with stations at Bletchley, Wolverton and Central Milton Keynes. The East West Rail project also runs across the southern part of Milton Keynes, and will, when operational, have an impact on the train stations at Bletchley, Fenny Stratford, Bow Brickhill and Woburn Sands.

Sustainable Transport Network (Policy CT1)

- 5.8 Through this policy MKC will seek obligations that help to incentivise the required step change in movement and transport patterns, focussing particularly on low carbon, and shared transport schemes. Such measures may be planning obligations under a Section 106 agreement.

Movement and Access (Policy CT2)

- 5.9 This policy sets out in some detail the requirements of new development in terms of the need to mitigate the impacts of the development and how development can support a switch to a low carbon future.

- 5.10 The submission and subsequent approval of either, or a combination of, a Transport Assessment (TA), Transport Statement (TS) and Travel Plan (TP) will set the basis for determining the transport and highway related measures that are required to mitigate the impacts of development. The usual thresholds for a TA and TP are set out in Table 1, below, although MKC will apply some discretion when considering the nature and location of specific proposals.
- 5.11 A Transport Assessment submitted with a planning application will not only explain how the development is laid out but will also identify any mitigation measures to accord with Policy CT2. It is generally expected that the developer will carry out all off-site highway works that have been identified within the Transport Assessment under a Section 278 Agreement. In some cases, however, a financial contribution towards highway works may be accepted and secured within a Section 106 agreement.
- 5.12 Travel Plans will be required as a planning obligation. The role of MKC will be to agree the measures set out in the Travel Plan and monitor the implementation of it (usually for a period of 5 years). The costs for covering the Council’s monitoring will also be secured as an obligation. A Travel Plan submitted for approval by MKC, should be accompanied by information on how much it will cost to implement. The implementation costs of the Travel Plan will be secured by MKC as an obligation (effectively a bond). Subject to MKC being satisfied that the Travel Plan has been delivered in full at the end of the monitoring period this implementation cost will be returned. If the developer/owner does not meet agreed targets or comply with the agreement the obligation will be used to implement remedial measures.
- 5.13 Alternatively the Council may be able to take responsibility for monitoring and implementation of the Travel Plan on behalf of the developer, and the planning obligation would pay for this service. In this case, the Travel Plan monitoring fee could be waived.

Table 1: Qualifying Thresholds of Development

Use	TA and TP Thresholds
A1 Retail (Food)	800m ²
A1 Retail (Non Food)	1,500m ²
A2 Professional Services	2,500m ²
A3 Café, Restaurant	2,500m ²
A4 Drinking Establishment	600m ²
A5 Hot Food Takeaway	500m ²
B1 Business	2,500m ²
B2 Industry	4,000m ²
B8 Storage and Distribution	5,000m ²
C1 Hotels	100 rooms
C2 Hospitals, Homes	50 beds
C2 Education	150 students
C2 Hostels	400 residents
C3 Housing	40 dwellings
D1 Non-residential Institutions	1,000m ²
D2 Assembly, Leisure	1,500m ²

- 5.14 Aside from impacting the existing transport network, development may also negatively impact upon the highways and footways surrounding new development, as a result of the construction process, for example, where existing infrastructure can become damaged. As part of the Section 38 Highway adoption / Section 278 legal agreement, the developer is expected to fully reinstate the highway to the satisfaction of the highway authority.
- 5.15 The impact of individual developments on public transport provision might not be significant where these developments are small, but when considered together can warrant intervention. A proportionate contribution from developments to provide public transport infrastructure and a public transport service in the form of a local bus or demand responsive service will be sought relevant to the proposed development.
- 5.16 Where the scale of development is sufficient to sustain a public transport service in the longer term a contribution will be sought from developments, through Section 106, for initial support for a public transport service in the form of a local bus or demand responsive service. This contribution could also include the provision of relevant public transport infrastructure, such as bus priority measures benefitting buses that serve the development site.

Walking and Cycling (Policy CT3) and Redways (Policy CT4)

- 5.17 In addition to physical infrastructure (footpaths, etc.) information to support walking, such as local mapping, including personalised maps, initiatives such as walk to school, incentive schemes and other activities are also crucial in increasing walking and should be included in Travel Plans.
- 5.18 Improving and enhancing the unique and iconic Milton Keynes Redway network is a Council key objective. The creation of Super Routes, the improvement and enhancement of the existing network are crucial elements in delivering that. In order to achieve the high quality routes sought, further enhancement is needed to the network including detailed wayfinding, improvements to lighting and perceived safety and more priority for cyclists. Provision of new or upgraded Redways and/or links to existing Redways will be sought through s278 agreements in the first instance.
- 5.19 To ensure that cycling becomes and remains a viable transport option for a larger number of journeys, additional cycling infrastructure such as secure parking and proper changing facilities are required – although this will normally be secured through planning condition.

Example Heads of Terms

- 5.20 Planning obligations might include:
1. Contributions towards pump priming the provision of a new public transport (local bus or demand responsive transport) service or enhancements to an existing public transport (local bus or demand responsive) service for a period of 5 years;
 2. Provision of public transport infrastructure relevant to the site including fixed bus stops with raised boarding areas and Milton Keynes specification shelters, bus priority measures, real time information displays, charging points for electric buses, and smart ticketing hardware;
 3. Financial contribution to a wider highway scheme (e.g. traffic calming);
 4. Financial contribution towards maintaining bus stop infrastructure, real time information displays. Electric bus charging points, and smart ticketing hardware;

5. Financial contribution towards the provision of a Community Transport service;
6. Creation of new Redways, Footways or other routes (if not part of s278 works);
7. Extending and/or upgrading existing Redways, Footways and other routes (if not part of s278 works), including enhancement of signage, lighting, and safety measures for cyclists and pedestrians;
8. Travel Plan Monitoring;
9. Travel Plan bond or implementation costs.

