**Section 106 Justification/CIL Compliance Statement for:**

**Land at Brickhill Street, South Caldecotte, Milton Keynes MK17 9FE**

**PINS Ref: 3251121**

The contributions set out in the document are required in accordance with locally adopted Supplementary Planning Documents (SPDs) and/or Guidance (SPGs) which support Plan:MK Policy INF1 (previously the Core Strategy Policy CS21). The contributions are also in accordance the National Planning Policy Framework (NPPF). Core Strategy Policy CS21 has been replaced by INF1 whilst PO4 which was a saved policy has been replaced by Policy CC1. The relevant SPD/Gs are:

* Social Infrastructure SPD (2005)
* Sustainable Construction SPD (2007)

Plan MK Policy INF1 ‘Delivering Infrastructure’ states that New Development that generates a demand for infrastructure will only be permitted if the necessary on and off-site infrastructure required to support and mitigate the impact of that development is either:

1. already in place, or

2. there is a reliable mechanism in place to ensure that it will be delivered in the right place at the right time, to the required minimum high standards demanded by this Council and its partners.

The Council will prepare a new Planning Obligations Supplementary Planning Document to cover infrastructure and service requirements, including site-specific infrastructure, to be delivered through Section 106 agreements.

The Council has several Supplementary Planning Documents which set out the requirements for contributions to infrastructure from developers outside of the area covered by the Tariff. These cover topics such as social infrastructure and transport.

The contributions sought take into account the cumulative impact of development on infrastructure and services and the calculation method is based on the figures included in the SPD/Gs based on the scale of the proposed development, where this information is available.

At present, work on the revised Planning Obligations SPD is underway and therefore this application will be considered under INF1, the relevant other Plan:MK policies and adopted SPD and/or SPGs.

In accordance with CIL Regulation 122, the planning obligations sought are compliant with the three statutory tests. The contributions are contained within locally adopted Policies and SPD/Gs and are considered as being necessary in order to ensure development is acceptable in planning terms. Each contribution is directly related to the anticipated impact of the development and will be spent locally to ensure there is adequate provision of infrastructure and services to mitigate the impact of the scheme. The contributions are calculated in accordance with the Council’s SPD/Gs which have been carefully considered to ensure an appropriate level towards each item is reasonably related to the scale of the development.

This document has been prepared to aid the negotiations of the s106 requirements required to mitigate the impact of the development in light of current policy and SPD/G requirements.

**Summary**

Biodiversity Offsetting: £1,885,000

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| Open Space: Land shown on plan 16-048-01-SGP-XX-00-DR-A-1008-P10  Open Space Commuted Sum: £894,291  Public Transport Contribution: £972,887  Pedestrian and Cycle Contribution: £715,257  Highways   * Grid Road Reserve Land: Land adjacent to Brickhill Street on drawing reference 16-048-01-SGP-XX-00-DR-A-1008-P10 * Highways Agreement * Highways Contribution £200,000 * Highways Works   Carbon Offset Contribution: Estimated £1,066,394  Emergency Services Contribution: £64,590  Public Art Contribution: £250,000  Community Contribution: £250,000  **Total Contribution: £5, 232,025** (includes direct financial contributions only and excludes Carbon Offsetting which is estimated only and works to be carried out) |  | |  |
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**Individual Contributions**

**Biodiversity Offsetting**

Development proposals must demonstrate compliance with the mitigation hierarchy within their proposals (Plan MK policy NE3). Impacts on biodiversity should be avoided where possible, if this is not achievable within the proposals then full, proactive and appropriate measures must be evidenced to mitigate and compensate for impacts on biodiversity. Every reasonable effort should be made to ensure biodiversity net gains are achieved within the development site itself – offsetting losses is only appropriate as a last resort (Plan MK policy NE3).

Under this policy, where development results in significant harm to biodiversity, planning permission should be refused (Policy NE3 B). Proposals on attaining net gain shall seek to protect, restore and create opportunities for protected and priority species. The Forward to 2020: Buckinghamshire and Milton Keynes BAP identifies development pressure as being a driving factor in the loss of biodiversity and reiterates the need for the built environment to enhance available opportunities for wildlife.

Policy NE3 of Plan:MK requires development of this scale to be subject to the Defra metric or locally approved Biodiversity Impact Assessment Metric (BIAM) to demonstrate any loss or gain of biodiversity. The BIAM applied to this development calculated a required uplift of 166.07 biodiversity units, requiring a contribution of £1,680,000. A separate sum of £1,885,000 has been indicated as being necessary to provide a net uplift of 10% of biodiversity which MKC believe is an appropriate contribution. This would be in line with the government white paper environment bill. Also, PPG 024 Paragraph: 024 Reference ID: 8-024-20190721 Revision date: 21 07 2019 states in relation to Priority Habitats that habitat improvement will be a genuine additional benefit and go further than measures already required to implement a compensation strategy. This contribution will go towards enhancing biodiversity in other areas within the Borough.

