

Plan:MK

Duty to Cooperate Statement

March 2018

Contents

1. Introduction	1
2. Milton Keynes Council (MKC) Position	2
3. Desired Outcomes of Duty to Cooperate	3
4. Record of Cooperation with Neighbouring Local Authorities	5
5. Record of Cooperation with Public Bodies	8
Appendix 1: Record of Duty to Cooperate Meetings with Neighbouring Authorities	12
Appendix 2: Memorandums of Understanding (MoU) and Statements of Common Ground (SoCG)	15
MoU with Aylesbury Vale District Council	16
MoU with Central Bedfordshire Council	20
SoCG with Anglian Water Services Ltd	26
SoCG with Buckinghamshire & Milton Keynes Natural Environment Partnership	30
SoCG with the Environment Agency	41
MoU with Highways England	45
SoCG with Historic England	51
SoCG with Natural England	55

1. Introduction

The Localism Act 2011 introduced a requirement for local authorities and certain specified public bodies to cooperate with one another (the 'duty to cooperate') in the preparation of local development plans. The duty requires local authorities and other public bodies to engage constructively, actively and on an ongoing basis in order to maximise the effectiveness of their development plans in so far as they relate to strategic matters. Strategic matters are defined in the Act as:

1. sustainable development that has or would have a significant impact on at least two local authority areas, and
2. sustainable development in a two-tier area where the development is a county matter or has or would have a significant impact on a county matter (i.e. typically waste and minerals proposals).

The engagement required under the duty to cooperate includes, in particular, considering whether to consult on, prepare, enter into and publish joint approaches to the undertaking of local plans; and whether to prepare joint local plans.

The Localism Act sets out a legal test for cooperation whilst the National Planning Policy Framework (March 2012) introduced a policy test. Paragraph 178 of the Framework states that public bodies have a duty to cooperate on planning issues that cross administrative boundaries, particularly those which relate to the following strategic priorities:

- the homes and jobs needed in the area
- the provision of retail, leisure and other commercial development
- the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat)
- the provision of health, security, community and cultural infrastructure and other local facilities; and
- climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.

The Framework advises local planning authorities to work collaboratively with other bodies to ensure that strategic priorities across local boundaries are properly coordinated and clearly reflected in individual local plans. The intention is that this joint working should enable local planning authorities to work together to meet development requirements which cannot wholly be met within their own areas – for instance, because of a lack of physical capacity or because to do so would cause significant harm to the principles and policies of the Framework. As part of this process, the Framework advises local authorities to consider producing joint planning policies on strategic matters and informal strategies such as joint infrastructure and investment plans.

The Framework explains that local planning authorities will be expected to demonstrate evidence of having cooperated effectively to plan for issues with cross-boundary impacts when their local plans are submitted for examination.

This Duty to Cooperate statement outlines the cooperation between Milton Keynes Council and relevant local authorities and organisations that has been ongoing throughout the preparation of Plan:MK, demonstrating that engagement has been:

- constructive
- active
- ongoing
- collaborative
- diligent and
- of mutual benefit.

In addition, the statement outlines the outcomes of this engagement so as to demonstrate how Milton Keynes Council has fulfilled the Duty to Cooperate policy test.

2. Milton Keynes Council (MKC) Position

Engagement with Neighbouring Authorities

The submission version of Plan:MK proposes to meet its housing needs in full, with the provision of a buffer, entirely within the existing Borough boundary of Milton Keynes and with no assistance from neighbouring local authorities. Plan:MK also proposes no strategic sites immediately abutting the boundaries of any of our neighbouring authorities.

Furthermore, to-date, all neighbouring authorities are also proposing to meet their housing requirements within their authority boundaries and none has approached MKC to request assistance in meeting any unmet need.

To this end, it is not deemed that there are any major, complex Duty to Cooperate issues that need to be addressed by MKC as part of the plan making process.

In order to comply with the Duty to Cooperate, MKC has actively engaged with all of its neighbouring authorities (Image 1 outlines our neighbouring authorities) from an early stage of the Plan:MK process and as such identified the key issues that were required to be addressed with each authority. The key issues for each authority, along with the outcomes of our engagement, are outlined in the tables later in this statement. Furthermore, a record of meetings held with each authority is listed in Appendix 1 of this statement.

Prior to the Regulation 19 (Proposed Submission Version) consultation on Plan:MK, MKC wrote to all neighbouring authorities to provide an opportunity for them to outline any fundamental concerns regarding the Duty to

Cooperate, so as these issues could be addressed. None of the neighbouring authorities has raised fundamental objections to the plan in their responses.

Image 1: Milton Keynes and Neighbouring Authorities



Engagement with other Public Bodies

Throughout the preparation of Plan:MK and its evidence base, MKC has sought to engage with statutory consultees and other relevant public bodies. This engagement has included not just formal consultation periods, but also, one to one meetings and ongoing communications to discuss any issues raised at Regulation 18 and Regulation 19 consultations, and providing opportunities for comment on draft evidence base documents or in some cases direct involvement in the preparation of these documents.

The key public bodies which the Council has sought engagement with as part of the duty to cooperate are listed below:

- Environment Agency
- Historic England
- Highways England
- Natural England
- Homes England
- Clinical Commissioning Group
- South East Midlands Local Enterprise Partnership (SEMLEP)
- Buckinghamshire and Milton Keynes Natural Environment Partnership (NEP)

The outcomes of engagement with each of these public bodies are outlined later in this statement.

3. Desired Outcomes of Duty to Cooperate

Prior to the examination of Plan:MK, it was MKC's desire to have agreed and signed, by a Chief Officer or a Cabinet Member, a memorandum of

understanding (MoU) with each of its neighbouring local authorities, and a statement of common ground (SoCG) with relevant public bodies (copies of MoUs and SoCGs are contained within Appendix 2). Any outcomes from the duty to cooperate work have also, where appropriate, been incorporated in, or used to inform, Plan:MK.

4. Record of Cooperation with Neighbouring Local Authorities

Authority: Aylesbury Vale District Council (AVDC)
Current Stage of Plan: <ul style="list-style-type: none">- Plan submitted 28 February 2018
Strategic Cross Boundary Issues: <ul style="list-style-type: none">• Objectively Assessed Housing Needs (OAHN).• Distribution of housing delivery within HMAs.• Cross boundary transport and infrastructure requirements• Strategic Growth sites on authority boundaries: Salden Chase, Eaton Leys.
Engagement and Outcomes: <ul style="list-style-type: none">• Engagement has been ongoing through the Bucks Policy Officers Group, the SEMLEP Planning Officers Group and via extensive direct engagement at an officer, head of planning and member level.• Extent of Housing Market Areas (HMAs) covering AVDC and MKC was identified and agreed through a jointly commissioned study; "<i>Housing Market Areas in Bedfordshire and Surrounding Areas study (ORS, December 2015)</i>".• MKC hosted consultation events on Plan:MK in neighbouring Parishes within AVDC during both the Strategic Development Directions and Preferred Options stage consultations.• Disagreement over distribution of housing across HMA's (particularly in relation to proposed development on MKC boundary in Vale of Aylesbury Plan (VALP)) resolved through ongoing engagement and agreement that both authorities will provide their OAHN within their administrative boundaries.• Disagreement over a number of factors regarding allocations in VALP on MKC boundary and the impact this would have on MK infrastructure and services. Issue resolved through proposed submission version of VALP, which removes a previously proposed site and contains policies requested by MKC at Regulation 18 consultation of VALP. MoU reflects resolution of these cross boundary and strategic growth site issues.• MKC commented on Regulation 19 version of VALP and raised no objections in principle with the content of the proposed submission VALP and no concerns regarding the Duty to Co-operate.• AVDC response to Plan:MK Regulation 19 consultation confirmed, no soundness or legal issues with the plan, and that MKC have met the DtC with regard to cooperation on cross border strategic matters.• MoU between authorities agreed and signed (copy included within Appendix 2) which forms an agreed mutual position on strategic growth boundary issues.• MKC and AVDC, alongside SNC have also been successful in obtaining funding from the MHCLG Planning Delivery Fund to carry out a joint strategic growth study for which work is now underway.

Authority: Bedford Borough Council (BBC)
Current Stage of Plan: - Regulation 19 consultation ongoing until 29 March 2018.
Strategic Cross Boundary Issues: <ul style="list-style-type: none"> • Objectively Assessed Housing Needs (OAHN). • Overall scale of employment provision. • Bedford to Milton Keynes Waterway.
Engagement and Outcomes: <ul style="list-style-type: none"> • Engagement has been ongoing both via SEMLEP Planning Officers Group and also directly via Duty to Cooperate meetings between respective heads of planning (this has also on occasions incorporated CBC as well). No concerns have been raised between BBC and MKC during these meetings. • Extent of Housing Market Areas (HMAs) covering BBC and MKC identified and agreed through a jointly commissioned study; "<i>Housing Market Areas in Bedfordshire and Surrounding Areas study (ORS, December 2015)</i>". • MKC and BBC actively participated in the preparation of each other's SHMA, in which a common methodology for determining OAHN was used for both authorities and the OAN outputs were agreed. • Methodology and outcomes for both MKC and BBC Employment Land Studies shared with each other to ensure any issues in relation to scale of employment provision were resolved. • Both Councils are members of the Bedford to Milton Keynes waterway consortium and are working together to deliver the waterway; this has included agreeing a preferred route which is incorporated into both authority's plans. • BBC had no comments to make on the Regulation 18 Plan:MK consultation. • BBC confirmed that they have no duty to cooperate concerns with regards to the way MKC has prepared its Local Plan (response to pre-regulation 19 engagement).

Authority: Central Bedfordshire Council (CBC)

Current Stage of Plan:

- Regulation 19 consultation undertaken early 2018, submission expected by end of April 2018.

Strategic cross boundary issues:

- Objectively Assessed Housing Needs (OAHN).
- Employment provision.
- Expansion of Milton Keynes and growth along the Marston Vale/A421 corridor.
- Transport infrastructure requirements, including East-West Rail and the East-West Expressway.
- Strategic Growth Sites: South East MK, East of M1, Aspley Guise Triangle
- Wider strategic issues – NIC Corridor Study

Engagement and Outcomes:

- Extent of Housing Market Areas (HMAs) covering CBC and MKC identified and agreed through a jointly commissioned study; *“Housing Market Areas in Bedfordshire and Surrounding Areas study (ORS, December 2015)”*.
- MKC and CBC actively participated in the preparation of each other’s evidence base, specifically the SHMA (in which a common methodology for determining OAHN was used for both authorities), the Employment Land & Growth Study, and the Landscape Character Assessment.
- MKC assisted the joint authorities for Luton and Central Beds in preparing their SHMA and agreeing their HMA’s, and in preparing a methodology for their Green Belt Study.
- Both authorities have a commitment to delivery of East-West Rail and the Oxford-Cambridge Expressway and work together as part of a wider consortium of local authorities and other organisations including the East West Rail Consortium, SEMLEP, Highways England, Network Rail and the Department for Transport, to deliver these two significant pieces of infrastructure.
- MKC engagement events held in neighbouring parishes during Strategic Development Directions consultation and, neighbouring parishes invited to local events during Preferred Options consultation stage.
- MKC and CBC, alongside other partners, are currently working together to agree an MoU to set out the principles of a self-determined Common Planning Area in relation to the Central Area of the Oxford-Cambridge corridor.
- MKC and CBC hold regular officer and member DtC meetings to identify and resolve any issues or concerns, and to assist each other in achieving sound plans; the willingness to cooperate and actively support each other has been recognised by CBC lead members.
- No fundamental issues raised by either authority in responding to respective Regulation 18 consultations.
- MKC provided CBC the opportunity to discuss any issues with Proposed Submission Version of Plan:MK prior to consultation. CBC raised no fundamental concerns and minor issues have been resolved through ongoing DtC meetings.
- No fundamental issues raised by either authority in responding to

respective Regulation 19 consultations.

- A MoU has been agreed and signed by MKC and CBC to help demonstrate that we have met the 'duty to cooperate' in preparing our local plans.

Authority: South Northamptonshire Council (SNC)

Current Stage of Plan:

- West Northamptonshire Joint Core Strategy, Local Plan Part 1 (adopted 2014)
- South Northamptonshire Local Plan Part 2 (Regulation 19 consultation expected Spring 2018)

Strategic Cross Boundary Issues:

- Objectively Assessed Housing Needs (OAHN).
- Cross boundary green space designations
- Potential traffic movement issues

Engagement and Outcomes:

- Ongoing engagement throughout plan preparation both via SEMLEP Planners Forum and direct engagement via Officer level meetings.
- SNC response to MKC Regulation 18 consultation raised no objections and supported proposed directions of growth.
- MKC carried out direct engagement prior to Regulation 19 consultation, providing SNC opportunity to raise any fundamental issues. No objections were raised and the Plan:MK proposals and MK2050 strategy were deemed a positive direction of travel for MK.
- SNC responses have welcomed the engagement MKC has undertaken to date and have supported continuing future engagement in developing respective plans and in relation to the Oxford-Cambridge corridor.
- MKC and SNC, alongside AVDC have also been successful in obtaining funding from the MHCLG Planning Delivery Fund to carry out a joint strategic growth study for which work is now underway.

5. Record of Cooperation with Public Bodies

Anglian Water (AWS)

AWS are the sole water supplier and water recycling service provided for the Borough. They have been actively involved with the preparation of both the Strategic Flood Risk Assessment and Water Cycle Study, for which AWS Officers formed part of the steering group for both these studies. As well as providing input and data, they also took the opportunity to comment on and influence the final versions of the documents. Both studies therefore have the agreement of AWS.

AWS have provided comment on all stages of the plan's preparation and raised no major concerns at the Regulation 19 consultation. Furthermore,

following officer meetings and further communication following both Regulation 18 and 19 consultations, all minor issues raised by the AWS have also been resolved and a SoCG has been agreed and signed (Copy of SoCG is contained in Appendix 2).

Buckinghamshire and Milton Keynes Natural Environment Partnership (NEP)

The NEP have been consulted at each stage of Plan:MK's preparation and provided formal comments at both the Regulation 18 and 19 stages. The NEP have also provided support to the Council on a number of issues relating to the environment across a range of policies within the plan.