Education and Health Obligations

Introduction

- 6.1 Chapter 9 of Plan:MK deals with education and health together as an integrated approach to dealing with the needs and demands of growth.
- 6.2 As a unitary authority Milton Keynes Council has statutory responsibilities for providing sufficient early years, primary and secondary school places and has a duty to actively promote the health and wellbeing of its residents.
- 6.3 Clinical Commissioning Groups (CCGs) are commissioners of health services including GPs, Community and Mental Health services and are statutory bodies accountable to NHS England and the Department of Health and Social Care. Health services locally are largely coordinated through the local NHS Foundation Trust, Milton Keynes University Hospital and the Milton Keynes Clinical Commissioning Group (MKCCG). Their role is to commission healthcare services in hospital and in community settings and to ensure the infrastructure required to provide healthcare services for people living in Milton Keynes exists.
- 6.4 The CCG works closely with other partners in health and social care in Milton Keynes to improve opportunities for children, young people and adults to enjoy a healthy, safe and fulfilling life.
- 6.5 Whilst the MKCCG is the organisation that covers the majority of the Borough, some of the rural area to the north of the city is covered by Nene CCG and the area to the south of the city by Bedfordshire CCG.
- 6.6 Milton Keynes and the surrounding areas are served by the Milton Keynes University Hospital (MKUH), NHS Foundation Trust at Eaglestone and was part of a local Sustainability and Transformation Partnership (STP) with the NHS Trusts at Bedford and Luton. In Bedfordshire, Luton and Milton Keynes the partnership evolved to form an integrated Care System (ICS), a new type of even closer collaboration. In an integrated care system, NHS organisations, in partnership with local councils and others, take collective responsibility for managing resources, delivering NHS standards, and improving the health of the population they serve

Education (Policies EH1 –EH3)

- 6.7 The Department for Education (DfE) has produced guidance for local authorities to secure developers contributions for school places required as a result of housing growth². The DfE expects local authorities to seek contributions in these circumstances.
- 6.8 Milton Keynes Council will only seek obligations in circumstances where it identifies there is a demonstrable need arising from the development. The basic process for determining this is to compare:
 - The estimated pupil numbers generated by the proposed development; and

² <https://www.gov.uk/government/publications/delivering-schools-to-support-housing-growth>

- The capacity of the catchment area schools and existing and forecast school rolls.
- 6.9 Pupil yield is the number of pupils the Council expects to be living on a development in the future. Pupil yield can be estimated more accurately by MKC where the mix and type of housing is known. The latest version of MKCs survey of pupil yield from different types of development is available from the Council's website³. Obligations will not be sought for one bedroom properties, older persons' housing and student housing or holiday accommodation because this type of housing is very unlikely to impact local education facilities.
- 6.10 For all new development, the impact on primary education is carried through to secondary education as it expected that these pupils will require a secondary school place in time. Based on this, Milton Keynes Council plans for the impact from new development using pupil yields per year group.
- 6.11 Pupil demand is then assessed against school capacity and the current and predicted number of pupils on the roll. It is generally accepted that schools should not operate at 100% of their capacity, and a very small surplus in places does not necessarily equate to there being sufficient capacity within schools. The Audit Commission recommends that local authorities should plan for a 95% occupancy rate in schools to allow for volatility in preferences from one year to the next.
- 6.12 Therefore, obligations will be sought where the catchment area schools are over permanent capacity or are forecast to reach capacity and there is unlikely to be capacity for the number of new pupils generated by the proposed development.
- 6.13 The April 2019 DfE guidance on developer contributions advises that the cost of new school places should be based on national average costs published within the DfE school place scorecards, adjusted to reflect Building Cost Information Service (BCIS) location factors.
- 6.14 Where the scale of development is such to necessitate a new school, the developers will normally be expected to provide a serviced site free of charge, the building costs, including site infrastructure, and playing fields. A typical two-form entry primary school has capacity for 420 pupils plus nursery provision. Typical secondary schools in Milton Keynes range from eight to twelve-form entry with capacity for between 1,200 and 1,800 pupils, plus further education (sixth form) provision.
- 6.15 The Council will expect sites to be delivered in locations that are accessible to new housing development and will particularly encourage the provision of sites located as part of new local or district centres in large developments. Sites should be of a regular shape, level and largely free from building constraints such as underground sewers, trees with Tree Preservation Orders, landfill sites and/or sites with gassing and high noise level areas etc.
- 6.16 The site area required for a new school will depend on a number of factors including the expected number of pupils, whether it is primary or secondary and whether nursery/sixth form/special needs provision is required. The DfE produces guidelines on the size of new schools which will be discussed with the Milton Keynes Education Department where the need for a new school is identified.

³ <https://www.milton-keynes.gov.uk/schools-and-lifelong-learning>

6.17 Consistent with National Planning Practice Guidance MKC will seek contributions retrospectively from development where new schools or school places have been provided in advance of development.

Health Facilities (Policies EH5 and EH6)

6.18 As part of the development of the local Integrated Care System (ICS), MKCCG is committed to working together with our partners in Bedfordshire and Luton to deliver the ICS priorities for joined up services and access to health care closer to home – aligned to the specific needs of the whole population which includes population arising from development.