**Open Space Land and Contribution**

The Site Allocation Policy in Plan:MK SD14 requires the development to provide an open space green link on site. Plan:MK policy L4 d) sets out that proposals that include new areas of open space, green infrastructure and parks should include a management and maintenance strategy outlining details of future ownership and the responsible maintenance body (e.g. Parks Trust), and a long term financially sustainable maintenance plan that can be implemented.

The area of land proposed to be transferred and the contribution of £894,291 are considered appropriate to meet the policy requirements mentioned above, and would meet the CIL regulation of being necessary, directly related and fairly and reasonably related in scale and kind to the development.

**Public Transport**

Policy CT5 of Plan:MK states that development proposals must be designed to meet the needs of public transport users and operators and that specific consideration must be given to the provision of public transport services in planning new development. Similar sentiments are echoed within Policies CT1 and CT2, with the latter requiring developments to provide a public transport connection to main points of service provision including town centres.

A contribution of £972,887 over a five-year period has been proposed with supporting evidence to show that this could provide an acceptable service which would run between MK Train station and Bow Brickhill A minimum of an hourly service would operate Monday to Friday, Saturday, Sunday and Public holidays daytime and evening.

This contribution would meet the requirement of being necessary, as per the requirement of policy CT5 that specific consideration should be given to public transport provision, it would be directly related, as it would mitigate the additional impact of the occupiers of the new development and would be fairly and reasonably related, as it would allow a similar level of provision as currently exists to be provided.

The Travel Plan monitoring fee would be used by the Council to ensure that the framework travel plan has been implemented, monitored, and reviewed in relation to each individual occupant. Plan:MK Policy CT2 ‘Movement and Access’ requires larger developments to provide a Travel Plan with mitigation to be implemented as required and this contribution will ensure that this policy requirement is being met.

**Pedestrian and Cycle Contribution**

Plan:MK policy CT3 ‘Walking and Cycling’ states inter alia that the Council will support developments which enable people to access employment facilities by cycling and that the existing Redway should be improved and extended to the current Redway design standards

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It is acknowledged that the development will be delivering redway through the site and links outside of the site to connect into the existing redway network. However, this is not sufficient to mitigate the impact of the development and while the analysis of the proportion of cycle traffic on the surrounding key Redway routes generated by their development is useful, the conclusion is not accepted by MKC.

The proposed contribution to the wider Redway network will address widely acknowledged deficiencies with the current network including surface condition, underpass condition, lack of adequate wayfinding, poorly designed landscaping, missing and indirect Redway links, lack Redway priority at intersections with residential streets. The contribution would contribute to addressing these deficiencies, to a level proportionate of the future use of the Redways network by visitors to the development.

The contributions would assist in meeting the mode share aspirations of the Framework Travel Plan, which would be difficult to achieve with the existing deficiencies on the Redway network which will be used by visitors to the site.

The contribution would meet the CIL requirements of being necessary to meet the Travel Plan targets, directly relates to their submitted calculations showing use by projected visitors and is fairly related as it will be proportionate to the extent to which the Redways are used by their visitors.

The proposed contribution is as follows:

Contribution to the V10 Super Routes works: V10 is approx. 8.32 km in length (excluding missing links) and the Super Route Upgrade costs have been calculated at £522,616.36

Bow Brickhill Crossing to H10 = 0.86km. Upgrade cost as a proportion of total (0.86/8.32 x 522,616.36) = £54,020.

Development proportion based on usage 94.4%) = £50,995

H9-H8 = 1.11 km. Upgrade cost as a proportion of total (1.11/8.32 x 522,616.36) = £69,724. Development proportion based on usage (33.8%) = £69,724

Missing Link costs (1,450m length) = [DfT Typical Costs of Cycling Interventions Analysis (Jan 2017)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/742451/typical-costings-for-ambitious-cycling-schemes.pdf) Within this guidance the costings for a new cycle Super Highway are most applicable to those required for a new redway where there is no existing footway. This provides a cost range of £1.45m - £0.96m per KM. Using the lowest suggested rate of £0.96m the cost estimate equals £1.392m.

Development proportion based on usage (33.8%) = £470,496

Contribution to the H10 Super Route works: Total cost estimate for H10 Super Route works = £283,847.95.

Development proportion based on usage (43.7%) = £124,042

Revised Suggested Total Contribution for off-site Super Route works= £715,257

**Highways Contributions**

Plan:MK Policy CT2 requires development proposals to integrate into existing sustainable transport networks and not have an inappropriate impact on local or strategic networks and to mitigate impact on strategic highways networks arising from the development itself/cumulative impacts, through contributions and relevant transport works. This policy is relevant to all the mitigation works and contributions described below in relation to highways:

*Grid Road Reserve Land*

The Site Allocation Policy SD14 C2 states that access to the site is to be taken from Brickhill Street, which will be upgraded to grid road standard. An upgrade to the southern part of Brickhill Street between the access and A5 Kelly’s Kitchen roundabout is provided as part of the development as this has been shown in the Transport Assessment to be necessary to mitigate the highways impacts of the development.