Furthermore, following the NEPs response to the regulation 19 consultation, meetings between officers of MKC and the NEP were held to discuss these comments in further detail. This has resulted in agreement that these issues have been addressed through proposed modifications to the plan or as a result of further evidence being demonstrated. A SOCG between MKC and the NEP has subsequently been agreed and signed (Copy of SoCG is contained in Appendix 2).

Milton Keynes Clinical Commissioning Group (MKCCG)

MKCCG have been consulted at each stage of Plan:MKs preparation. MKC Officers also met with the MKCCG whilst drafting the Proposed Submission version of Plan:MK to outline the proposed development strategy and areas of growth, to obtain advice in relation to provision of health facilities and to provide an opportunity for MKCCG to provide feedback. Comments/advice received at this meeting were subsequently used to inform the relevant chapters and policies of the plan.

MKCCG were invited to provide further comments at Regulation 19 stage, but no responses have been received.

Environment Agency (EA)

The EA have been actively involved with the preparation of both the Strategic Flood Risk Assessment and Water Cycle Study, for which EA Officers formed part of the steering group for both these studies. As well as providing input and data, the EA also took the opportunity to comment on and influence the final versions of the documents. Both studies therefore have the agreement of the EA.

The EA have provided comment on all stages of the plan's preparation and raised no major concerns at the Regulation 19 consultation. Furthermore, following officer meetings and further communication following both Regulation 18 and 19 consultations, all minor issues raised by the EA have also been resolved and a SoCG has been agreed and signed (Copy of SoCG is contained in Appendix 2).

Highways England

Highways England have been consulted by, and provided comments to, MKC at each stage of Plan:MK's preparation, with MKC utilising these comments and further engagement to help inform further evidence base work. Highways England have also been consulted on, or directly involved in, the process of updating and using the Milton Keynes Multi-Modal Model to assess the impacts of different growth strategies used to inform Plan:MK.

Through further engagement with Highways England, a set of strategic priorities relating to transport and the delivery of growth in Milton Keynes have been agreed by both authorities and these have been set out in an agreed and signed MoU (Copy of MoU is contained in Appendix 2).

The MoU confirms that Highways England are content that the DtC has been met and there is a commitment between them and MKC to continue working together to support the implementation and future review of Plan:MK

Historic England

Historic England have been consulted by, and provided comments to, MKC at each stage of Plan:MK's preparation. Following comments provided at regulation 19 stage, the Council have continued to engage with Historic England to try and address any issues of soundness that were raised in their response.

Through this further engagement, Historic England have confirmed that they have no concerns regarding the duty to cooperate and furthermore, a SoCG has been agreed and signed which outlines those issues which have been resolved post consultation and those areas for which there is still disagreement.

Natural England

Natural England have been consulted on each stage of Plan:MKs preparation and have provided detailed comments at both the Regulation 18 and 19 consultations. Furthermore, meetings were held with Natural England during the preparation of the Proposed Submission version of Plan:MK and their advice was used to support the preparation of the plan at this stage. Natural England have also been involved in the preparation of relevant supporting evidence base documents including attending workshops on the Green Infrastructure Strategy.

Following the Regulation 19 stage consultation, MKC have continued to carry out direct engagement with Natural England officers so as to review the issues raised in their comments and to try to address these, where possible, through additional evidence or proposed modifications to the plan. This has been captured in an agreed SoCG with Natural England.

South East Midlands Local Enterprise Partnership (SEMLEP)

MKC are members of both the SEMLEP Planners' Forum and SEMLEP Planning Officers' Group and regularly attend their meetings, providing updates on the progress of Plan:MK.

SEMLEP officers have also been invited to, and attended local DtC meetings with other neighbouring authorities where strategic issues relating to economic growth have been addressed.

Milton Keynes has also utilised SEMLEP to carry out joint evidence base studies which have been used to inform the preparation of Plan:MK, most notably the production of a joint Housing Market Assessment that was commissioned by the SEMLEP Planners Forum to cover the SEMLEP area.

Other Public Bodies

Aside from the above listed public bodies, the Council has also consulted with the Marine Management Organisation, who have not provided any response, and the Homes England, who have provided comments at Regulation 19 stage which have been taken into account when considering modifications to the Proposed Submission version of the plan.

Appendix 1:

Record of Duty to Cooperate Meetings with Neighbouring Authorities

Aylesbury Vale

28 August 2015 – DtC Officer Meeting: Bob Wilson (MKC), Peter Williams (AVDC) David Broadley (AVDC).

23 October 2015 – Heads Of Planning Meeting: Anna Rose (MKC), Bob Wilson (MKC), Tracey Aldworth (AVDC), Andy Kirkham (AVDC).

25 November 2015 – Heads of Planning Meeting: Anna Rose (MKC), Bob Wilson (MKC), Tracey Aldworth (AVDC), Andy Kirkham (AVDC).

8 January 2016 - Heads of Planning Meeting: Anna Rose (MKC), Bob Wilson (MKC), Tracey Aldworth (AVDC), Andy Kirkham (AVDC).

7 November 2016 – Heads of Planning Meeting: Anna Rose (MKC), Bob Wilson (MKC), Tracey Aldworth (AVDC), Andy Kirkham (AVDC).

12 December 2016: Anna Rose, John Cheston, Tracey Aldworth, Peter Williams (AVDC), Andy Kirkham (AVDC).

11 January 2017: Brett Leahy (MKC), Cllr Liz Gifford (MKC), Cllr Carole Paternoster (AVDC), Charlotte Stevens (AVDC), Peter Williams (AVDC)

Bedford Borough

23 November 2015 – DTC Heads of Planning Meeting: Anna Rose (MKC), Bob Wilson (MKC), Paul Rowland (BBC), Gill Cowie (BBC).

22 June 2016 – DTC Directors meeting: Duncan Sharkey (MKC), Anna Rose (MKC), Stewart Briggs (BBC), Paul Rowland (BBC), Gill Cowie (BBC), Jason Longhurst (CBC), Andrew Davie (CBC).

13 June 2017 – DtC Officer Meeting: John Cheston (MKC), Kim Wilson (BBC), Chenge Taruvinga (BBC), Carolyn Barnes (CBC), Hilary Chipping (SEMLEP).

15 February 2018 – DtC Officer Meeting: John Cheston (MKC), Carolyn Barnes (CBC), Hilary Chipping (SEMLEP).

Central Bedfordshire

18 December 2015 – Heads of Planning Meeting: Anna Rose (MKC), Bob Wilson (MKC), Andrew Davie (CBC), Sally Chapman (CBC).

23 March 2016 – DtC Officer Meeting: Anna Rose (MKC), Bob Wilson (MKC), Andrew Davie (CBC), Sally Chapman (CBC).

22 June 2016 – DTC Directors meeting: Duncan Sharkey (MKC), Anna Rose (MKC), Stewart Briggs (BBC), Paul Rowland (BBC), Gill Cowie (BBC), Jason Longhurst (CBC), Andrew Davie (CBC).

22 August 2016 – DtC Meeting: Cllr Liz Gifford (MKC), Anna Rose (MKC), John Cheston (MKC), Cllr Steve Dixon (CBC), Sue Frost (CBC), Lynsey Hillman Gamble (CBC).

7 November 2016 – DtC Meeting: Cllr Liz Gifford (MKC), Anna Rose (MKC), John Cheston (MKC), Cllr Steve Dixon (CBC), Sue Frost (CBC), Lynsey Hillman Gamble (CBC), Andrew Marsh (CBC).

17 August 2017 – DtC Meeting: Cllr Liz Gifford (MKC), John Cheston (MKC), Michael Moore (MKC), Cllr Steve Dixon (CBC), Lynsey Hillman-Gamble (CBC).

5 December 2017 – DtC Meeting: Cllr Liz Gifford (MKC), Brett Leahy (MKC), James Williamson (MKC) Ashley Hayden (MKC), Cllr Steve Dixon (CBC), Lynsey Hillman-Gamble (CBC), Andrew Davie (CBC).

South Northamptonshire

9 May 2016 – DtC Meeting: Anna Rose (MKC) Andy D'Arcy (SNC), Mike Warren – SNC (SNC)

Joint meetings

Luton and Central Bedfordshire SHMA meetings

7 January 2014 - Luton & Central Bedfordshire SHMA Officers Meeting: Officers from; Luton Borough, Central Bedfordshire, Bedford Borough, Dacorum, North Hertfordshire, Aylesbury Vale, Stevenage and Milton Keynes (represented by Mark Harris).

17 April 2014 - Luton & Central Bedfordshire SHMA Members Meeting: Portfolio holder and Planning Policy Manager from; Luton Borough, Central Bedfordshire, North Hertfordshire, Bedford Borough, Aylesbury Vale, Dacorum, Stevenage, St Albans City and Milton Keynes (represented by Cllr David Hopkins and Bob Wilson).

21 May 2014 - Luton & Central Bedfordshire SHMA Members Meeting: Portfolio holder and Planning Policy Manager from; Luton Borough, Central Bedfordshire, North Hertfordshire, Bedford Borough, Aylesbury Vale,

Dacorum, Stevenage, St Albans City and Milton Keynes (represented by Bob Wilson; Cllr David Hopkins sent apologies).

20 April 2015 - Luton & Central Bedfordshire SHMA Officers Meeting: Officers from; Luton Borough, Central Bedfordshire, Bedford Borough, Dacorum, North Hertfordshire, Aylesbury Vale, Stevenage and Milton Keynes (represented by Bob Wilson).

Other Meetings

31 January 2014 – Duty to Cooperate Officer Meeting: Simon Andrews (CBC), Nicola Dilley (CBC), Lyndsey Beveridge (AVDC), Bob Wilson (MKC), Kevin Owen (LBC), Gill Cowie (BBC), Carolyn Barnes (BBC).

16 June 2015 - DtC Officer Meeting to discuss Joint Housing Market Area work: Officer representatives from: Luton borough, Central Bedfordshire, North Hertfordshire, St Albans City, Bedford Borough, Aylesbury Vale, Milton Keynes.

Appendix 2:

Copies of Memorandums of Understanding (MoU) with neighbouring authorities, and Statements of Common Ground (SoCG)/MoUs with Public Bodies

Memorandum of Understanding (MoU) between Milton Keynes Council and Aylesbury Vale District Council in respect of the Milton Keynes Local Plan Plan:MK and the Vale of Aylesbury Local Plan (VALP), housing allocations, Housing Market Areas, and the Duty to Cooperate – February 2018

Background

1. This MoU forms an agreed mutual position between the Councils to be referred to in respect of the Duty to Cooperate. This is a positive approach in the light of recognition from both Councils of the importance of having up to date Local Plans in place. However, it should be noted that this is not a legally binding agreement and its content may be modified, by agreement, if new information or circumstances need to be taken into account.

2. This MoU has been prepared alongside the publication of the Proposed Submission Vale of Aylesbury Local Plan following active cooperation between the two councils during earlier phases of plan preparation including the production of draft local plans. Its content refers to and summarises the outcomes of meetings that have taken place between Senior Planning Officers and Senior Management from each authority, as well as the respective Cabinet Members for Planning.

The sites

4. The Proposed Submission Vale of Aylesbury Local Plan allocates one site, at Salden Chase (Policy D-NLV001) for a total of 1,855 dwellings that will be closely related to West Bletchley in Milton Keynes.

5. In principle, both Councils concur as to the sites' suitability, subject to details regarding infrastructure and masterplanning matters. The site is included on the basis that detailed consideration is given to the impacts on infrastructure in Milton Keynes, as included in Proposed Submission VALP.

6. Plan:MK adopts a spatial delivery strategy which seeks to focus housing development within, and adjacent to the existing urban area of Milton Keynes. The spatial delivery of housing development will be focused within the existing urban area; Central Milton Keynes, land at Eaton Leys, South East Milton Keynes, urban infill comprising small sites and regeneration, and land east of the M1. Delivery of the land at Eaton Leys within the Plan:MK area will need to address impacts on the adjacent open countryside within Aylesbury Vale through the relevant policies within Plan:MK and the associated planning application.

7. The policy wording in the proposed submission VALP (4.118) relating to a 'long-term defensible boundary' to the western edge of Milton Keynes raised concern with Milton Keynes Council because it may sterilise broader longer-term growth options for Milton Keynes. Aylesbury Vale pointed out that the aim of the wording in the policy was to protect the designated Area of Attractive Landscape to the west and provide a buffer between the development areas and Aylesbury Vale. Milton Keynes does not have any objections in principle to the inclusion of

Salden Chase subject to any adverse impacts on Milton Keynes being considered in accordance with the proposed policy.

It is therefore agreed by the two councils that:

Cross boundary impacts relating to the allocations at Salden Chase within Aylesbury Vale and at Eaton Leys within Milton Keynes will be addressed through the policies in the respective plans and taken into consideration in the decision making process.

Housing Market Areas and unmet need

8. National guidance is clear that housing needs should be calculated and accommodated across Housing Market Areas as a whole. Where these cross Local Authority boundaries, the Duty to Cooperate should be engaged to ensure that needs are met. However, it is also stated in national planning guidance that where a local planning authority has asked an adjacent council to accommodate unmet need and this has not been accommodated the requesting authority should have explored all available options for delivering the planning strategy within their own planning area. Through Duty to Cooperate engagement, AVDC and MKC have and will continue to engage positively with regard to the accommodation of development within their respective areas and the implications for any cross boundary impacts.

9. Both Councils were part of a group of authorities that commissioned joint reports from ORS to establish the extent and location of Housing Market Areas (HMAs) across Bedfordshire and Buckinghamshire. These reports also concluded on how established HMAs 'best fit' within existing administrative boundaries.

9. The reports concluded that the Milton Keynes HMA is 'best fitted' to the Milton Keynes administrative area. However, in spatial terms, it does extend further; across the northern third of Aylesbury Vale and also into Central Bedfordshire.

10. The reports also concluded that the Buckinghamshire HMA is 'best fitted' to the combined administrative areas of Aylesbury Vale, High Wycombe, South Bucks and Chiltern District Councils. It does not extend further but, as noted above, the northern third of Aylesbury Vale is within the functional Milton Keynes HMA, a part of the area of Aylesbury Vale also lies within the Luton/Central Bedfordshire HMA and parts of the Buckinghamshire HMA include parts of the Oxfordshire and Berkshire HMA areas.