6.19 MKCCG also co-ordinates and commissions primary healthcare facilities within Milton Keynes. By far the majority of NHS care happens outside of the acute hospitals in GP surgeries, health centres and other community facilities.

6.20 The MKCCG is working with general practice on the implementation of the Primary Care Home model – delivery of health and care services by integrated multi-disciplinary teams, developed around populations of 30,000 to 50,000, with networked GP services being at the centre of the patient’s care. The strategy is to deliver care within a hub model across Milton Keynes (north, south, east and west). MKCCG have a number of planned or existing health facilities which are modern, well located and have capacity to meet demand. A number of these might be further developed to meet the needs for Hubs.

6.21 Successful infrastructure proposals for primary care facilities should ideally be transformational projects based on local need, arising from Primary Care Networks, making the best use of existing resources and infrastructure. There is an expectation that MKCCG and MKUH Trust will apply an evidence-based approach to health planning and capacity analysis to right-size and specify the future health estate based on housing growth and normal demographic shifts.

6.22 NHS Improvement has developed guidance for NHS Trusts to engage with local authorities on their needs in the local area, and includes guidance on seeking both capital and revenue funding to mitigate the impact of housing and population growth.

6.23 Milton Keynes Council will also seek Health Impact Assessments on residential developments of over 50 homes (once the relevant related guidance is adopted), which should provide a useful tool to assess the impacts of a development and the propose mitigation.

Example Heads of Terms

6.24 Planning Obligations received for education and health could include:

- Financial contribution towards the provision of additional school places (adapting, enhancing and/or extending education facilities);
- Financial contribution and/ or provision of serviced land to allow the building new education facilities;
- Financial contribution and/ or provision of facilities for early years provision;
- Financial contributions and/ or provision of serviced land/ facilities for primary care (GP Services);

- Financial contributions towards medical equipment and digital infrastructure to deliver GP services and reduce pressure for GP appointments
- A financial contribution towards the set-up costs of providing new GPs and support staff;
- Financial contributions and/ or provision of serviced land/ facilities for Intermediate care (day places and beds);
- Financial contributions towards acute facilities, medical equipment and digital (such as at the MK University Hospital).

Infrastructure Delivery Obligations - Resources

Delivering Infrastructure (Policy INF1)

- 7.1 This policy sets out in broad terms the principles MKC expects to be applied in order to identify and deliver infrastructure. It refers to securing resources as well as physical facilities in order to make provision for services that will mitigate the impact of development.
- 7.2 As well as the types of resources described elsewhere in this SPD this may include obligations that support **Voluntary Sector infrastructure and Community Development**, particularly in response to the policy requirements of Policies SD1 (Place-making Principles for Development – criterion 8) and SD9 (General Principles for Strategic Urban Extensions – criterion 2), which will allow new and expanding communities to be supported to settle and integrate in the early phases of development, and enable them to grow and be more self-supporting in the longer term. In Milton Keynes, voluntary and community sector activity has been an integral part of creating social cohesion and making people feel part of a community since the very early days of the New Town.
- 7.3 MKC relies upon the voluntary sector to supplement and support a range of services that they provide. An active and thriving voluntary sector is a vital component of a sustainable community and therefore planning obligations will assist with the development of non-built social infrastructure, resources and services to strengthen the skills and confidence of residents and community groups.
- 7.4 Two principal organisations lead this activity locally; Community Action: MK and the MK Community Foundation. In terms of key strategic sites, specific outcomes from any planning obligations related to voluntary sector infrastructure and community development will be agreed with these lead organisations.
- 7.5 Policy INF1 also extends to the provision of strategic scale **waste facilities and collection services** that will be required to handle the extra waste generated by housing – each extra property generates 1.25 tonnes of waste per annum which has to be collected and treated in an appropriate manner. Much of the infrastructure envisaged in the Waste Development Plan Document (WDPD) (February 2008) has been put in place and the WDPD requires updating to identify strategic waste infrastructure for the future and potential related planning obligations.
- 7.6 However there are some site-specific policies and plans related to Plan:MK allocations that include provision for new or improved strategic waste facilities. Future facilities and services likely to be required include but are not limited to; expanded residual waste treatment and material recycling facilities; treatment facilities for organic waste; the purchase of extra vehicles; development of expanded or new household waste and recycling centres; treatment facilities for mechanical sweepings; waste education; and waste transfer facilities.

Example Heads of Terms

- 7.7 Planning obligations might include:

1. An agreed community development programme for the early phases of a development, which might include provision for an 'arrivals' worker, and temporary community spaces (such as a 'Community House');
2. Provision to expand 'outreach' voluntary and community development services or to grant fund community groups to accommodate an expanding population.
3. The provision of discounted or peppercorn rent floorspace to be let to voluntary organisations;
4. Strategic waste and recycling infrastructure, including publically accessible litter bins.

Flood Risk Obligations

Introduction

- 8.1 Chapter 11 In Plan:MK sets out the background to the innovative design principles that underpin a strategic approach to flood risk mitigation in the city. As a unitary authority Milton Keynes Council is a Lead Local Flood Authority. Water management infrastructure across the Borough includes main rivers, ordinary watercourses, strategic balancing lakes and a public sewer network. There are several Water Management Authorities with responsibilities for flood risk across the Borough including Milton Keynes Council, the Environment Agency, the Internal Drainage Board and Anglian Water.
- 8.2 Much of the strategic flood infrastructure sits within the linear parks and green infrastructure of Milton Keynes so the MK Parks Trust is also often an interested party.