The upgrading of Brickhill Street to the north of the access roundabout is not necessary in capacity terms to mitigate the impact of the proposal. However, Plan:MK policy CT8 D4 states that Grid Road Reserves will be identified in order to safeguard further potential extension of the grid and enable future development to access the grid. In this instance the provision of the Grid Road Reserve shown on plan SCD-BWB-GEN-01-DR-TR-006-S2-P6 would safeguard land from future development within the site so that it would not prejudice the ability to create a Grid Road along this stretch of Brickhill Street in future, along with the ability to construct a road bridge over the railway to replace the current level crossing if this were required in future. This would comply with policy requirements within Plan:MK in relation to the proposed South East Milton Keynes Strategic Urban Extension, which sits near the application site. Plan:MK identifies extending the Grid Road pattern in to any major new development areas within its Strategic Objective 12, bullet point 5.

*Highways Contribution*

The Highways Contribution of £200,000 payable to the Council would be used towards the provision of improvements to the Walton Park Roundabout, which would be in accordance with Plan:MK policy CT2 and the recommendations of the Transport Assessment.

*Highways Works*

Highways Works would comprise the provision of offsite improvements to Tilbrook Roundabout and Brickhill Street including the dualling of the southern side as shown on drawing SCD-BWB-GEN-01-DR-TR-001 S2 P12. This would be in accordance with Plan:MK policy CT2 and the recommendations of the Transport Assessment.

**Sustainable Construction**

Plan: MK Policy SC1 requires major developments to submit an Energy and Climate Statement to demonstrate inter alia, a carbon reduction, renewable energy generation or make a financial contribution to the Councils carbon offset fund to contribute towards the two objectives named above.

The sum of £1,066,394 is an estimate provided within the Appellant’s submitted Energy and Climate Statement for the whole Development to be paid to the Council in accordance with the Council’s Sustainable Construction Supplementary Planning Document (2007) and Policy SC1 of Plan:MK calculated at a rate of two hundred pounds (£200) Index Linked per tonne of carbon dioxide.

The final calculation is carried out once the development has been built to provide an accurate estimation based on what has been built, in accordance with Plan:MK Policy SC1 and the Sustainable Construction SPD. The estimate is for indicative purposes only to give the applicant an indication of the likely level of contribution based on the proposal.

**Emergency Services Contribution**

Milton Keynes Council Supplementary Planning Document Social Infrastructure Planning Obligations September 2005 in para 2.14.4 states: ‘To assist with the process of bringing infrastructure for the emergency services forward, a contribution of £1,500 per hectare will be sought from business land developments’

It is acknowledged that this SPD predates Plan: MK which allocates the site. The payment is based on the developed area of the site rather than entire site area and the details are based on requirements provided in a consultation response from Thames Valley Police (TVP).

2 x ANPR (Automatic Number Plate Recognition) Cameras: £22,000

The contribution would be used towards provision of two ANPR cameras. These are a crucial tool in crime prevention and detection, based on the nature and location of the proposal, close to the strategic road network. TVP would locate the cameras in the vicinity of the site, enabling officers to be more reactive and efficient in their response to potential incidents, specific to this proposal.

2 x Mobile IT Kit and Equipment: £8,500

The provision of mobile kit for local officers enables them to work remotely and effectively, increasing efficiency and effectiveness whilst also maintaining visibility. The kit would be specifically identified for officers within the geographical teams that would deal with this area.

Remaining Funding: £34,090

This would be utilised as a pro-rate payment towards the provision of a patrol vehicle specifically for the neighbourhood team within which the application site is located. The contribution would part fund the three-year lifespan of the vehicle (total cost £42,390), with the remaining funding derived from existing capital budgets.

Based on the above policy and provision, the contribution is necessary, directly related to the development, and fairly and reasonably related in scale and kind to the development.

**Public Art Contribution**

Policy CC1 ‘Public Art’requires a minimum of 0.5% of the gross development cost of proposals for non-residential development of 1,000 sqm, subject to viability, be allocated towards cultural wellbeing.

A figure of £250,000 has been calculated to represent 0.5% of the gross development cost excluding land, to be spent in accordance with the MK Creative and Cultural Strategy (2018 – 2027) specifically on a public art project within the vicinity of the development in accordance with Policy CC1 of Plan: MK.

This would be necessary and directly related as it would be compliant with policy CC1 and the MKC Strategy named above and would be fairly and reasonably related in scale and kind to the development as the contribution would be based on development costs requirement in policy CC1.

**Community Contribution**

Plan:MK Policy CC4 ‘New Community Facilities’ states inter alia that MKC will support development proposals where they retain and maintain existing facilities which are valued by the community and that proposed developments should also contribute to the provision of improved community and cultural facilities in a way that is not only proportionate to the scale of the proposed development, but also enables usage by residents from across Milton Keynes.

This contribution will be used towards the provision of the enhancement and expansion of educational facilities at the Hazard Alley Safety Centre, Carters Lane, Milton Keynes to provide young people with greater awareness of the risks dangers and hazards in their environment, particularly the built and construction environments, in accordance with Policy CC4 of Plan:MK.