11. The Proposed Submission Vale of Aylesbury Local Plan has been prepared according to this 'best fit' Buckinghamshire HMA area aimed to accommodate a considerable amount of unmet need from the three more constrained authorities to the south of Aylesbury Vale. Agreements between the councils are being drawn up to establish the level of unmet need which Aylesbury Vale will be asked to accommodate in the proposed submission VALP.

Distribution of growth between Housing Market Areas

12. Aylesbury Vale District Council has previously consulted on a range of options for accommodating a larger amount of housing growth around the District. Sites on the edge of Milton Keynes have formed a discrete option alongside others such as a new settlement.

13. The proportion of need expected to arise from the existing population in the northern part of Aylesbury Vale (i.e. within the part of the Milton Keynes functional HMA contained in the 'best fit' Buckinghamshire HMA) is to be accommodated in the plan's proposed growth at Salden Chase, Buckingham and other smaller settlements.

14. Whilst not directly attributable to any individual element of the VALP's growth strategy, the unmet need from the south of the Buckinghamshire HMA and a higher level of growth informed the selection of growth sites in the draft VALP including sites on the edge of Milton Keynes. Aylesbury Vale consider that the overall strategy for the distribution of growth in Aylesbury Vale in the proposed submission VALP has taken into account a range of factors not just the source of unmet need.

It is therefore agreed by the two councils that:

(a) Plan:MK will provide for its objectively assessed development needs within the Milton Keynes borough boundary. MKC has no unmet need requirement that would need to be accommodated by Aylesbury Vale.

(b) As stated above it is agreed that the development needs arising from the northern part of Aylesbury Vale which is covered by the Milton Keynes HMA will be accommodated in the provisions for the area in the submission VALP.

Impacts on infrastructure in Milton Keynes or Aylesbury Vale from proposals in either council's area

15. As recognised in the proposed submission draft VALP development in Aylesbury Vale will use some facilities in Milton Keynes. It is also the case that there will be impacts on Aylesbury Vale from the site allocated at Eaton Leys in Plan:MK. As set out in the CIL Regulations and the NPPF contributions from developers to address the impacts of development must be directly related to the development. Contributions can therefore only be accepted in relation to proven impacts and then used to meet the consequences of those impacts.

The two councils therefore agree that:

Where contributions are demonstrated to be necessary to make the development acceptable in planning terms, are directly related to the development and fairly and reasonably related in scale and kind to the development and there is a clear policy basis, to mitigate the impact of a development in the respective authority then Milton Keynes Council or Aylesbury Vale District Council, whoever is the relevant planning authority for the development, will seek to secure these through a S106 agreement and will transfer any consequent contributions received to the relevant authority

when they are required for the specified purposes. Such transfers of contributions will be subject to monitoring to ensure that contributions are utilised in an appropriate and timely manner.


Continued cooperation and joint working

16. Apart from the site specific and Housing Market Areas matters addressed above it is not considered that there are currently any other cross border strategic planning issues which need to be addressed within this MoU. Nevertheless the proposed submission VALP commits Aylesbury Vale to an early review of the plan to address a range of longer term issues including the alignment of the proposed Oxford Cambridge Expressway. Plan:MK has also been written on the basis of a shorter than normal time horizon because of the potential consequences for Milton Keynes future development from the alignment of the proposed Oxford Cambridge Expressway. There is therefore a continuing need for active and positive cooperation between the two councils in relation to cross border strategic planning issues.

It is therefore agreed that:

The two councils will continue to engage proactively at both officer and member level in relation to longer term cross border strategic planning issues.



Local Authority Cabinet Member signature	Date
 Cllr Liz Gifford, Cabinet Member for Place, Milton Keynes Council	30.01.18
 Cllr Carole Paternoster, Cabinet Member Growth Strategy, Aylesbury Vale District Council	19.02.18

Memorandum of Understanding (MoU) between Central Bedfordshire Council and Milton Keynes Council in respect of the Central Bedfordshire Local Plan and the Milton Keynes Local Plan (Plan:MK)

1. Purpose of the MoU

- 1.1 The purpose of this document is to identify the strategic cross-boundary issues which may exist between the two named local authorities and set out how these issues can be taken forward and managed through plan making.
- 1.2 This MoU has been prepared by Central Bedfordshire Council (CBC) and Milton Keynes Council (MKC) to demonstrate how the two authorities have worked together to agree and, as far as possible, resolve any identified cross-boundary issues, and how they have satisfied the Duty to Cooperate in local plan-making.

2. Strategic cross-boundary issues and areas of joint working

- 2.1 The following strategic cross-boundary issues have been identified between CBC and MKC:
 - Objectively Assessed Housing Needs (OAHN).
 - Employment provision.
 - Expansion of Milton Keynes and growth along the Marston Vale/A421 corridor.
 - Transport infrastructure requirements, including East-West Rail and the Oxford-Cambridge Expressway.
 - Wider strategic issues – National Infrastructure Commission Corridor Study

3. The way forward

Housing need

- 3.1 The extent of the Housing Market Areas (HMAs) covering CBC and MKC have been identified in the Housing Market Areas in Bedfordshire and Surrounding Areas study (ORS, December 2015) and have been agreed by the commissioning local authorities.
- 3.2 The Objectively Assessed Housing Needs (OAHN) for CBC and MKC have been determined through the preparation of respective Strategic Housing Market Assessments (SHMAs). Both OAHNs have been determined to a common methodology produced by the same consultant and CBC and MKC have actively participated in the preparation of each other's evidence bases.

- 3.3 Both local authorities are at a similar advanced stage in the plan-making process and are building in requirements to undertake an early review – at the current time it is proposed that MKC will review their plan within five years of adoption, and CBC have committed to a partial review within 6 months of adoption.
- 3.4 MKC has identified a housing target of 26,483 new homes to meet Milton Keynes' own needs for the plan period 2016-2031, of which 4,650 remain to be allocated. MKC is currently planning to meet its housing needs in full and have confirmed that, based on the existing target, assistance is not required from any other local authority (including Central Bedfordshire) to help meet its OAHN.
- 3.5 CBC has identified a housing need of 32,000 new homes to meet the identified needs within Central Bedfordshire. CBC is currently planning to meet its housing needs in full within the plan period and have confirmed that at the current time, assistance is not required from any other local authority, including Milton Keynes, to help meet its OAHN. There remains to be a significant level of unmet housing need arising in the Luton Borough Council authority area, at around 9,300 dwellings, following an update of the Luton SHLAA in 2016.
- 3.6 The Luton Housing Market Area Growth Options Study was jointly commissioned by CBC, Luton Borough Council and North Hertfordshire, and Aylesbury Vale District Councils (November 2016) and is a high level assessment which identifies possible locations for housing growth within the boundary of the Luton HMA. The study showed there is potential capacity within the HMA to deliver its overall housing need requirement. 1,950 of this unmet need will be accommodated to the east of Luton within North Hertfordshire and CBC has committed to delivering the remaining 7,350 within Central Bedfordshire as close to the urban area of Luton as possible although the distribution of growth within Central Bedfordshire will be determined through the plan-making process and tested through Examination. This results in a plan target of 39,350 homes to 2035.
- 3.5 The Central Bedfordshire local plan proposes to release land from the Green Belt in order to accommodate some of this growth. This, and the delivery of unmet housing need arising from Luton, will be tested through the plan-making process. If through the course of the local plan examination retention of the Green Belt is given precedence, and as a result it is not possible to sustainably deliver all of Central Bedfordshire's needs and unmet housing need arising from Luton outside of the Green Belt within Central Bedfordshire, the Council may need to discuss with neighbouring authorities, including Milton Keynes,

the potential to help meet any unmet housing needs. Engagement with all neighbouring local authorities with regards to the requirement to meet any unmet needs is also ongoing as part of the plan-making process.

- 3.8 CBC and MKC will continue to work together to ensure future development can be delivered in a timely manner, through ongoing monitoring of housing requirements through the local planning process.

Employment provision

- 3.9 CBC is at an advanced stage in the plan-making process and has a current target for 23,900 new jobs as identified within the Central Bedfordshire FEMA and Employment Land Review (2016). This study also identified that Central Bedfordshire is well placed to meet 'footloose' demand for large-scale strategic employment due to being ideally located along two key strategic transportation corridors, namely the M1 and A1. The CBC local plan therefore identifies strategic and mixed-use allocations to meet identified needs and to maximise their strategic location.
- 3.10 MKC has identified a target of 28,000 – 32,000 new jobs between 2016 and 2031. The Milton Keynes Employment Land Study (2015, updated in 2017) concluded that the Borough has sufficient land to accommodate office and industrial requirements, but identified a shortfall of land for warehousing. Consequently Plan: MK specifies a need to allocate new employment land for warehousing to provide a flexible supply of sites to meet future employment needs and identifies a strategic employment allocation for B2/B8 development in South Caldecotte.
- 3.11 CBC and MKC will continue to work together in relation to future jobs growth projections and locations for new employment land; and ensure existing employment commitments can be delivered in a timely manner, through ongoing monitoring through the local planning process.

Expansion of Milton Keynes and growth in the Marston Vale along the M1/A421 corridor

- 3.12 The Marston Vale from M1 Junction 13 and eastwards along the A421 Corridor has historically been identified as a strategic growth location for housing and employment development.
- 3.13 A number of options for growth, including large-scale strategic sites, were submitted to CBC through the call for sites in the vicinity of the M1 and along the A421 corridor. CBC assessed potential options for

growth through the rigorous site assessment process and identified proposed allocations within the local plan.

- 3.14 MKC's Plan: MK pledges a commitment to work closely with neighbouring authorities and other key organisations where appropriate, on the planning of developments beyond the Borough boundary on the edge of Milton Keynes.
- 3.15 Plan: MK identifies proposed growth locations to the South East of Milton Keynes and a reserve site to the East of the M1. Land to the South East of Milton Keynes, around the settlements of Wavendon, Woburn Sands and Bow Brickhill, is proposed to provide approximately 3,000 dwellings during the plan period. The development area is expected to come forward post 2019/20 once progress has been made on East West Rail and the route of the Oxford-Cambridge Expressway.
- 3.16 Land to the East of the M1 is identified as a sustainable urban extension to come forward after 2031 unless a bid for Government funding to provide for essential infrastructure improvements were to be successful. In that event, a mixed residential and employment development would be brought forward within the plan period in addition to allocations identified within Plan:MK. MKC would work closely with CBC and other relevant bodies in relation to the successful delivery of this site and to ensure appropriate mitigation of any impacts.
- 3.17 Potential future growth in the vicinity of the M1 and along the Marston Vale Corridor, coupled with the continued build out of existing commitments in Central Bedfordshire, Milton Keynes and Bedford Borough, may have cross- boundary impacts on services and infrastructure provided within both administrative areas. CBC and MKC will work together where appropriate and with other relevant organisations to deliver the necessary services and infrastructure required to deliver committed developments, and support any future development identified. This includes Junction 13 of the M1, East West Rail and the Oxford-Cambridge Expressway. Consideration will also be given to the phasing of existing and potential future commitments to ensure the wider delivery of housing in this area is not affected.

Transport infrastructure requirements

- 3.18 With regards to East-West Rail and the Oxford-Cambridge Expressway, CBC and MKC will continue to work together as part of a wider consortium of local authorities and other organisations including the East West Rail Consortium, SEMLEP, Highways England, Network Rail and the Department for Transport, to deliver these two significant pieces of infrastructure.

- 3.19 CBC and MKC will share the conclusions of any transport modelling undertaken for the respective Local Plans and will engage with the relevant Highways Authorities and Highways England at the appropriate time.
- 3.20 CBC and MKC, with Bedford Borough Council, have agreed that they will work together on assessing the cross boundary impacts of growth from each authority on the function and safety of Junction 13 of the M1. Initially it has been agreed that a comparison exercise is undertaken to understand the outputs of each authority's existing transport modelling. This will, if necessary, be followed by a stand-alone piece of work involving detailed modelling of this junction and recommendations for the most appropriate mitigation. This work will be done with the engagement of Highways England.

Wider strategic issues

- 3.21 CBC and MKC will continue to form part of a wider consortium of Local Authorities and delivery partners as part of the NIC East-West Corridor Study.
- 3.22 Our joint commitment is to work in partnership with the Central Corridor Authorities, delivering additional levels of growth in a co-ordinated, cohesive and planned manner in response to the Housing White Paper, the NIC Report findings and the emerging discussions around a Housing Deal. CBC are coordinating a paper outlining, on behalf of a number of authorities within the Central Area of the Corridor including MK, how this will be taken forward.
- 3.23 In addition to this, an over-arching (non-statutory) joint strategy is proposed to identify significant housing and employment across the corridor alongside key transport and infrastructure requirements including how these would be phased to ensure a continued and sustainable delivery of growth. This will include an additional commitment from all the local authorities to deliver ambitious levels of growth in excess of current identified targets in response to the Government committing to capital funding of key significant infrastructure.

4. Local plan consultation engagement



- 4.1 Where CBC prepare a draft local plan with proposals which may have an impact on residents in Milton Keynes Borough, the relevant town or parish councils in Milton Keynes will be invited, through MKC, to participate in any consultation events which may be arranged. Similarly, where MKC prepare a draft local plan with proposals which

may have an impact on residents in Central Bedfordshire, the relevant town or parish councils in Central Bedfordshire will be invited, through CBC, to participate in any consultation events which may be arranged.

5. Agreement

- 5.1 This MoU is endorsed by both Central Bedfordshire Council and Milton Keynes Council and demonstrates an ongoing commitment to cooperate in the preparation of the respective Local Plans.
- 5.2 It is agreed by both parties that the content of this MoU is correct at the date of endorsement. Subsequent revisions may be made in consideration of changes to the identified issues or others that emerge as each authority's Local Plan progresses.