Sustainable Drainage Systems (SuDs) and Integrated Flood Risk Management (Policy FR2)

- 8.3 Milton Keynes Council will support the use of SuDS to manage flood risk and improve water quality, as well as providing biodiversity and amenity benefits. New development has the potential to interfere with existing drainage systems, decrease floodplain storage, reduce permeable surface areas and increase the volume and speed of runoff through a catchment. Ultimately, these can lead to dramatic changes to river catchment characteristics and subsequently increase flood risk.
- 8.4 It is expected that works that could be funded by S106 will include the future long term maintenance, refurbishment and replacement of those flood risk management facilities including drainage and treatment systems, provided on-site by developer to serve development.
- 8.5 Most new development will impact on surface water drainage in some way, therefore a detailed assessment should be carried out and the development may need to make a proportionate contribution to off-site drainage improvements, so as to maintain the required standards of service with the extra demand on the system created by additional development. This would be assessed on a case-by-case basis, depending on outcomes of the Flood Risk Assessment, which has to be prepared by the developer to the satisfaction of the Flood Risk Authority, either the Environment Agency or the Bedfordshire and River Ivel Internal Drainage Board.
- 8.6 This would be assessed on a case-by-case basis, depending on outcomes of the Flood Risk Assessment, which has to be prepared by the developer to the satisfaction of the Lead Local Flood Authority.
- 8.7 Where development is proposed in areas at risk of flooding from any source and the risk cannot be managed on-site by way of a condition, MKC may seek a monetary contribution from the developer towards water and/or sewerage infrastructure and flood risk mitigation measures which are appropriate and specific to the development, in order to make it acceptable in planning terms. The amount is to be determined on a case by case basis and Milton Keynes Council will expect any flood risk mitigation measures to be in place prior to occupation of the development.

Example Heads of Terms

8.8 Planning obligations might include:

1. Flood mitigation measures specific to the development and for the purpose of mitigating the impact of development, as identified in a Flood Risk Assessment (FRA);
2. Long term management and maintenance arrangements.

Heritage Obligations

Heritage and Development (Policy HE1)

- 9.1 Chapter 13 of Plan:MK describes the heritage assets and historic environment of Milton Keynes and local matters of significance. Planning obligations in relation to site specific heritage issues may be sought where measures to sustain and enhance, investigate and/or record, and secure the long term stewardship of heritage assets are required.

Example Heads of Terms

- 9.2 Planning obligations might include:
1. Making appropriate provisions for the protection, conservation, repair, restoration, interpretation, maintenance or relocation of heritage assets and/or their setting;
 2. Where possible, making these assets available to the public on-site and provide appropriate visitor infrastructure;
 3. Where the heritage assets cannot be preserved or managed on-site, making provision for the investigation, understanding, recording, dissemination (potentially including on and/or off-site interpretation) and archiving of the documentary, digital and physical archive.

Public Open Space, Leisure and Recreation Obligations

Introduction

- 10.1 Chapter 14 in Plan:MK sets out the context for and various background documents to the policies in the Local Plan.
- 10.2 Milton Keynes has a varied and extensive network of public parks, formal and informal open spaces (including local and district parks) and other forms of green infrastructure. The city's extensive linear park network, which inter-connects with local and district parks and includes areas of natural green space and heritage sites, is one of the defining characteristics of Milton Keynes. It was built according to the principles that are now enshrined in the policies of Plan:MK. The wider Borough has many areas of space that serve local settlements and notably includes Emberton Country Park, which comprises over 200 acres of parkland. This open space network needs to be extended as new development takes place, including the linear park and the proposed Bedford & Milton Keynes Waterway Park.
- 10.3 Whilst MKC is responsible for maintaining many open spaces, including local parks and amenity spaces in housing estates, other organisations are responsible for the stewardship of other areas. The MK Parks Trust is a registered charity which owns and maintains over 2,500 hectares of linear parks and other open spaces within the city, including areas originally established by the Milton Keynes Development Corporation and more recently-created areas within the city's Eastern and Western Expansion areas, which the Trust has adopted from private developers under the Milton Keynes 'Tariff' arrangements. Some Town and Parish Councils are increasingly taking on the responsibility for management through a number of different structures.
- 10.4 There are over 500 children's play areas across the Borough. Most of these in the older areas of the city are maintained by the Council although most play areas built since 2012 in the city's growth and expansion areas have been adopted by the Parks Trust. Some Town and Parish councils are also starting to take these facilities on to manage.
- 10.5 MKC and the MK Parks Trust employ a Green Infrastructure Co-ordinator that works across both organisations to get involved in early discussions on green infrastructure, and to help co-ordinate the process of design through to delivery and adoption.
- 10.6 MKC no longer owns or maintains allotments. Allotments within Milton Keynes are managed by Parish and Town Councils.
- 10.7 General standards for the provision of open space and recreation facilities are outlined in Appendix C of Plan:MK.

Open space, leisure and recreation facilities (Policies L2 -L4)

- 10.8 Policies in Plan:MK detail the expectations of development in terms of mitigating any loss of facilities and providing new facilities. These are mainly contained in Chapter 14 and Appendix C of the Plan but specific requirements are also included in Chapters 4 (Development Strategy, DS6 – Linear Parks) and 5 (Strategic Site Allocations). This provision must be designed to be resilient and sustainable and considered as an integral part of new development from the beginning of the planning process.
- 10.9 Relevant requirements for new and/ or improved facilities will need to be discussed with the Council and relevant stakeholders (such as Town and Parish Councils, and the MK Parks Trust) and take into account evidence of need from those bodies.
- 10.10 Where a development has made an onsite provision which in part mitigates the local impact upon leisure recreation and sports facilities, for example provision of a children’s play area, the element provided will be discounted from the overall leisure, recreation and sports facilities contribution collected.
- 10.11 If on site facilities are provided as part of the overall development, a pro-rata reduction in the overall commuted sum to be collected will be made that reflects the contribution that would have been required had that infrastructure not been provided.

Management and Maintenance of open space, play areas and green infrastructure in perpetuity

- 10.12 New, improved or enhanced open space, play areas and green infrastructure must be managed and maintained into the long term if it is to meet the requirements of Plan:MK. Developers are required to include a management and maintenance strategy for all new or extended open space and green infrastructure, which shall include details of the proposed ownership of the open space/green infrastructure; the identity of the responsible maintenance (stewardship) body (e.g. the MK Parks Trust; a local council, etc.), financial and public accountability, and a suitable and sustainable financial arrangement to enable the stewardship body to maintain the open space and green infrastructure to the required standard in perpetuity.
- 10.13 **It is MK Council's clear preference** that the financial arrangement for private communal space should take the form of an endowment or commuted sum paid to the management body, rather than a service charge to be levied on specific properties each year in perpetuity. In the case of public open space, play areas and green infrastructure, **it is MK Council's clear preference** to sustain the proven MK approach. Here the freehold ownership of the land should pass first to MKC on condition it is simultaneously let on a 999 year lease to a locally accountable and experienced charitable body (such as the Parks Trust). The financial arrangement would be in the form of an endowment or commuted sum, and not a service charge to be levied on specific properties each year in perpetuity. MKC would be concerned if charging nearby properties for the management and maintenance of un-endowed public amenities places an unfair burden on those homeowners.
- 10.14 The scope of the management strategy and maintenance plan for open space play areas and green infrastructure should cover, but are not limited to, relevant elements listed in Table 2 below.

Table 2

Soft landscape	Annual maintenance of soft landscape features (e.g. grass, planting beds, hedges, etc.). Maintenance works not necessarily carried out every year) (e.g.
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	<p>thinning and coppicing of tree plantations, pond clearance, etc.).</p> <p>Tree management and inspections for public safety.</p>
Hard landscape, furniture and fittings	<p>Annual maintenance (e.g. sweeping and cleaning)</p> <p>The process that will be followed for inspections and arranging repairs.</p> <p>The anticipated design life of built features and how future replacements will be arranged when they become necessary.</p>
Play Areas	<p>Details of the proposed inspection and safety management regime, to include frequency of routine operational inspections and a requirement for at least annual inspections by an independent accredited play area inspector.</p> <p>Details of how repairs to equipment, surfaces and other fixtures will be arranged.</p> <p>The anticipated design life of equipment and fixtures and how future replacements will be arranged when they become necessary. All manuals and certification would need to be passed to the body maintaining the equipment.</p>
Biodiversity and heritage	<p>Details of how any biodiversity habitats or heritage features within the site will be managed.</p>
Other specific features	<p>Details of how any features requiring specific forms of management (e.g. art works) will be maintained.</p>
Litter and cleansing	<p>Details of the litter removal and site cleansing regime.</p>
Site monitoring, administration and community	<p>Details of how site monitoring and inspections will be carried out to ensure the site serves as an amenity for its intended users and the wider area; to address any negative issues affecting the site (e.g. anti-social behaviour) and to keep it in a safe and good condition for users in accordance with the design function.</p> <p>Details of how the stewardship body responsible for the site will be contactable by and responsive to site users and nearby residents in relation to the use and condition of the site.</p>
Finance and governance	<p>Details of how site management and maintenance will be funded and how finances will be secured and managed to cover annual maintenance and non-annual works such as the replacement of play equipment and other fixtures, including where necessary the establishment and use of sinking funds to cover non-annual works.</p>

	Details of the proposed responsible stewardship body and how it is governed.
Ownership and responsible maintenance body to secure management and maintenance in the long term	<p>Details of the legal mechanisms to be applied to the land to ensure it remains as open space/green infrastructure and is managed and maintained in accordance with the approved management strategy and maintenance plan. Acceptable mechanisms include the following preferred options:</p> <ul style="list-style-type: none"> • Transfer to Milton Keynes Parks Trust either by grant of long lease or freehold transfer with commuted sum. If leasehold, the freehold to be transferred to Milton Keynes Council (or other body approved by the Council). • Transfer to the local Parish or Town Council with commuted sum. • Transfer to Milton Keynes Council with commuted sum. <p>For any alternative to the above options, effective covenants must be applied to the land:</p> <ul style="list-style-type: none"> • Covenant to restrict use of the land only as open space (or other form of green infrastructure as relevant in accordance with the approved scheme). • Covenant upon the owner to use reasonable endeavours to ensure the land is usable by the public for the purposes of play, recreation and social interaction (as appropriate and relevant according to the approved scheme). • Covenant upon the owner that they shall ensure the necessary arrangements are put in place to ensure the site is maintained in accordance with the approved management strategy and maintenance plan.
<p>Note:</p> <p>For guidance purposes, a management and maintenance plan conforming to the recommendations of the 'Green Flag Award'⁴ scheme would usually be deemed acceptable.</p>	

10.15 In order to calculate the monetary obligations towards leisure, recreation, and sport facilities, the use of quotations based on clear specifications would be acceptable.

10.16 The Sports Facility Calculator (available on-line) is also a commonly used tool to determine additional demand for key community sports facilities and is provided by Sports England and Active Places Power.