Local Authority Cabinet Member signature	Date
 Cllr Steve Dixon, Executive Member for Families, Education and Children; and Milton Keynes DtC Member Central Bedfordshire Council	28/03/2018
 Cllr Liz Gifford, Cabinet Member for Place, Milton Keynes Council	29/03/2018

STATEMENT OF COMMON GROUND

BETWEEN

MILTON KEYNES COUNCIL

AND

ANGLIAN WATER SERVICES LTD

IN RESPECT OF

**MILTON KEYNES COUNCIL PROPOSED SUBMISSION VERSION PLAN:MK,
OCTOBER 2017**

1. Introduction

- 1.1. This Statement of Common Ground has been prepared jointly by Milton Keynes Council (MKC) and Anglian Water Services Ltd (AWS).
- 1.2. The Statement sets out the confirmed points of agreement between MKC and AWS with regard to the Milton Keynes Proposed Submission Version Plan:MK (Plan:MK) and supporting evidence base, which will assist the Inspector during the Examination of the Local Plan.
- 1.3. Local Authorities are required through the Duty to Co-operate (the Duty) to engage constructively and actively on an on-going basis on planning matters that impact on more than one local planning area.
- 1.4. The National Planning Policy Framework (NPPF) sets out the requirement that public bodies should cooperate on planning issues that cross administrative boundaries and, at Paragraph 156, identifies a series of strategic priorities:
 - The homes and jobs needed in the area.
 - The provision of retail, leisure, and other commercial development.
 - The provision of infrastructure for transport telecommunications, waste management, water supply, wastewater, flood risk and coastal change management.
 - The provision of minerals and energy (including heat).
 - The provision of health, security, community and cultural infrastructure and other local facilities.
 - Climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment including landscape
- 1.5. The NPPF requires Local Planning Authorities to work collaboratively with other bodies to make sure that these strategic priorities are properly co-ordinated across local boundaries and clearly reflected in individual Local Plans.
- 1.6. Local Planning authorities are expected to demonstrate evidence of having effectively cooperated to plan for issues with cross- boundary impacts when their Local Plans are submitted for examination.

2 Background



- 2.1 This Statement of Common Ground relates to the representations made by AWS to the Council's Proposed Submission Version Plan:MK (2017) regarding a number of matters.

3 Duty to Cooperate

- 3.1 Throughout the process of preparing Plan:MK and its evidence base, MKC has continuously engaged with AWS.
- 3.2 AWS has also continuously responded to public consultations and liaised with Officers as the Local Plan process has developed which has helped inform both the strategy and policy framework within the plan.
- 3.3 Furthermore AWS played an active role in providing assistance to develop both the Strategic Flood Risk Assessment (2015) and the Water Cycle Study (2017) which form part of the evidence base for Plan:MK.
- 3.4 Comments received from AWS have been used to draft the different iterations of the plan, and its evidence base, so that it delivers the infrastructure and framework required to support sustainable development for water and wastewater infrastructure.

4 Agreed Matters

- 4.1 MKC and AWS agree that the Proposed Submission Version Plan:MK (October 2017), is sound insofar as it relates to matters covered by the Duty to Cooperate.
- 4.2 The AWS representation to the Proposed Submission Plan:MK identified additional wording for inclusion within Policy FR1 "Managing Flood Risk". The recommended additions were considered reasonable and have been added to MKC's schedule of proposed modifications to the Submission version of Plan:MK, which will be submitted alongside the submission version of Plan:MK to the Planning Inspectorate. The accepted changes are detailed in Appendix 1.
- 4.3 Subject to minor changes to detailed policy wording, the strategy, sites and policies within Plan:MK provide a sound basis for the delivery of wastewater infrastructure in Milton Keynes up to 2031.
- 4.4 The supporting evidence including Strategic Flood Risk Assessment (2015) and Water Cycle Study (2017) provide a robust assessment of the extent and requirement of water infrastructure to support the planned growth.
- 4.5 It is agreed that there are no outstanding issues in relation to wastewater infrastructure in Milton Keynes. It can therefore be agreed that the plan constitutes sustainable development in accordance with paragraph 180 of the National Planning Policy Framework, March 2012.

Signature	Date
 Brett Leahy Head of Planning Milton Keynes Council	7 th March 2018
 Stewart Patience Strategic and Spatial Planning Manager Anglian Water Services	5 th March 2018

Appendix 1: Proposed modifications to Plan:MK

Page no.	Policy	Change made (<u>addition</u>)	Reasoning
145	FR1	<p>Re-word the first sentence: 'All new development must incorporate a surface water drainage system with acceptable flood control and <u>demonstrate that water supply, foul sewerage and sewage treatment capacity is available or can be made available in time to serve the development.</u></p> <p><u>Suitable access is safeguarded for the maintenance of water supply and drainage infrastructure.'</u></p>	<p>Soundness: - to ensure that water and water recycling infrastructure is identified as a consideration for applicants which should be addressed as part of the planning application process</p>

It is therefore suggested that Policy FR1 is amended as follows:

'All new development must incorporate a surface water drainage system with acceptable flood control and demonstrate that water supply, foul sewerage and sewage treatment capacity **is available or can be made available in time to serve the development.**



Statement of Common Ground between

Milton Keynes Council And Buckinghamshire & Milton Keynes Natural Environment Partnership

1. Introduction

1.1 The purpose of this Statement of Common Ground (SoCG) is to aid the examination by setting out the agreement which has been reached between Buckinghamshire and Milton Keynes Natural Environment Partnership (NEP) and Milton Keynes Council. It relates to the NEP's representation submitted in December 2017 in relation to the Milton Keynes Proposed Submission Plan:MK October 2017.

1.2 During the preparation of Plan:MK co-operation has taken place in accordance with the Duty to Co-operate. The NEP has provided ongoing support on a number of issues relating the environment including the strategic development directions, strategic policies, and environmental policies.

1.3 The NEP responded to the Regulation 19 consultation on Monday 18th December 2017. A number of recommendations were submitted and each has been discussed in turn below. Furthermore, a meeting was held between the NEP and MKC to discuss each response in further detail. The agreed changes have been outlined in **Section 3**.

2. Scope of this SoCG

2.1 This statement covers issues raised throughout the Regulation 19 stage by the NEP in their consultation to the Proposed Submission Plan:MK October 2017. It sets out the key issues that were expressed and identifies the council response to each issue raised, stating whether or not there is agreement that those issues have been adequately address and resolved as a result of additional evidence and/ or making proposed modifications to the Proposed Submission Plan:MK October 2017.

3. Proposed Modifications

The agreed proposed modifications between the NEP and MKC are detailed below:

Policy Para/Table Figure/Bullet	Suggested change (deletion / <u>addition</u>)	Reason for suggested change
Section 2 – Objective 17	To work with public service and infrastructure providers (principally via the Local Investment Plan) to ensure that the social and economic growth planned in the Borough and neighbouring local authorities is facilitated by the timely provision of appropriate new and improved facilities such as public transport, schools, <u>green infrastructure</u> , community halls, sport and recreation facilities, transport interchanges, health services (including Milton Keynes University Hospital), emergency services.	Ensure the correct use of terminology
SD1	<p>Principle 2</p> <p>Development integrates well with the surrounding built and natural environments to enable a high degree of connectivity with them, particularly for pedestrians and cyclists <u>and for access to connected green infrastructure for people and wildlife.</u></p> <p>Principle 5</p> <p>The layout, form and detailed design of development adopts passive design measures to reduce energy demand for heating, lighting and cooling, create comfortable and healthy environments for people, and be responsive to predicted changes in climate. <u>Existing natural assets including green infrastructure features connections and functions should be identified prior to development; and enhanced, extended, protected and connected appropriately – i.e. designed and planned for - so it provides multiple benefits to the environment and wildlife, also to the health and wellbeing of residents and to</u></p>	Enhance the policy

	<p><u>supporting the local economy.</u></p> <p>Principle 13</p> <p>The layout and design of development enables easy, safe and pleasant access for pedestrians and cyclists of all abilities from residential neighbourhoods to the facilities including the redway network, open spaces and play areas, linear parks and the wider network of green infrastructure, public transport nodes, employment areas, schools, shops and other public facilities in order to promote recreation, walking and cycling within the development area and wider area. <u>Developments must identify existing green infrastructure assets and the benefits they provide and could provide for future needs, and will build the need to protect, enhance, improve and connect green infrastructure for multiple benefits to biodiversity and wildlife, access, health and well-being as a necessary component of sustainable place-making.</u></p>	
SD8, Point 12	<p>Take a strategic and integrated approach to flood management and provide a strategic and sustainable approach to water resource management, including Sustainable Drainage Systems (SuDS) and flood risk mitigation, <u>which look for opportunities for biodiversity enhancement through design.</u></p>	Clarity
SD12	<p>To ensure that Strategic Urban Extensions are brought forward in a strategic and comprehensive manner, planning permission will only be granted for land within Strategic Urban Extensions, following the approval by the Council of a comprehensive development framework, incorporating any necessary design codes, or phasing of development and infrastructure delivery, <u>including green infrastructure delivery</u>, for the Strategic Urban Extension as a whole.</p>	Enhancement of policy
INF1	<p>New development that generates a demand for infrastructure, facilities and resources will only be permitted if the necessary on and off-site infrastructure required to support and mitigate the impact</p>	Clarity of policy

	<p>of that development is either:</p> <ul style="list-style-type: none"> • Already in place; or, • There is a reliable mechanism in place to ensure that infrastructure, facilities and resources will be delivered in the most appropriate places and at the earliest opportunity, to the required minimum high standards demanded by this Council and its partners. This might include improvements for highway schemes such as bus and rail provisions and enhancement for walking and cycling facilities, or the provision of <u>improved and better connected green infrastructure</u>, local health, shopping and recreational facilities. 	
FR2	<p>4. SuDS will be designed as multi-purpose green infrastructure and open space, to provide <u>maximise additional environmental, biological diversity</u>, social and amenity value, wherever possible. The use of land to provide flood storage capacity should not conflict with required amenity and recreation provision – <u>floodplains and floodplain habitats should be safeguarded.</u></p> <p><u>8. Development will ensure no adverse impact on the functions and setting of a watercourse and its associated corridor.</u></p> <p><u>9. Development should avoid building over or culverting watercourses, encourage the removal of existing culverts and seek opportunities to create wetlands and wet grasslands and woodlands and restore natural river flows and floodplains.</u></p>	This would enhance the policy
NE1	<p>A. Development proposals which would likely cause harm to the nature conservation or geological interest of internationally (RAMSAR sites, SACs and SPAs) important sites will not be permitted unless:</p> <p>1. There is no suitable alternative to the</p>	Enhancement

	<p>development;</p> <p>2. There are imperative reasons of overriding public interest;</p> <p><u>3. All reasonable possibilities for mitigation have been put in place; and</u></p> <p>34. Compensatory provision <u>in line with the mitigation hierarchy</u> can be secured to ensure that the overall coherence of the site is protected <u>and with the intent to achieve a net gain in biodiversity.</u></p> <p>B. Development proposals which would likely cause harm to a National Nature Reserve, Site of Special Scientific Interest or <u>irreplaceable habitats such as</u> Ancient Woodland will not be permitted unless:</p> <p>d1. There is no suitable alternative to the development;</p> <p>e2. The benefits of the development, at this site, clearly outweigh the adverse impacts on the site;</p> <p>f3. <u>All reasonable possibilities for mitigation have been put in place; and</u></p> <p>4. Compensatory provision <u>in line with the mitigation hierarchy</u> can be secured that will mitigate damaging impacts on the biodiversity or geological conservation value of the site. <u>to ensure that the overall coherence of the site is protected and with the intent to achieve a net gain in biodiversity.</u></p> <p>C. Development proposals which would be likely to harm the biodiversity or geological conservation value of <u>Local Wildlife Sites, Biological Notification Sites, Wildlife Corridors, Local Nature Reserves and Biodiversity Opportunity Areas</u> a site of county-wide (MK Wildlife Sites, Wildlife Corridors) or local importance (Local Nature Reserves, Biological Notification Sites, local wildlife sites) or sites which serves as a 'biodiversity offset site' will only be</p>	
--	---	--

	<p>permitted where:</p> <p>d1. The local development needs significantly outweigh the biodiversity or geological conservation value of the site; and</p> <p>e2. The development provides appropriate avoidance/mitigation/compensation measures <u>All reasonable possibilities for mitigation have been put in place; and</u></p> <p>3. <u>Compensatory provision in line with the mitigation hierarchy can be secured that will to offset any damaging impacts on the biodiversity or geological conservation value of the site or its wider ecological network to ensure that the overall coherence of the site is protected and with the intent to achieve a net gain in biodiversity.</u></p> <p>D. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, then planning permission will be refused.</p>	
12.15	<p><u>Where development is located in or adjacent to BOA¹, its design and layout, planning conditions and obligations will be used to secure biodiversity enhancement to help achieve the aims of the BOA.</u></p>	<p>Moved from NE1 to supporting text based on legal advice.</p>
Para 12.19	<p>Para 12.19 - A number of <u>priority habitats and</u> legally protected <u>and priority</u> species and their habitats, <u>as listed in the Buckinghamshire and Milton Keynes Biodiversity Action Plan,</u> occur throughout the Borough. Where there is a reasonable likelihood <u>that priority habitats, and</u> protected <u>or priority</u> species, or the habitats upon which they depend, may be affected by a development proposal, planning applications will not be validated until survey information has been</p>	<p>Ensure consistency with the Framework.</p>

¹For further information, please refer to Figure 1, in Chapter 12, and Milton Keynes' Green Infrastructure Strategy (2018) on BOAs within the Milton Keynes Borough.


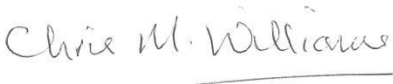
	<p>submitted that shows the presence (or otherwise) and extent of the species or habitat over the course of the year.</p> <p><u>12.20 The provision and long-term management of minimum buffer between development and irreplaceable habitats, such as ancient woodland and veteran trees, and hedgerows will be required in line with national standing advice, guidance and recognised good practice. Wherever possible, hedgerows should be retained with a suitable buffer. Where hedgerow loss is unavoidable new hedgerows should be created in line with national guidance and recognised good practice.</u></p>	
NE2	<p>When re there is a reasonable likelihood of the presence of statutorily protected species or their habitats, or where the site contains priority species or habitats identified in the Buckinghamshire and Milton Keynes Biodiversity Action Plan, development will not be permitted until it has been demonstrated that the proposed development will not result in a negative impact upon those species and habitats.</p> <p><u>B. Where the site contains priority species or habitats, development should wherever possible promote their preservation, restoration, expansion and/or re-creation in line with Policy NE3.</u></p>	Improvements to wording of policy
Para 12.21	<p>12.21 12.22 If <u>In line with the mitigation hierarchy,</u> biodiversity losses resulting from a development cannot <u>should</u> be avoided (by locating on an alternative site with less harmful impacts), adequately mitigated, <u>or, as a last resort, compensated for – first on-site, then off-site for, then planning permission should be refused.</u></p> <p><u>12.23 Where mitigation and compensation measures and are being proposed, these should incorporate proposals to enhance biodiversity and geological features which are appropriate to, and where possible</u></p>	Improves scope of policy by using recognised approaches

	<p><u>compensate for, impacts on the immediate area and the site characteristics.</u> Biodiversity offsetting is a proposed approach to compensate for habitats and species lost to development in one area, with the creation, enhancement or restoration of habitat in another <u>area.</u> Under this system any negative impacts on the natural environment would then be compensated for, or 'offset' by developers. <u>The Council's preferred approach is that compensation should be done on-site. Where compensation is not possible on site in line with the mitigation hierarchy, appropriate enhancements will be sought on other land by provision of replacement habitat of higher quality to achieve a net gain in biodiversity.</u></p> <p><u>12.24 A Biodiversity Impact Assessment Metric, based on the Defra metric or other recognised and locally-approved mechanism, will be used to measure biodiversity losses or gains due to a proposed development. The outputs of this quantitative assessment will be considered alongside qualitative matters when determining the overall impact upon biodiversity under policies NE1-3. A forthcoming SPD will set out how the metric should be applied.</u></p> <p><u>12.25 The Council will also introduce a monitoring framework to ensure proposed net gains in biodiversity are achieved throughout the plan period, including remedial measures for non-compliance.</u></p>	
NE3	<p>A. Development proposals will be required to maintain and protect biodiversity and geological resources, and wherever possible enhance <u>result in measurable net gain</u> in biodiversity, <u>enhance</u> the structure and function of ecological networks and the ecological status of water bodies in accordance with the vision and principles set out by the Buckinghamshire and Milton Keynes NEP.</p>	Improves clarity

	<p>B. Development proposals must demonstrate that the mitigation hierarchy has been followed to firstly avoid, reduce and mitigate direct and indirect adverse impacts before considering compensation. <u>If significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or, as a last resort, compensated for then planning permission should be refused.</u></p> <p>C. Where compensation is required, appropriate enhancements will be sought on 'biodiversity offset sites' by provision of replacement habitat of higher quality to achieve a net gain in biodiversity. A Biodiversity Impact Assessment metric should be used to inform what compensation will be required. <u>Development proposals of 5 or more dwellings or non-residential floorspace in excess of 1,000 sq m will be required to use the Defra metric or locally approved Biodiversity Impact Assessment Metric to demonstrate any loss or gain of biodiversity.</u></p> <p>D. <u>Mitigation, compensation and enhancement measures must be secured and be maintained for the lifetime of the development.</u> Enhancement and compensatory measures should seek opportunities for habitat protection, restoration and creation to meet the objectives of the UK and Bucks & Milton Keynes Biodiversity Action Plan and aims of the Biodiversity Opportunity Areas. These measures should also create and enhance habitats to help wildlife adapt to the impact of climate change.</p>	
<p>Paragraph 14.27</p>	<p>The provision of <u>public</u> open space <u>and parks (including outdoor play and recreational facilities)</u> and any artificial grass pitches or surfaces should be an integral part of the development, considered at the beginning of the design process. Proposals for new areas of <u>public</u> open space and parks <u>(including outdoor play and recreational facilities)</u> should</p>	<p>Comprehensiveness</p>

	<p>include a long term financially sustainable maintenance plan that can be implemented by local contractors or organisations.</p>	
<p>D1</p>	<p>5. Soft and hard landscaping that continues the verdant and green character of Milton Keynes, enhances the quality of the public realm, is robust to the demands placed upon the public realm, <u>and</u> is appropriate to their context and can be maintained and managed without significant cost. In particular, street trees and planting are incorporated to soften the streetscape and ensure the public realm is not dominated by hard surfaces and boundaries and by parked cars. <u>Measures to soften the landscape and improve green infrastructure and biodiversity in development are encouraged – and should be provided from the scale of individual houses and gardens, to the street network and larger areas of green spaces at the development scale and beyond. Appendix 2, of the NEP’s “Vision and Principles for the Improvement of Green Infrastructure in Buckinghamshire and Milton Keynes” provides specific examples of such measures.</u></p>	<p>Note - Consider the changes are not necessary to make the policy sound, would provide unnecessary detail and in any event are supported via policy SD1 and NE1-4.</p> <p>Based on the above, the Council recommends:</p> <p>5. Soft and hard landscaping that continues the verdant and green character of Milton Keynes, enhances the quality of the public realm, is robust to the demands placed upon the public realm, <u>and</u> is appropriate to their context and can be maintained and managed without significant whole life costs. In particular, street trees and planting are incorporated to soften the streetscape and ensure the public realm is not dominated by hard surfaces and boundaries and by parked cars.</p> <p>In the supporting text for Para 15.10 include:</p> <p><u>Measures to soften the landscape and improve green infrastructure and biodiversity, from building/plot scale to site wide scale, in</u></p>

		<u>development are encouraged. Appendix 2 of the NEP's "Vision and Principles for the Improvement of Green Infrastructure in Buckinghamshire and Milton Keynes" provides specific examples of such measures.</u>
Paragraph 16.32	"Community facilities" covers the wide range of facilities and services required by any community. It includes education, health and community care, leisure centres, multi-functional sport and community buildings, meeting places, libraries, places of worship, burial grounds, <u>green infrastructure and open</u> spaces and emergency services.	Completeness

Name	Brett Leahy	Chris M Williams
Position	Head of Planning	Chair
Signature		
Organisation	Milton Keynes Council	Buckinghamshire & Milton Keynes Natural Environment Partnership
Date	28 March 2018	28 March 2018

STATEMENT OF COMMON GROUND

BETWEEN

MILTON KEYNES COUNCIL

AND

The Environment Agency

IN RESPECT OF

**MILTON KEYNES COUNCIL PROPOSED SUBMISSION VERSION PLAN:MK,
OCTOBER 2017**

1. Introduction

- 1.7. This Statement of Common Ground has been prepared jointly by Milton Keynes Council (MKC) and the Environment Agency (EA)
- 1.8. The Statement sets out the confirmed points of agreement between MKC and EA with regard to the Milton Keynes Proposed Submission Version Plan:MK (Plan:MK) and supporting evidence base, which will assist the Inspector during the Examination of the Local Plan.
- 1.9. Local Authorities are required through the Duty to Co-operate (the Duty) to engage constructively and actively on an on-going basis on planning matters that impact on more than one local planning area.
- 1.10. The National Planning Policy Framework (NPPF) sets out the requirement that public bodies should cooperate on planning issues that cross administrative boundaries and, at Paragraph 156, identifies a series of strategic priorities:
 - The homes and jobs needed in the area.
 - The provision of retail, leisure, and other commercial development.
 - The provision of infrastructure for transport telecommunications, waste management, water supply, wastewater, flood risk and coastal change management.
 - The provision of minerals and energy (including heat).
 - The provision of health, security, community and cultural infrastructure and other local facilities.
 - Climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment including landscape
- 1.11. The NPPF requires Local Planning Authorities to work collaboratively with other bodies to make sure that these strategic priorities are properly co-ordinated across local boundaries and clearly reflected in individual Local Plans.
- 1.12. Local Planning authorities are expected to demonstrate evidence of having effectively cooperated to plan for issues with cross- boundary impacts when their Local Plans are submitted for examination.

2 Background



- 2.2 This Statement of Common Ground relates to the representations made by the EA to the Council's Proposed Submission Version Plan:MK (2017) regarding a number of matters.

3 Duty to Cooperate

- 3.5 Throughout the process of preparing Plan:MK and its evidence base, MKC has continuously engaged with the EA.
- 3.6 The EA has also continuously responded to public consultations and liaised with MKC Officers as the Local Plan process has developed. Comments received from the EA have been used to draft the different iterations of the plan and have helped inform both the strategy and policy framework within the plan.
- 3.7 Furthermore, the EA has played an active role in providing assistance and data to develop both the Strategic Flood Risk Assessment (2015) and the Water Cycle Study (2017) which form part of the evidence base for Plan:MK.

4 Agreed Matters

- 4.6 MKC and the EA agree that the Proposed Submission Version Plan:MK (October 2017), is sound insofar as it relates to matters covered by the Duty to Cooperate.
- 4.7 The EA representation to the Proposed Submission Plan:MK identified additional wording for inclusion within Policies FR1 "*Managing Flood Risk*", FR2 "*Sustainable Drainage Systems (SUDS) and Integrated Flood Risk Management*", and NE6 "*Environmental Pollution*", and the supporting text of Chapter 11 "*Managing and Reducing Flood Risk*". The recommended additions were considered reasonable and have been added to MKC's schedule of proposed modifications to the Submission version of Plan:MK, which will be submitted alongside the submission version of Plan:MK to the Planning Inspectorate. The accepted changes are detailed in Appendix 1.
- 4.8 The supporting evidence including the Strategic Flood Risk Assessment (2015) and Water Cycle Study (2017) provide a robust assessment of the extent of flood risk within the Borough and the requirement for infrastructure and policies needed to support planned growth.
- 4.9 Subject to minor changes to detailed policy wording, it is agreed that there are no outstanding issues in relation to the strategy, sites and policies contained within Plan:MK in relation to issues that fall within the remit of the EA.
- 4.10 It can therefore be agreed that Plan:MK constitutes sustainable development in accordance with paragraph 180 of the National Planning Policy Framework, March 2012.

Signature	Date
 Brett Leahy Head of Planning Milton Keynes Council	7 th March 2018
 Neville Benn Principal Planning Advisor Sustainable Places Environment Agency	5 th March 2018

Appendix 1: Proposed modifications to Plan:MK

Page no.	Policy/Para	Change made (Deletion / <u>addition</u>)	Reasoning
143	Para 11.5	It is therefore necessary that a robust and sustainable approach is taken to <u>reducing and mitigating</u> the potential impacts that climate change may have upon the area and to ensure that all future development is considered in light of the possible increase in flood risk over time, <u>whilst also taking the opportunities offered by development proposals to reduce the overall level of flood risk by, for example, the attenuation of flows, the reduction of existing discharge rates and volumes, and the implementation of sustainable drainage features designed to reduce overall flood risk.</u>	Effectiveness and consistency with national policy
145	FR1	To ensure that there will be no increase in flood risk to the site or surrounding area, and, if possible, there will be an improvement to the existing situation, taking into account climate change. <u>To ensure that opportunities to reduce the causes and impacts of flooding to the site and the surrounding area are taken as far as possible, in order to improve the existing situation, taking into account climate change. At a minimum, proposals will need to demonstrate no increase in flood risk to the site or surrounding area.</u>	Effectiveness and consistency with national policy
146	FR2 – 2.	Space will be specifically set aside for SuDS and <u>fluvial flood risk reduction features</u> and used to inform the overall layout of development sites.	Effectiveness and consistency with national policy
159	NE6	When considering development proposals, the Council will adopt the approach set out below to ensure that pollution will not have an unacceptable impact on human health, <u>groundwater</u> , general amenity, biodiversity or the wider natural environment.	Consistency with national policy

Duty to Co-operate Memorandum of Understanding between Milton Keynes Council and Highways England

1. Scope of the Memorandum

- 1.1 This Memorandum of Understanding (MoU) has been prepared under the Duty to Co-operate requirements of the Localism Act 2011. It provides a position statement on:
- the extent of co-operation and understanding between the parties in respect of the preparation of Milton Keynes Council's Plan:MK up to its submission for examination,
 - how the parties will continue to work together on matters relating to the Strategic Road Network within Milton Keynes up to the examination stage and where necessary beyond.
- 1.2 This MoU has been agreed by the following parties:
- Milton Keynes Council in its capacity as planning and highway authority
 - Highways England
- 1.3 The parties have co-operated on those matters of joint interest related to the progress of the growth strategy proposed in Plan:MK in accordance with paragraph 162 of the National Planning Policy Framework 2012 (NPPF). The parties have also had regard to policy as set out in paragraphs 29 to 41 of the NPPF. Milton Keynes Council and Highways England are content that the Duty to Co-operate has been met with regard to the transport strategic priority outlined further in this statement.
- 1.4 The MoU highlights the shared commitment and common objective of the parties to identify and provide the necessary transport infrastructure to support the proposed Plan:MK growth.

2. Background

- 2.1 Plan:MK is the Local Plan for Milton Keynes, covering the period 2016-2031. In accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), the Proposed Submission Plan:MK October 2017 was placed on

deposit for public consultation between 8 November and 20 December 2017.

- 2.2 Highways England is the body responsible for the Strategic Road Network (SRN), within Milton Keynes, which includes the M1 from north of Junction 13 to north of Junction 14, and the A5 from south of 'Kelly's Kitchen' roundabout (junction of the A5, A4146 and Watling Street) to south of the 'Old Stratford' roundabout (junction of the A5, A508, A422 and Towcester Road). Highways England has been consulted by Milton Keynes Council at each stage of Plan:MK's preparation with Highways England responding on all occasions.²
- 2.3 Milton Keynes Council has updated and used the Milton Keynes Multi-Modal Model (MKMMM)³ to assess the impacts of committed growth within Milton Keynes and to test different spatial strategies to inform the preparation of Plan:MK. Highways England have been consulted on or involved in this work throughout the process.

3. Strategic priorities

- 3.1 It is agreed that the following matters represent the strategic priorities relating to transport and the delivery of growth in Milton Keynes.

Supporting growth through transport infrastructure and interventions

- 3.2 Since 2016, extensive transport modelling work has been undertaken by Milton Keynes Council. The MKMMM has been updated to a 2016 base year, with Highways England reviewing the Local Model Validation Reports. Whilst Highways England consider there to be areas for improvement within the MKMMM, they consider it satisfactory for informing and testing the emerging spatial strategy within Plan:MK and is capable of providing a satisfactory assessment of the impacts upon the A5 and M1. Additional detailed local transport modelling has been used to inform mitigations necessary to support growth proposals that have a negative impact on the Strategic Road Network (SRN) within Milton Keynes.
- 3.3 Scoping and analysis of the Reference Case 2031 and Plan:MK growth scenarios was informed by Highways England's comments made during the Regulation 18 consultation on Plan:MK and subsequent discussions. It is agreed by Milton Keynes Council and Highways England that the modelled outputs for the Reference Case 2031 and

² Including Topic Papers (2014), Strategic Development Directions (2016), Regulation 18 (2017) and Regulation 19 (2017).