⁴ See <http://www.greenflagaward.org>

10.17 The national recommended bench mark for allotments is provided by the National Society for Allotments and Leisure Gardeners (NSALG). NSALG recommends that the minimum provision should be 20 plots per 1000 households. A plot is 250 sq. m and the minimum amount of land required for allotments per 1,000 households is 5,000 sq. m, which is the equivalent of 5 sq. m per household.

Example Heads of Terms

10.18 Planning Obligations might include:

10. Contributions towards the creation of new or the improvement/enhancement of existing areas of open space, play areas and other forms of green infrastructure (including allotments);
11. Contributions towards the future management and maintenance in the long term of open space, parks and other forms of green infrastructure;
12. Improving existing leisure and sports facilities;
13. Contribution towards managing and maintaining existing allotments;
14. Enhancing and / or extending existing sports halls.

Culture and Community Obligations

Introduction

- 11.1 Chapter 16 of Plan:MK discusses cultural development and community facilities.
- 11.2 The Council's Creative and Cultural Strategy and the Sports and Active Communities Strategy are the starting point for this, encompassing public art, heritage, the historic environment, museums, archives, archaeology and sports and active communities.
- 11.3 MKC has statutory responsibilities and stated policies around archives, museums and public art and will provide the strategic lead in identifying planning obligations, with local stakeholders (like town and parish councils), and programming the use developer contributions. MKC will also take the strategic lead in relation to public art commissioning.
- 11.4 Plan:MK includes the following within the definition of community facilities: education, health and community care, leisure centres, multi-functional sport and community buildings, meeting places, libraries, places of worship, burial grounds, green infrastructure and open spaces and emergency services.
- 11.5 To reflect its statutory responsibilities MKC takes the strategic lead for planning obligations related to education, libraries and burial services.
- 11.6 MKC has a number of assets and contracts related to leisure centres and community buildings. Some community buildings have transferred to Town and Parish Councils. Similarly green infrastructure and open spaces concerns a number of interested parties, including MKC, the MK Parks Trust, and Town and Parish Councils. MKC will generally provide the overall lead for evidencing Borough-wide needs and strategies for the development and management of assets.
- 11.7 The relevant emergency services for the area include Thames Valley Police, Bucks Fire and Rescue, and South Central Ambulance Service.

Public Art, Cultural Wellbeing (Policy CC1) and Community Facilities (Policy CC4)

- 11.8 Over the last 40 years, Milton Keynes has developed an excellent reputation for Public Art development and delivery with over 220 Public Artworks across the city. The Public Art Specialist within Milton Keynes Council supports the commissioning of new pieces, engagements with communities and the care and conservation of existing works. Plan:MK (Policy CC1) explicitly requires a minimum of 0.5% gross development cost towards cultural wellbeing, including public art, from qualifying development. Public Art projects and schemes are guided by the Creative and Cultural Strategy, with the value of contributions being made implemented via a tiered approach which ensures that local, regional, national and international cultural impact and significance is reached. Milton Keynes Council supports developers to meet their Section 106 obligations relating to Public Art, as set out in the Creative and Cultural Strategy Delivery Framework.

- 11.9 In April 2011, three independent Accredited Museum and two archive partners, with significant collections and public delivery, agreed to form a consortium joint programme under the 'Heritage MK' brand. By working together, with the MK Heritage Association also in support, a 'critical mass' of resource, supplemented by the Council and external funding, is delivering the heritage impact desired to help put 'MK' on the international map.
- 11.10 In Infrastructure terms, stated policy, strategy and planning guidance since 2005 has seen the ongoing development of partner museums to create a network of heritage delivery across the whole of Milton Keynes. This is delivering a new 'City Museum' at the Milton Keynes Museum site in Wolverton to provide services across the whole of Milton Keynes, ongoing development for the Internationally significant museums Bletchley Park and Cowper and Newton Museum, Olney and a combined City Archive and Central Heritage Showcase, at the city centre's Central Library.
- 11.11 Improvements to key heritage assets such as at Bradwell Abbey and Bradwell Windmill also support the museum, archive and wider heritage delivery and it is anticipated that further S106 obligations will be sought and required to continue and extend this network of delivery to the entire area and to delivery of public access and activity programmes, notably the annual Heritage Open Days and flagship Festival of History biennial.

Community Facilities (Policies CC2, CC3 and CC4)

- 11.12 **Community centres** offer multi-purpose space that can accommodate a range of sport, leisure, recreation, cultural and entertainment facilities. MKC considers that community centres play an important role in enriching daily life. There are over 70 community centres and meeting places in Milton Keynes and several of these have transferred to Town and Parish Councils under the Community Asset Transfer programme. If no new 'stand-alone' facility is required then planning obligations may be sought by relevant stakeholders to improve or extend existing facilities.
- 11.13 MKC owns and manages the contracts for some larger leisure centres; community sports facilities, pavilions, and sports grounds, which enable physical and social activity through a number of strategically located facilities. The need for planning obligations to help expand or improve the accessibility of these facilities (which are in addition to leisure and recreation facilities in the parks system) will be evidenced by MKC.
- 11.14 **'MK Libraries'** currently operates from nine library buildings across the Borough and one mobile vehicle; these libraries provide a vital function in local communities. The running cost of library services is significant, yet essential. MK Libraries is required to comply with the Public Libraries and Museums Act 1964, under which all local authorities have a statutory duty to deliver a "comprehensive and efficient library service" to all people who reside, work or are in full time education in the Borough.