³ MKMMM is strategic highway and public transport model using SATURN and EMME software

growth scenarios provide a robust strategic assessment of likely congestion and delays that would arise in 2031.

- 3.4 The Traffic Forecasting Report⁴ sets out an analysis of the impacts arising from the Reference Case 2031 which consists of committed growth within and adjoining Milton Keynes between 2016 and 2031. This equates to 20,373 homes and 31,179 jobs, and forms the bulk of housing and jobs growth between 2016 and 2031⁵.
- 3.5 Three growth scenarios, Scenario 1, 2a and 2b, were subsequently tested to inform the emerging Plan:MK, and have been reported on within the 'Impacts of Plan:MK' report⁶. These tested the impacts of between 5,620 to 10,674 additional homes and 4,254 to 11,502 additional jobs in different spatial distributions. Assumptions were made about new roads and connections providing access to and movement through the strategic sites included in the three scenarios. As such, the scenarios present a picture of congestion and delay that has some 'built in' mitigation measures, rather than a 'no mitigation' picture. The development strategy set out in the Proposed Submission Plan:MK resembles Scenario 2a as a minimum, and 2b as a maximum should funding be secured to deliver growth East of the M1 in line with Policy SD14 of Plan:MK.

Impacts of committed growth

- 3.6 Milton Keynes Council and Highways England have worked together to consider the impacts and identify interventions in support of Plan:MK. The bulk of growth over the period 2016-2031 will come from existing commitments. Modelling shows that the congestion and delays on the local and strategic road network in 2031 are principally caused by existing commitments. Milton Keynes Council and Highways England therefore agree that the congestion and delay in 2031 that can be attributed to Plan:MK is relatively small and localised to those junctions and roads in close proximity to the strategic sites included within the scenarios tested. Milton Keynes Council and Highways England agree that the impacts of Plan:MK currently identified via the modelling work are not insurmountable and can be managed through a range transport and highway interventions.
- 3.7 To address the impacts of existing commitments and the more generalised impacts of Plan:MK (i.e. not specific to strategic sites),

⁴ <https://www.milton-keynes.gov.uk/highways-and-transport-hub/policy-and-strategy-hub/transport-policy>

⁵ Figures for commitments cited are from February 2017 when the Reference Case 2031 was established for testing.

⁶ <https://www.milton-keynes.gov.uk/planning-and-building/planning-policy/multi-modal-transport-model>

Milton Keynes Council is exploring a range of interventions in line with Milton Keynes Council's Mobility Strategy⁷. Highways England will be consulted on this where the identified problems and proposed solutions have a relationship with the Strategic Road Network.

The M1

- 3.8 Milton Keynes Council and Highways England agree that the modelling suggests congestion and delay at Junction 14 of the M1 will experience a degree of worsening under Plan:MK in 2031 over and above that occurring under the Reference Case 2031. It is also agreed that under Scenario 2b the 'built in' mitigation measures associated with the East of M1 strategic site would accommodate the majority of additional movements across the M1 that are associated with the East of M1 site. Further collaboration between Milton Keynes Council, Highways England and site promoters is ongoing to identify and test additional interventions to mitigate congestion and delay at Junction 14 as well as at junctions/link roads on the adjacent local road network where the modelling has indicated some worsening due to Scenario 2b.
- 3.9 Milton Keynes Council with the support of Highways England is pursuing a bid via the Housing Infrastructure Fund⁸ (HIF) to fund infrastructure that will enable the delivery of the East of M1 strategic site. A principal component of the infrastructure required will be additional bridge crossings of the M1 which, as noted above, have been tested via Scenario 2b and the HIF Expression of Interest.
- 3.10 M1 junction 13 to 15 Smart Motorway scheme is currently being implemented which will provide all lane running within this section of motorway. The scheme will improve journey time for motorists and is timetabled to be completed in the next four years.
- 3.11 Although outside of the Milton Keynes Council area modelling work undertaken by Milton Keynes Council has taken account of congestion and delay at Junction 13 and the stretch of the A421 from Junction 13 to the Milton Keynes boundary. Milton Keynes Council, Highways England and Central Bedfordshire Council (CBC) have shared information on the dualling of the A421, which Central Bedfordshire is leading on. There is also ongoing cooperation on the scoping of necessary interventions at Junction 13 and the A421 to accommodate

⁷ The Mobility Strategy replaces Milton Keynes Council's Local Transport Plan 3. A draft Mobility Strategy was consulted on in December 2017/January 2018, with the final document adopted by Milton Keynes in March 2018.

⁸ An Expression of Interest was submitted to Government in September 2017. It is expected that successful expressions of interest will be announced in spring 2018, which will then proceed to a full business case and bid. It is expected that successful bids will be announced in 2018, with funding to be spent by 2020/21.

increased congestion and delays on this part of the strategic and local road network.

The A5

- 3.12 Milton Keynes Council and Highways England agree that the modelling suggests congestion and delay at Kelly's Kitchen roundabout and the A5 corridor within Milton Keynes (and adjacent junctions/routes) will experience a small degree of worsening under Plan:MK in 2031 over and above that occurring under the Reference Case 2031.
- 3.13 An upgrade to Kelly's Kitchen roundabout has already been designed to facilitate the additional demand generated by a committed housing scheme (Eaton Leys for 1,200 homes) which is due to be delivered in 2018. Milton Keynes Council and Highways England are working together to investigate whether this upgrade is sufficient to accommodate additional demand generated by Plan:MK allocations at South Caldecotte and South East Milton Keynes.
- 3.14 Whilst outside of the Milton Keynes Council area, modelling work undertaken by Milton Keynes Council has taken account of congestion and delay at the Old Stratford roundabout. An improvement scheme for the Old Stratford roundabout has already been delivered by Highways England and South Northants District Council, which has been factored into the modelling work undertaken by Milton Keynes Council. The additional capacity created by this upgrade was limited by the capacity of adjacent links and there was insufficient justification for pursuing a more significant capacity upgrade to the junction and links. However the design of the scheme did not take account of Reference Case growth and Plan:MK growth within Milton Keynes. Therefore, Milton Keynes Council and Highways England consider that further upgrades to this junction may be justifiable and deliverable going forward.
- 3.15 Milton Keynes Council and Highways England are working collaboratively to scope, define and test a package of measures for bringing levels of congestion and delay to acceptable levels along the A5 corridor and the local road network adjacent to it.

Interventions and achieving modal shift

- 3.16 As outlined above, Milton Keynes Council and Highways England are continuing to cooperate on scoping, defining and testing a range of interventions to manage additional congestion and delay attributable to Plan:MK and where relevant the wider congestion and delays identified in the Reference Case 2031. It is agreed by the parties that Milton Keynes Council's Mobility Strategy provides the overarching framework to guide what type of interventions on the local road network


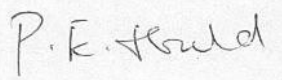
should be defined and tested, and is an important consideration alongside Highways England’s Road Investment Strategy when defining interventions on the Strategic Road Network

- 3.17 The Mobility Strategy seeks to achieve a modal shift of between 5-10% over the plan period and manage a transition toward smart, shared and sustainable modes of travel in Milton Keynes. Milton Keynes Council and Highways England will continue to cooperate as necessary to ensure the aims and objectives set out within Milton Keynes Council’s Mobility Strategy will be achieved. Milton Keynes Council and Highways England agree that increasing highway capacity on the strategic and local road networks may not be the preferred solution or may just be one part of a package of solutions.
- 3.18 Milton Keynes Council is using the Development Framework and HIF processes to inform what site-specific interventions should be tested. Highways England is continuing to support this work where it relates to the Strategic Road Network.
- 3.19 Milton Keynes Council and Highways England agree that where highway and transport improvements, such as those identified in the LIP, are required to mitigate the effects of development of Plan:MK sites, funding for these will be sought through Section 106 obligations or Section 278 agreements with the appropriate developers. Where the need for a particular intervention is not attributable to a single development, pooled Section 106 contributions will be used, subject to any regulations restricting the number of obligations which can be used in a pooling arrangement. Alternatively, funds obtained through a Community Infrastructure (CIL) may be used, in the event that a CIL charging regime comes into force in Milton Keynes. Where obligations or Section 278 agreements (or CIL monies) are insufficient to fund individual schemes, the Council will seek LTP Funding or other bid funding from DfT for highway and transport schemes.

4. Future Co-operation

- 4.1 Milton Keynes Council and Highways England are committed to working together to define and secure the necessary transport infrastructure to support the housing growth identified in Plan:MK and to manage the impacts of significant committed growth in the borough. Both parties will continue to work together, under the Duty to Cooperate and NPPF, to generate the information to support Plan:MK at examination and to support the implementation and future review of Plan:MK.

Name	Brett Leahy	Penny Mould
Position	Head of Planning	Spatial Planning Manager

Organisation	Milton Keynes Council	Highways England
Signature		
Date	22 nd March 2018	22 nd March 2018

Statement of Common Ground between Milton Keynes Council and Historic England

1. Introduction

- 1.1. The purpose of this Statement of Common Ground (SoCG) is to aid the Examination in Public of Plan:MK with regard to matters of soundness. It sets out those matters of soundness where there is agreement and disagreement between Historic England and Milton Keynes Council with regards to Historic England's representations submitted in December 2017 on the Proposed Submission Plan:MK October 2017.

2. Scope of this SoCG

- 2.1. Historic England responded to the Regulation 19 consultation on Monday 18th December 2017. The representations submitted by Historic England welcomed and supported much of the policies and supporting text within the plan. However, they include a number of objections on grounds that the plan in parts was unsound. Historic England considered these matters of soundness were capable of being addressed via minor modifications to wording within the plan. A number of recommended changes to the plan were submitted and each has been reviewed.
- 2.2. Historic England's suggested changes to the Proposed Submission Plan:MK October 2017 are set out in Table 3.1 and 3.2 in Section 3 below. Included within these tables is Milton Keynes Council's response to each of the suggested changes, setting out proposed modifications to wording within the Proposed Submission Plan:MK October 2017 where Milton Keynes Council is content to proposed these changes to the Inspector.
- 2.3. Where appropriate, these proposed modifications will be subject to the Inspector's consideration via the Examination in Public process.

3. Areas of common and uncommon ground

- 3.1. Historic England confirms that they do not have any concerns regarding whether Milton Keynes Council has met the Duty to Co-operate with regard to the historic environment and the role of Historic England as a Duty to Cooperate body.

3.2. Table 3.1 below sets out the changes suggested by Historic England and which Milton Keynes Council is content to make.

Table 1. Areas of common ground between Historic England and Milton Keynes, subject to suggested modifications



Comment ref no.	Policy/para	Suggested change	MKC comment
PSPMK466	2	Welcomes strategic objective points 14 & 15 but again would like to see reference to historic environment	Proposed modification to SO15: "To protect, maintain and enhance the <u>natural, built and historic environment of the Borough</u> , including its <u>important linear parks, sustainable urban-drainage-systems</u> , character and assets of the New City and the towns and villages throughout the Borough, and to protect and maintain the open countryside in the Borough."
PSPMK471	Policy SD1	The inclusion of a reference to having regard to the historic environment in one of the principles or as a new principle in Policy SD1.	Proposed modification to principle 19: "Development should result in a net gain in biodiversity and <u>ensure consideration is given to the historic environment</u> ."
PSPMK474	Policy SD8	Reword principle 8: Within the setting of designated heritage assets outside the site, conserve or enhance the special interest, character, appearance and significance of these assets. or: will conserve or enhance the special interest, character, appearance and significance of designated heritage assets outside the site, within the setting of which the site lies or:	Proposed modification to principle 8: " <u>Will</u> <u>C</u> arefully consider the conservation and enhancement of the special interest, character, appearance and significance of <u>designated heritage assets</u> <u>and within</u> their setting, as part of the positive strategy for the conservation and enjoyment of, and clear strategy for enhancing, the historic environment as required by the NPPF."

		will conserve or enhance the special interest, character, appearance and significance of designated heritage assets outside the site	
PSPMK479	Policy SD15	<p>The sixth bullet point in Policy SD15 should read: Multi-functional and well-connected public open space, informal amenity space, children's play space, open space incorporating the scheduled monument <u>and other areas of archaeological interest</u></p> <p>The seventh bullet point should read: A layout that respects the Scheduled Monument, <u>its setting and other areas of archaeological interest by avoiding the Monument and these areas, allowing their preservation in situ</u>, to be demonstrated by a management plan which shall be submitted for approval in writing by the Council.</p>	Agree to the proposed modification.
PSPMK484	Policy ER18	Criterion I of Policy ER18 should read "natural, built or historic environment"	<p>Agree to modification:</p> <p>"The development is of a use, form and scale which does not harm the quality of the natural, <u>or built or historic</u> environment and;"</p>

Table 2. Areas of uncommon ground between Historic England and Milton Keynes.

Comment ref no.	Policy/para	Suggested change	MKC comment
PSPMK478	Policy SD14	A new bullet point should be added to Policy SD14: ce The retained listed Moulsoe Buildings Farmhouse in an appropriate use and within a setting that reflects its significance.	Disagree – the significance of the listed building and the impact of development will be evaluated as part of the Development Framework and subsequent planning application processes. The

			change would not give the listed building any greater protection than it would enjoy under Policy HE1.
PSPMK486	Policy HN11	The addition of a new criterion to Policy HN11: The site would not adversely affect a heritage asset .	Disagree. Policy HE1 sets out the council's approach to considering the impacts upon heritage assets, in line with the NPPF
PSPMK487	Policy HN12	The addition of a criterion to Policy HN12: The site would not adversely affect a heritage asset .	Disagree. Policy HE1 sets out the council's approach to considering the impacts upon heritage assets, in line with the NPPF
PSPMK525	13	Include additional references to the historic environment and/or heritage assets throughout the Plan as we have indicated in our other comments to provide an adequate positive strategy for the conservation and enhancement of, and a clear strategy for enhancing, the historic environment, as required by paragraphs 126 and 157 of the National Planning Policy Framework.	Disagree. Multiple references to the historic environment are not in themselves considered to constitute a clear strategy in line with the NPPF. Additional references have been suggested via proposed modifications where this improves the clarity and soundness of that policy. The strategy for the historic environment is set out in Policy HE1 and Appendix B to the plan
PSPMK492	Policy HE1	Policy HE1 should be amended as we suggest and/or additional development management policies included in the Plan.	Disagree Consider the approach within HE1 to be capable of addressing development proposals affecting all types of heritage asset.