- 11.15 The role and function of libraries, and how the public interact with them, is changing. For example, book lending is in decline whilst digital technologies and services offered by libraries are growing. Any planning obligations sought will reflect these changing trends and the emerging Library Strategy will build on the aim to develop Libraries further as knowledge, information, cultural and community hubs, safe spaces welcoming to all and with access to information technology and essential digital service information. This will include buildings that co-locate and co-create services with cultural, community, adult learning, family and children's centres, youth provision and education to reflect the specific local or district needs of the communities using those libraries.
- 11.16 There are ten **cemeteries** in Milton Keynes. The existing burial ground provision in the city is within the older settlements, and no new provision was made with the development of the New Town, with the exception of a small amount of burial space at the crematorium at Crownhill. Without extensions or new sites being found, all the existing burial ground sites are expected to reach capacity before the end of the Local Plan period (i.e. before 2031).
- 11.17 Several sites are already full and only 4 sites (at November 2018) had grave spaces. The only new provision of space for burials in Plan:MK is within the Western Expansion Area, a commitment brought forward from the previous Local Plan.
- 11.18 **Emergency services** comprise ambulance services, fire and rescue services and the police. Police forces and fire and rescue services are largely funded by Central Government, whilst ambulance services are largely funded by the NHS.
- 11.19 New development presents opportunities for designing out crime and anti-social behaviour; however, new development also puts pressure on existing police, fire and rescue and ambulance services. In particular the additional population generated by development will place an increased demand on the level policing for an area.
- 11.20 In order to maintain the current level of service, obligations from developers may be sought towards the provision of the delivery of capital infrastructure items as required by emergency services providers, and which aren't captured by other funding sources. This could include items of kit, equipment and infrastructure as well as serviced land for the extension of and improvements to existing emergency services facilities where appropriate.
- 11.21 **Community (social) care:** MKC has statutory responsibilities around the provision of Adult Social Care Services under the Care Act. Plan:MK has policies to help support models of independent living and home based care, namely policies HN3 (Supported and Specialist Housing), and HN4 (Amenity, Accessibility and Adaptability of Homes). As the resident population grows there will be an increase in demand for other Adult Social Care services, such as specialist facilities for adults, which evidence (such as in the Joint Social Needs Assessment) shows will require an increase in the capacity of existing facilities, and possibly the delivery of new facilities partly as a result of population and housing growth as well as demographic changes (i.e. an ageing population).
- 11.22 There are many different services and facilities which will be affected by growth in the short, medium and long term. Any specific needs for expanding or creating new facilities in response to new housing development will be evidenced by MKC.

11.23 Similarly, population growth may place additional pressure on the range of specialist children's facilities and services that MKC support. Again any development related needs will be evidenced by MKC.

Example Heads of Terms

11.24 Planning Obligations might include:

- Refurbishment or extension of existing facilities at museum, archive, art, cultural and/or library buildings to deliver a connected public network across the entire local authority area;
- Improved or new fittings, IT equipment and/or book stock for libraries, collections care for museums, archives and archaeology and specialist equipment for arts and cultural facilities;
- Providing museum, archive, art, cultural and/or library activities and programmes including education and outreach to all new and existing developments across Milton Keynes
- Extending or improving access to crematorium or burial grounds;
- The commissioning and installation of public artwork; with the artist and nature of the commission to be agreed between MKC and the applicant/developer;
- A financial contribution to public art;
- Financial contributions towards enhancing and / or extending existing community centres, leisure centres, community sports facilities, pavilions and sports grounds;
- Creating new community centres, sports facilities, pavilions and sports grounds in partnership with local communities;
- Contributions towards managing and maintaining existing leisure and community centres community sports facilities, pavilions and sports grounds;
- Extending or improving access to specialist residential or non-residential facilities for children and adults;
- Set up costs for new emergency services staff;
- Provision of infrastructure for emergency services, including fleet and ICT;
- Extending or improving existing emergency services facilities, including potential shared space within new community facilities.
- An agreed Community Development and Voluntary Sector infrastructure programme which includes staff to work with residents in the early to medium phases of the development to establish community connections and activities.
- Provision to expand the Community Development Programme into an ongoing outreach service with associated seedcorn funding, to enable groups and activity to continue and meet the ongoing needs of the residents.
- Provision of a temporary facility (e.g. a community house) to ensure each development can host social interaction as soon as residents arrive.
- Community facilities to be developed for the area, to be transferred to a local body (e.g. the Milton Keynes Community Foundation) for lease to the voluntary and community sector.

Sustainable Construction & Renewable Energy Obligations

Introduction

- 12.1 Chapter 17 of Plan:MK sets out the policy basis for reducing energy, carbon and water usage, and the ambition of the Council is to achieve a zero carbon Milton Keynes by 2050.
- 12.2 Policy SC1 details MKC's requirements relating to sustainable design and construction. The policy details a number of measures that any new development will be required to incorporate; these include: energy efficiency, renewable energy, sustainable urban drainage, waste reduction and recycling measures, and carbon neutrality, amongst others. MKC has a separate Supplementary Planning Document detailing how this policy will be applied, when determining planning applications, and advising applicants on what information would need to be provided.
- 12.3 As a Unitary Authority MKC is the 'Waste Authority' and has statutory responsibilities for the collection and disposal of waste. MKC also leads strategically on carbon reduction across the Borough and manages a 'Carbon Offset Fund' (COF) of Section 106 contributions, directing the use of this fund to achieve associated targets. Therefore MKC will be the principal lead in identifying planning obligations for sustainable construction and renewable energy, and will work with partners, including Town and Parish Councils, on the delivery of projects from developer contributions.
- 12.4 Planning conditions would generally be used to address sustainable construction issues relating to development, however, there may be instances where they will have to be secured by a legal agreement (such as a financial payment).

Sustainable Construction (Policy SC1)

- 12.5 To achieve **carbon neutrality** means that, following the incorporation of energy efficiency measures and using renewable energy sources on a development site, any residual carbon emissions from a buildings(s) are 'offset' by payments made into the COF which can then be invested in other projects and actions that will reduce carbon emissions the MKC administrative area.
- 12.6 Any carbon emissions not dealt with by on-site measures will be offset in line with MKC policies. Developers are normally required to meet full offsetting costs.
- 12.7 A commonly used benchmark for the cost per tonne for offsetting carbon dioxide was set by the Zero Carbon Hub, at £60 per tonne. The Milton Keynes COF was launched in 2008 with contributions required from developers calculated at a rate of £200 (the rate) which is index linked to the building cost inflation, BCIS index. The rate includes the cost of managing the COF. The principles of the COF have been carried forward from the previous Local Plan into Policy SC1
- 12.8 Payments required to be made are calculated using the energy use figure, relevant conversion factor for each fuel and floor area to give the total CO₂ emissions per year which is then multiplied by the rate to give the final contribution to the COF. The use of carbon offset payments and the monitoring of carbon savings delivered will be managed by the MKC.

12.9 MKC's waste strategy was refreshed in 2017. Previous strategies have already resulted in a recycling rate of nearly 60% and a landfilling rate of 5% due to the impact of comprehensive recycling infrastructure and the construction of the Milton Keynes Waste Recovery Park.

12.10 To continue these high levels of diversion, and improve upon them further as Milton Keynes expands requires the support of developer obligations to fund the costs associated with issuing household waste receptacles to new properties (recycling and composting bins etc.) will be applied on a per household basis.

Renewable Energy (Policy SC2)

12.11 Plan:MK describes the opportunities for connecting to and expanding the CHP network in Central Milton Keynes. There are also opportunities beyond the city centre in large scale strategic development sites, and this is reflected in site specific policies in Chapter 5 of the Plan (Strategic Site Allocations).

Example Heads of Terms

12.12 Planning obligations might include:

1. A renewable energy management plan;
2. On-site waste receptacles specific to supporting MKCs Waste Strategy and services;
3. Carbon Neutrality measures or a Carbon Offset Fund payment;
4. Monitoring fees associated with sustainable construction obligations.

Annex A: The Section 106 Process: an overview

Early Engagement	Review of site-specific policies, Neighbourhood Plans, and other likely policy requirements	
	Engagement with stakeholders of specific needs/ mitigations (including local councils and Ward Members)	
Pre-application	Formal consultation by MKC on likely planning obligations	
	Identification of likely Heads of Terms	➡ Potential viability evidence submitted and assessed
Application	Heads of Terms submitted with planning application	➡ Potential viability evidence submitted and assessed
	Formal consultation by MKC	
	Discussions/ negotiations with relevant parties (if required)	
	Legal instructions sent by Planning case officer to MKC legal team	➡ Publish 1 st draft Section 106 and Section 278 Agreements, and any significant re-drafts
	Ongoing liaison with relevant parties (Planning Case officer and applicant/ agent)	
Decision	Completed Section 106 issued with Planning consent	➡ Enter on Planning Register
	OR Draft final s106 kept on file for appealed applications	
Monitoring	Monitoring of triggers and collection of financial contributions	➡ Enter on monitoring system
	Monitoring/ enforcement of non-monetary contributions	➡ Enter on monitoring system
	Evidence of planning obligations being complied with	➡ Enter on monitoring system
Funding Release and Accountability	See Annex C	
	MKC publish Annual Infrastructure Funding Statement	➡ Circulate to Ward Councillors, Town and Parish Councils

Annex B: Overview of Legal Agreement Principles

General

- 1 The Council expects the general extent of Planning Obligations to be determined at pre-application stage, and 'Heads of Terms' are a requirement of the Planning Service to validate an application.
- 2 The proposed Heads of Terms⁵ will be considered, together with all other material considerations, when determining any planning application. All completed legal agreements will be placed on the statutory planning register and will be made available online.
- 3 Applications to amend previously permitted schemes or to renew an existing permission will also be reassessed for Planning Obligations.

Drafting of Agreements

- 4 Milton Keynes Council will draft all Section 106 agreements. The developer will be required to pay the Council's reasonable legal and professional costs incurred in the preparation and completion of the agreement. The legal costs are payable prior to completion of the legal agreement.

Monetary Obligations

- 5 The monetary obligations sought from developers will be index linked in line with inflation and adjusted at the beginning of every financial year on the 5th April using the Retail Price Index (RPI) and the Building Costs Information Service (BCIS).
- 6 Contributions will attract relevant triggers for payment depending on the development and the contribution type.

Monitoring Fees

- 7 Monitoring fees will be reviewed and amended at the start of every financial year. Unilateral Undertakings will also include monitoring fees.

Review Mechanisms

- 8 Suitable review mechanisms may be negotiated by MKC to ensure Affordable Housing provision delivered in line with the extant development plan policies, especially within larger multi-phased schemes delivered over long timeframes. Review mechanisms will allow any changes in market values over the life of a scheme, to be evaluated to see if the original Affordable Housing and/or Planning Obligations offer should be amended.

⁵ A document which sets out the terms of a commercial transaction agreed in principle between parties in the course of negotiations.

- 9 The timing of the review will be determined on a case by case basis between MKC and the applicant. Any revised Affordable Housing / Planning Obligations offer will be determined via a two-step process and in line with Planning Practice Guidance.

Annex C: Section 106 Funding Release: Roles, Responsibilities and Accountability