Name	Brett Leahy	Martin Small
Position	Head of Planning	Principal Adviser, <i>Historic Environment Planning</i>
Organisation	Milton Keynes Council	Historic England
Signature		
Date	2/4/18	3 rd April 2018





Duty to Co-operate Statement between

**Milton Keynes Council
and
Natural England**

This letter has been prepared to evidence that Natural England and Milton Keynes Council agree that the Duty to Co-operate requirements of the Localism Act 2011 and paragraphs 156 and 178 of the National Planning Policy Framework 2012 with regard to the strategic priority to conserve and enhance the natural and historic environment, including landscape, within and beyond Milton Keynes have been met:

Natural England has been consulted by Milton Keynes Council at each stage of Plan:MK's preparation. These stages include Topic Papers (2014), Strategic Development Directions (2016), Regulation 18 (2017) and Regulation 19 (2017).

Through these processes of consultation, it has been established that there are no strategic or cross-boundary issues with regard to the conservation and enhancement of the natural environment, including landscape, that have required further engagement between Milton Keynes Council and Natural England in order to satisfy paragraphs 156 and 178 insofar as the natural environment is concerned within and beyond Milton Keynes.

Name	Brett Leahy	Kirsty MacPherson
Position	Head of Planning	Lead Advisor, Sustainability Team
Signature		
Organisation	Milton Keynes Council	Natural England
Date	04 April 2018	03 April 2018



Statement of Common Ground between
Natural England
and
Milton Keynes Council

1. Introduction

The purpose of this Statement of Common Ground (SoCG) is to aid the examination by setting out the agreement which has been reached between Milton Keynes Council (MKC) and Natural England with regards to the representations submitted by Natural England in December 2017 in relation to the Proposed Submission Plan:MK which was put out for public consultation between 8th November and 20th December 2017.

Natural England responded to the regulation 19 consultation by email and attachments dated 19th December 2017.

Natural England is of the opinion that as it stands Plan:MK does not meet all of the tests of soundness or deliverability, namely, whether it is effective and whether it is consistent with national policy. However, Natural England's concerns mainly centre on the clarification of the wording of policies and the effectiveness of the Plan to deliver against the requirements of Paragraph 114 of the National Planning Policy Framework (NPPF).

Natural England highlight Paragraph 112 of the NPPF, which states: '*Local planning authorities should take into account the economic and other benefits of the best and most versatile (BMV) agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality*'.

Natural England recognise that Plan:MK does not consider the use of the best and most versatile (BMV) agricultural land for development and that as it stands Plan:MK is inconsistent with Paragraph 112 of the NPPF. In order to address this objection, MKC have introduced a new policy with explanatory supporting text which defines BMV agricultural land and seeks to protect the best and most versatile land.

Natural England also highlight NPPF paragraph 117 which states; '*To minimise impacts on biodiversity and geodiversity, planning policies should: promote the preservation, restoration and re-creation of priority habitats*'. Several of the sites allocated for development contain Priority Habitats and

are at risk of impacts. Natural England would like to know how these allocations will preserve, restore and re-create the priority habitat in line with the NPPF.

In order to address this concern, MKC have re-drafted Policy NE2.

Policy NE2: PROTECTED SPECIES AND PRIORITY SPECIES AND HABITATS

A. Where there is a reasonable likelihood of the presence of statutorily protected species or their habitats, development will not be permitted until it has been demonstrated that the proposed development will not result in a negative impact upon those species and habitats.

B. Where the site contains priority species or habitats, development should wherever possible promote their preservation, restoration, expansion and/or re-creation in line with Policy NE3.

However, Natural England has questioned the soundness of the addition of the words 'wherever possible' as these words are not included in the NPPF paragraph 117 in relation to the preservation, restoration and re-creation of priority habitats. This policy is not considered in compliance with the NPPF.

2. Scope of the SoCG

This Statement of Common Ground covers soundness and deliverability issues raised by Natural England in their consultation response to the Proposed Submission Plan in 2017. The statement sets out the key issues that were expressed by Natural England, identifies what has been done in relation to those issues and states whether or not there is agreement that those issues have been adequately addressed and resolved as a result of additional evidence and / or making modifications to Plan:MK.

3. Areas of Common Ground and Other Minor Modifications

To address Natural England's objections (Draft Plan:MK representation PSPMK898), MKC have introduced a new policy and supporting text which defines BMV agricultural land and seeks to protect it. The new Policy brings Plan:MK in conformity with paragraph 112 of the NPPF.

The text and policy wording proposed by MKC as a Main Modification to Plan:MK is set out below:

Chapter 12: Environment, Biodiversity and Geodiversity

"12.41 The Agricultural Land Classification system (ALC) provides a method for assessing the quality of farmland to enable informed choices to be made about its future use within the planning system and the presence of best and most versatile agricultural land should be taken into account alongside other sustainability considerations when determining planning applications. Best and Most Versatile Land is land defined as grades 1, 2, and 3a of the Agricultural Land Classification.

12.42 Para. 112 of the NPPF requires that planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

Policy NE7: PROTECTION OF THE BEST AND MOST VERSATILE AGRICULTURAL LAND

In assessing proposals for the development of greenfield sites, the Council will take into account the economic and other benefits of the best and most versatile agricultural land. Development involving the loss of agricultural land should seek to use areas of poorer quality land (grades 3b, 4 and 5 of the Agricultural Land Classification) in preference to that of a higher quality unless other sustainability considerations suggest otherwise”.

MKC have also made additional minor modifications to Plan:MK, to take into account the recommendations of Natural England.

Minor modifications have been proposed as follows:

Draft Plan:MK Representation	Minor mod proposed	Change	MKC/Natural England comments
PSPMK836	Para 4.15	"Children's play space, surface water attenuation and strategic landscaping <u>green infrastructure</u> "	MKC Change made
PSPMK837	Policy DS6	"Within this area any new leisure and recreation development should be consistent with the objectives set out above, those in <u>Policy NE3 and</u> Policy NE4, and the site specific following requirements"	MKC Change made
PSPMK838	Policy SD1 Point 19	"Development should result in a net gain in biodiversity, <u>through use of strategic, connected green infrastructure, in line with policies NE1-6</u> ". In light of Historic England and Natural England's comments: The Council recommends the following text: "Development should result in a net gain in biodiversity, <u>through use of strategic, connect green infrastructure, in line with policies NE1-6 and ensure consideration is given to the historic environment in accordance to HE1</u>	MKC Change made
PSPMK840	Policy SD3	Add a point 7. <u>"Green infrastructure for the wellbeing of CMK residents and the attractiveness of the Centre for visitors"</u> .	MKC Change made
PSPMK841	Policy SD4 Point 4	"An enhanced and high quality network of pedestrian/cycle routes, public open spaces and squares <u>and green infrastructure</u> "	MKC Change made
PSPMK842	Para 5.19	"Infrastructure design and provision is critical to the	MKC Change made

		success of Strategic Urban Extensions. Such infrastructure includes, but is not limited to, highways and transport infrastructure, schools, health facilities, meeting places (both buildings and civic open space), green infrastructure , flood management and habitats for wildlife."	
PSPMK843	Policy SD11	<p>"A landscape green infrastructure and open space strategy to improve biodiversity, provide advanced structural planting, extend the "forest city" concept, create green road and street scenes, and incorporate public art and leisure and recreation facilities.</p> <p>New point: <u>"The monitoring of biodiversity or green infrastructure improvements should be delivered in accordance to the relevant Development Brief"</u>.</p>	MKC Change made
PSPMK845	Policy SD13	<p>Additional paragraph to include <u>"The site is located adjacent to a Biological Notification Site: Wavendon and Brown Woods, and contains areas of Priority Habitat - Deciduous Woodland, and Best and Most Versatile (BMV) agricultural land. The areas of priority habitat should be conserved and enhanced and the areas of BMV agricultural land should be preferentially used as green infrastructure as should the buffer areas around the watercourses"</u>.</p>	<p>Para 5.24 supporting text to policy SD13</p> <p><u>The Development Framework process will also be used to establish the appropriate location for the Gypsy and Traveller site; the location and size of primary and secondary schools to meet the educational needs arising from the development; provide a development layout and use buffers and structural landscaping that avoids coalescence and significant inter-visibility of the site with the villages of Woburn Sands and Bow Brickhill; how impacts on the lowland meadow priority habitat will be avoided and mitigated in line with Policy NE2; and the provision of green infrastructure, community facilities,</u></p>

		<p>"A comprehensive development framework for the site will be prepared in accordance with policies SD1, SD11, SD12, <u>NE1-6</u> and INF1 and approved by the Council prior to planning applications being submitted".</p>	<p><u>recreation and open space and other amenities, services and infrastructure in line with other relevant policies within the Development Plan.</u></p> <p>Proposed modification to Policy SD13:</p> <p><u>C. The development will be brought forward in line with all relevant policies in Plan:MK, particularly Policy SD1, SD11, SD12, NE1-6 and INF1.</u> A comprehensive development framework for the site will be prepared in accordance with policies SD1, SD11, SD12 and INF1 and approved by the Council prior to planning applications being submitted <u>permissions being granted.</u></p>
PSPMK836	Policy SD14 Point 7	<p>"A strategic landscape <u>green infrastructure</u> framework and network of green spaces to meet strategic and local requirements."</p>	MKC Change made
PSPMK848	Policy SD16	<p>"The development will be brought forward in line with all relevant policies in Plan:MK, particularly Policy SD1, SD11, SD12, <u>NE1-6</u> and INF1".</p>	MKC Change made
PSPMK850	Policy SD18	<p>Request for greater detail of proposals in Campbell Park to assess its potential impacts. A map would be helpful as the park contains Priority Habitat.</p>	Constraints information is available in GIS format on the Council's website
PSPMK850	Policy SD18	<p>Two additional points:</p> <p><u>3. To conserve biodiversity and provide for the environment in line with policies NE2 and NE3.</u></p>	MKC Change made

		<u>4. To provide green infrastructure in line with policy NE4</u>	
PSPMK851	Policy SD19	Add an additional point: <u>9. “The development will provide green infrastructure in line with policy NE4, providing wellbeing benefits through access to nature.”</u>	MKC Change made
PSPMK854	Policy ER1	Request a plan illustrating where employment sites are located so they can be assessed for environmental assets e.g. BMV land or priority habitats.	Information on constraints is already available in GIS on the Council’s website. Sites would be assessed when planning application submitted.
PSPMK855	Policy ER2	Request a plan illustrating where employment sites are located.	The Plan:MK Policies maps will contain mapped site boundaries of all proposed employment sites.
PSPMK858	Policy HN1 Point C4b	“Demonstrate that there is a sufficient quantity of open space within reasonable proximity of the site <u>in line with policy NE4</u>”	Unnecessary to include cross-referencing of this policy as it will apply to all relevant proposals regardless. However, propose the below modifications to Policy HN1 Point C4b to add clarity. “Where the amount of proposed open space would be below that required by other policies in the plan <u>in order to achieve densities that help achieve the wider strategic objectives</u> , proposals will be required to: a. Ensure the proposed private and/or shared outdoor amenity space and the internal amenity of buildings is designed and provided to an exceptional quality; and b. Demonstrate that there is a sufficient quantity of open space (<u>in line with Appendix C</u>) within reasonable proximity of

			the site.”
PSPMK862	Policy HN11 Point viii	“The development complies with Plan:MK policies NE4 and NE5 <u>NE1-6</u>”	MKC Change made
PSPMK866	Policy CT2 Point B	"Development proposals which generate a significant number of heavy goods vehicle movements will be required to demonstrate, by way of a Routing Management Plan, that no severe impacts are caused to the efficient and safe operation of the road network and no material harm is caused to the living conditions of residents <u>or the natural environment.</u> "	MKC Change made
PSPMK870	Para 9.23	“Enhancement and increased accessibility to open space <u>green infrastructure</u> ”	We want to capture all open space. “Green infrastructure” would restrict to certain areas, e.g. we don’t want people walking along grid roads.
PSPMK871	Para 10.5	"The MK Tariff is an innovative funding mechanism for the provision of infrastructure and facilities, such as schools and health facilities, parks and open spaces, <u>green infrastructure</u> , meeting places and affordable housing etc. made necessary by the development of land in the Western and Eastern Expansion Areas, the Strategic Land Allocation to the south-east of the city, Tattenhoe Park and Kingsmead South."	MKC Change made
PSPMK871	Para 10.5	Further explanation on the definition of ‘open space’	“Open space” is defined in Chapter 14 and Appendix C
PSPMK873	Policy INF1	Concern in describing infrastructure i.e. green, grey or social. Amendment to end of point ii. <u>“or the provision of green infrastructure and improvements to biodiversity in line with policies NE1-6”</u> “Where appropriate, the Council will permit developers	The current definition of ‘infrastructure’ within Plan:MK is broader. However, proposed the following modification to criteria ii: “...This might include improvements for highway schemes such as bus and rail provisions and enhancement for walking and cycling facilities, or the provision of <u>improved</u>

		to provide the necessary infrastructure and facilities themselves as part of development proposals, rather than by making financial contributions, provided that these include funded proposals for long term management, monitoring and maintenance.”	and better connected green infrastructure , local health, shopping and recreational facilities.”
PSPMK877	Para 11.1	...based on a strategic water management system and planned open-space green infrastructure provision”.	MKC Change made
PSPMK878	Policy FR2 Point 4	"SuDS will be designed as multi-purpose green infrastructure and open space, to provide additional environmental, biological - biodiversity , social and amenity value, wherever possible. The use of land to provide flood storage capacity should not conflict with required amenity and recreation provision or impacts the floodplain habitat for wildlife."	MKC Change made
PSPMK879	Policy FR3 Point 2	Additional sentence: " Development that restricts future de-culverting of waterways should be avoided ".	MKC Change made
PSPMK881	Policy NE1	<p>Point B. "Development proposals which would likely cause harm to a National Nature Reserve, Site of Special Scientific Interest or irreplaceable habitats such as Ancient Woodland will not be permitted unless:"</p> <p>Point f. "Compensatory provision can be secured that will mitigate damaging impacts on the biodiversity or geological conservation value of the site." --> compensation is the last step in the mitigation hierarchy, rewrite this point to say unless impacts can be mitigated or as a last option compensated for the development will be refused. Also on-site compensation should be used in preference before off-site compensation unless the benefits</p>	<p>Proposed modification to Policy NE1 Point B:</p> <p>"Development proposals which would likely cause harm to a National Nature Reserve, Site of Special Scientific Interest or irreplaceable habitats such as Ancient Woodland will not be permitted unless:</p> <ul style="list-style-type: none"> d1. There is no suitable alternative to the development; e2. The benefits of the development, at this site, clearly outweigh the adverse impacts on the site; f3. All possibilities for mitigation have

		<p><u>of off-site can be sufficiently demonstrated to greatly exceed what is achievable on-site.</u></p> <p>Regarding point D. There needs to be a mention of buffers in here. Waterways 10m (EA) and Ancient woodland is 15m for ground works (root damage) as per Natural England's standing advice."</p>	<p><u>been put in place; and</u></p> <p>4. Compensatory provision can be secured that will mitigate damaging impacts on the biodiversity or geological conservation value of the site. <u>to ensure that the overall coherence of the site is protected.</u></p> <p>Further modifications are proposed to rest of Policy NE1 to ensure consistency with the changes set out above.</p> <p><u>Additional text has been added to supporting text of Policy NE around the mitigation hierarchy:</u></p> <p>12.21 12.22 If <u>In line with the mitigation hierarchy,</u> biodiversity losses resulting from a development cannot <u>should</u> be avoided (by locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for <u>on site, and off-site as an alternative,</u> then planning permission should be refused.</p> <p><u>12.23 Where mitigation and compensation measures and are being proposed, these should incorporate proposals to enhance biodiversity and geological features which are appropriate to, and wherever possible compensate for, impacts on the immediate area and the site characteristics.</u> Biodiversity</p>
--	--	--	--

			<p>offsetting is a proposed approach to compensate for habitats and species lost to development in one area, with the creation, enhancement or restoration of habitat in another <u>area</u>. Under this system any negative impacts on the natural environment would then be compensated for, or 'offset' by developers.</p> <p><u>The Council's preferred approach is that compensation should be done on-site. Where compensation is not possible on site, appropriate enhancements will be sought on other land by provision of replacement habitat of higher quality to achieve a net gain in biodiversity.</u></p> <p><u>12.24 A Biodiversity Impact Assessment Metric, based on the Defra metric or other recognised and locally-approved mechanism, will be used to measure biodiversity losses or gains due to a proposed development. The outputs of this quantitative assessment will be considered alongside qualitative matters when determining the overall impact upon biodiversity under policies NE1-3. A forthcoming SPD will set out how the metric should be applied.</u></p> <p><u>12.25 The Council will also introduce a monitoring framework to ensure proposed net gains in biodiversity are achieved throughout the plan period, including</u></p>
--	--	--	--

			<u>remedial measures for non-compliance.</u>
PSPMK882	Policy NE2	"...contains priority species or habitats identified <u>listed</u> in the Buckinghamshire and Milton Keynes Biodiversity Action Plan..."	MKC Change made
PSPMK930	Policy NE3	Point D: " <u>Mitigation, compensation and enhancement measures must be secured and be maintained for the lifetime of the development.</u> Enhancement and compensatory measures..."	MKC Change made
PSPMK843	Para 12.23	Addition: " <u>Natural England, Nearby Nature; Accessible Natural Greenspace Guidance, March 2010⁽³⁶⁾ is a source of good practice</u> ". Footnote text to read: <u>36. The guidance is available at http://webarchive.nationalarchives.gov.uk/20140605145320/http://publications.naturalengland.org.uk/publication/40004?category=47004</u>	The ANGSt is an example of 'best' practice, not just good practice. Please update.
PSPMK883	Policy NE4	"Development proposals will provide new, <u>to provide wellbeing benefits to people through access to nature</u> , or if it is not possible will contribute to existing green infrastructure. <u>Green infrastructure should be multi-functional to deliver as many ecosystem services as the site requires, for example flood mitigation, access to nature (wellbeing benefits), plants for pollinators, carbon sequestration, and habitat for wildlife.</u> The last bullet point: "Where appropriate explores economic opportunities that will support the network's sustainability – for example in conservation, agriculture, renewable energy or outdoor	MKC Change made

		environmental education or recreation; such activity must not result in a negative impact to the integrity of the network, <u>or on the ecosystem services provided or on biodiversity.</u> "	
PSPMK884	Policy NE5 last para	...has been informed by a LVIA <u>written in accordance with the standard method. Guidelines for LVIA version 3 from the Landscape Institute</u> "	MKC Change made
PSPMK885	Para 12.38	Additional point: " <u>The effects on sensitive species and habitats e.g. bats that rely on sound to feed and travel</u> ".	MKC Change made
PSPMK886	Policy NE4	"Development proposals will provide new, <u>in line with ANGSt to provide wellbeing benefits to people through access to nature</u> , or if it is not possible will contribute to existing green infrastructure.	Disagree with addition of "in line with ANGSt" to the policy. We suggest that a link to ANGSt be incorporated into para. 12.23 (see PSPMK843) as a source of best practice for the design of greenspace alongside our own standards.
PSPMK886	Policy NE6	Point B2 should mention the importance to include an <u>in-combination effects assessment</u> . Point C.1.c. – "Intrusive and would have an adverse effect on human health or the natural environment <u>all habitat and species</u> ".	MKC Change made
PSPMK887	Para 14.16	"However, the land used will not be considered as open space within these designations, and such development will not be permitted in designated parks and open space areas where it reduces the open space below <u>the policy limits set out in Appendix C</u> "	MKC Change made
PSPMK888	Policy L1	"Development proposals will make a positive contribution to environmental management and visitor experience in the parks, including areas <u>for which there that will be of a charge</u> ".	MKC Change made
PSPMK892	Para 15.10	Replace "landscape" with " <u>green infrastructure</u> "	The text refers to other elements which do not constitute green infrastructure, such as lighting

			and hard surfaces.
PSPMK894	Policy D3	Additional point: <u>“Provision of green infrastructure in line with policy NE4”</u>	Additional point: <u>g. Consideration should be given to green infrastructure in accordance with policy NE4.</u> ”

4. Areas of Uncommon Ground

Draft Plan:MK Representation	Minor mod proposed	Requested Change	MKC response	Natural England Comment / Resolution
PSPMK839	Policy SD2 last para	"Residential development will continue to be supported in CMK where it provides a range of well-designed good quality living environments <u>in line with Policy NE4</u> ”	Residential development will be considered against all relevant planning policies which may include NE4 but to single out this policy is not necessary	Similar changes have been made for PSPMK894 Policy D3, PSPMK850 Policy SD18 and PSPMK851 Policy SD19, why not SD2? Consistency is key for deliverability of a plan and a consistent planning outcomes.
PSPMK846	Policy SD14	"Development will be brought forward in line with all relevant policies in Plan:MK, particularly Policies SD1, SD11, SD12, <u>NE1-6</u> and INF1." "A strategic landscape green infrastructure framework and network of green spaces to meet strategic and local	It is self-evident that there will be other polices in the plan that may be applicable to any development proposals on this site. The change is unnecessarily prescriptive and its intention is already embraced by the policy as	Edits have been made to SD13, 16, 18 and 19 to include reference to NE1-6, why is this not possible for SD14? <i>....particularly Policy SD1, SD11, SD12, <u>NE1-6</u> and INF1</i> ". (above change for DS16 PSPMK848 and DS13 PSPKM845) Why focus on Policies SD1, SD11, SD12, and INF1 and not NE1-6? I believe the term " <i>strategic landscape framework</i> " has been changed elsewhere in the Plan to 'strategic green infrastructure framework'. It is advisable to be consistent to avoid

		requirements, <u>including the extension of the River Ouzel Wildlife corridor.</u>	drafted.	confusion. See above changes PSPMK836 & PSPMK843.
PSPMK847	Policy SD15	<p>An additional paragraph to be consistent with other policies <u>"Development will be brought forward in line with all relevant policies in Plan:MK, particularly Policies SD1, SD11, SD12, NE1-6 and INF1"</u></p> <p>Amendments to the bullet point "Multi-functional and well-connected public open space, informal amenity space, children's play space, open space incorporating the scheduled monument, surface water attenuation and strategic <u>multi-functional green infrastructure</u>".</p> <p>Additional point "<u>development should also extend and enhance the River Ouzel wildlife corridor</u>"</p>	<p>It is self-evident that there are other policies in the plan which may be applicable to any development proposals on this site.</p> <p>The changes are unnecessarily prescriptive and their intension is already embraced by the policy as drafted.</p>	<p>Edits have been made to SD13, 16, 18 and 19 to include reference to NE1-6, why is this not possible for SD15?</p> <p><i>....particularly Policy SD1, SD11, SD12, <u>NE1-6 and INF1</u>".</i> (above change for DS16 PSPMK848)</p> <p>It is important to understand the difference between open space and green infrastructure. They are not the same thing. Open space can mean a paved plaza with a token tree, astro turf, or playing fields. None of these are green infrastructure. GI provides an environmental service. E.g. flood control, habitat for wildlife, health and wellbeing etc. It is therefore important to say green infrastructure as well as open space.</p> <p>It is our understanding that the River Ouzel wildlife corridor is a key environmental aim of the MK GI strategy and current Plan for MK (also NPPF 114). It is a concern that it is not being covered in the development</p>

				strategy of the sites that could effectively block the extension of the wildlife corridor if built out in an unsuitable way.
PSPMK852	Policy SD20	<p>Adjust point 4: "The existing hedge across the site should be retained and kept in the public domain <u>and incorporated in to on-site green infrastructure in line with Policy NE4.</u>"</p> <p>Add point 5: "<u>the vegetation bordering the A5 is Priority habitat - deciduous woodland. This vegetation must be conserved and enhanced</u>".</p>	<p>Adjust point 4: "The existing hedge across the site should be retained and kept in the public domain <u>and incorporated in to on-site green infrastructure in line with Policy NE4.</u>"</p> <p>Add point 5: "<u>the vegetation bordering the A5 is Priority habitat - deciduous woodland. This vegetation must be conserved and enhanced</u>".</p>	<p>NPPF Paragraph 117 states 'To <i>minimise impacts on biodiversity and geodiversity, planning policies should: promote the preservation, restoration and re-creation of priority habitats</i>'.</p> <p>Please remove the 'wherever possible'. There is no "where possible" in the NPPF in relation to the preservation, restoration and recreation of priority habitat.</p>
PSPMK853	Policy SD21 Point 7	<p>The fields on this site are Grade 2 agricultural land. As much as possible of this should be kept as green space</p> <p>Amend Point 7: <u>Removal of vegetation should be mitigated with on-site green</u></p>	<p>The site is already allocated for development. A Development Brief is to be prepared prior to planning permission being granted.</p>	<p>If it's not approved please provide specific guidance on the retention of on-site vegetation and avoidance of BMV. NPPF 109 requires the conservation of biodiversity. NPPF 112 require BMV to be considered.</p>


		infrastructure in line with policy NE4” 7. The Development Brief should determine whether the existing vegetation along Wolverton Road should be retained.		
PSPMK856	Policy ER13	Additional point 4: <u>“The shop location will consider landscape character and the environment in line with policies NE1-6.”</u>	New criterion considered unnecessary as any shop proposal in the rural area would be considered against all relevant planning policies which may include policies NE1-6 but to single out those policies in this new criterion is not necessary.	Edits have been made to SD 13, 16, 18 and 19 to include reference to NE1-6. Consistency is key to deliverability and consistent planning outcomes.
PSPMK859	Policy HN9	Additional point to be made: <u>“4 conversion does not result in impacts to biodiversity and is compliant with policies NE1-9”</u>	Impacts on biodiversity will be considered via policies NE1-9. It is therefore unnecessary to refer to these again.	We feel that cross referencing the policies helps home owners to understand that the requirement to conserve an enhance biodiversity is required at every scale (NPPF 109).
PSPMK861	Policy HN10	Additional point to be made: <u>“v. Will not negatively impact landscape character or the environment in line with policies NE1-6.”</u>	Impacts on landscape and the environment will be considered under policies NE1-9. It is therefore unnecessary to refer to these again.	We feel that cross referencing the policies helps farm owners to understand that the requirement to conserve an enhance biodiversity is required at every scale (NPPF 109).
PSPMK863	Policy HN12 Point viii	“The site would not affect a site of nature conservation interest <u>negatively impact the environment and comply with policies NE1-6.”</u>	Impacts on biodiversity will be considered under policies NE1-9. It is therefore unnecessary to refer to these again.	Why use the point to highlight the sites of conservation interest? Why not just provide general protection for the environment in line with NE1-6? Again consistency is a problem.

PSPMK895	Policy D5 Canal side development (changed to D6) Point 2	2. “The protection and enhancement of wildlife habitats <u>in line with policies NE1-6.”</u>	Unnecessary here to cross- reference policies NE1-6.	Edits have been made to SD 13, 16, 18 and 19 to include reference to NE1-6. Consistency is key to deliverability and consistent planning outcomes.
PSPMK897	Appendix C Table 20.1	Areas of Wildlife Interest – the minimum size should be <u>1ha per 1000 people</u>	The current flexible approach in Plan:MK is considered better than restricting to a specified size. Furthermore, introducing a standard of 1ha per 1,000 people could raise questions over our SHLAA figures and the expected capacity of our housing sites within our supply.	We feel 1ha/1000 people should be added as a minimum value to be consistent with the ANGSt and NPPF para 114.

5. Conclusion

Natural England and MKC agree that matters of concern originally raised in representations have been and will continue to be addressed through implementation of Plan:MK. Therefore, on the basis of this statement and the inclusion of the modifications now proposed by MKC, Natural England are satisfied Plan:MK is suitable to go forward to examination.

Both parties are committed to working together to ensure successful implementation of Plan:MK.

Name	Brett Leahy	Kirsty MacPherson
Position	Head of Planning	Lead Advisor, Sustainable Development
Signature		
Organisation	Milton Keynes Council	Natural England
Date	04 April 2018	03 April 2018