



Proposed Submission Plan:MK October 2017: PLAN:MK RESPONSE FORM

The best way to comment on the Proposed Submission Plan:MK October 2017 is online at:

<http://miltonkeynes.objective.co.uk/portal/>

Alternatively, this form is provided to enable you to submit representations on the proposals set out within the Proposed Submission Plan:MK October 2017 either by email or by post.

HOW TO REPLY

This form has two parts. Both parts should be completed:

PART A – Your contact details

PART B – Your response

Forms should be returned to Milton Keynes Council (MKC) **no later than 5pm on 20 December 2017** by:

Email: planmk@milton-keynes.gov.uk

Post: Development Plans Team, Growth, Economy and Culture, Milton Keynes Council, Civic Offices, 1 Saxon Gate East, Central Milton Keynes, MK9 3EJ.

Further guidance on making representations to the Proposed Submission Plan:MK October 2017 consultation is provided in the following two documents, which are available via MKC's online consultation portal (<http://miltonkeynes.objective.co.uk/portal/>), at the Civic Offices and at public libraries.

- Statement of Representations Procedure
- Guidance Notes for Respondents

If you have any queries about this process please contact the Development Plans team at the address above, via email at planmk@milton-keynes.gov.uk, or by telephone on 01908 252358.

PART A - CONTACT DETAILS

Please note that only your name and organisation name will be published on our online consultation portal. However, we require a full postal address in order to register your comment. We will not accept anonymous responses. If you are an Agent responding on behalf of a third party, please provide full contact details for the third party within Box 1.

BOX 1 RESPONDENT's details

| |
|---|
| Name: Nicola Thomas |
| Organisation (if applicable): Buckinghamshire and Milton Keynes Natural Environment Partnership |
| Position (if applicable): Partnership Manager |
| Address: c/o 7 th Floor, County Hall, Walton Street, Aylesbury, Buckinghamshire HP20 1UA |
| Postcode: HP20 1UA |
| Telephone: 07736 480877 |
| Email: nthomas@buckscc.gov.uk |

BOX 2 AGENT's details

| |
|--------------------------------------|
| Name: N/A |
| Organisation (if applicable): |
| Position (if applicable): |
| On behalf of: |
| Address: |
| Postcode: |
| Telephone: |
| Email: |

PART B – REPRESENTATION

If you are making representations on more than one Chapter, section or Policy of the plan, please fill in a separate 'Part B' sheet for each representation.

Your representation should succinctly cover all the information and evidence necessary to justify your representation and/or any suggested modifications, as there will not normally be a subsequent opportunity to make further representations.

Where relevant please submit evidence to support your representation on the soundness and/or legal compliance of the Proposed Submission Plan:MK October 2017. Any supporting evidence can be attached to this form or submitted as a separate document.

If you are proposing modifications to the Proposed Submission Plan:MK October 2017 to address issues of soundness or legal compliance, your representation should cover all the information, evidence and supporting information necessary to support/justify the representation and the suggested change.

1. Please state which part of the Proposed Submission Plan:MK October 2017 document this representation relates to. *(If you wish to make representations on more than one part please fill in a separate 'Part B' sheet for each representation)*

| | |
|---|--|
| Paragraph | Section 2 – Vision and Objectives |
| Policy | Strategic Objective 17 (Para 2.5) |
| Policies Map Schedule – Section or Map | |
| Table | |
| Figure | |
| Appendix | |

2. Do you consider the Proposed Submission Plan:MK October 2017 to be legally compliant?

Yes No

If NO, is this because it is NOT:
(Please tick all that you think apply)

- Prepared in accordance with the Local Development Scheme
- Prepared in accordance with the Statement of Community Involvement
- Consistent with the regulatory requirements for consultation
- Compliant with the Duty to Co-operate
- Accompanied by a compliant Sustainability Appraisal

Please give details of why you consider the Proposed Submission Plan:MK October 2017 is not legally compliant. Please be as precise as possible.

N/A

3. Do you consider the Proposed Submission Plan:MK October 2017 to be sound?

Yes No

If NO, is this because it is NOT:
(Please tick all that you think apply)

- Positively prepared
- Justified
- Effective
- Consistent with national policy

Please give details of why you consider the Proposed Submission Plan:MK October 2017 is not sound. Please be as precise as possible.

Not effective
 Deliverability of the Plan to 2031; based on effective joint working on relevant cross-boundary strategic priorities.

 The Plan needs to be better aligned to the strategic vision, principles and priorities for achieving more, bigger, better and better-connected green infrastructure across

Buckinghamshire and Milton Keynes, planned for early and strategically, to maximise the delivery of multiple benefits - as set out in the Buckinghamshire and Milton Keynes Natural Environment Partnership's (the Local Nature Partnership for the area) [Vision and Principles for the Improvement of Green Infrastructure in Buckinghamshire and Milton Keynes](#). This Vision and Principles document has been agreed by the NEP's Partners across Buckinghamshire and Milton Keynes, so including neighbouring counties.

In respect of Section 2 – Vision and Strategic Objectives

Vision

To bring the Vision and strategic objectives into line with the NEP's GI Vision and Principles, please add into the vision the importance that green spaces must be:

- **Connected** - in line with **Lawton Principles** and the **NEP's GI Vision and Principles** (see link above) that applies across Buckinghamshire and Milton Keynes.
- **Planned for early and strategically at all scales of development to provide multiple benefits – in line with the NEP's Vision and principles for GI Improvement.** 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 –not just for “children” but to maximise the benefits it can bring to MK's environment and wildlife, also to the health and wellbeing of its residents and to supporting the local economy.

Not consistent with national policy

- **The NPPF** provides a clear steer to the inclusion of ecological networks in planning policy in paragraph 117 (with our underlining):

***Para 117** “To minimise impacts on biodiversity and geodiversity, planning policies should:.....promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan.”*

Strategic Objectives

NB - linked to the above point, **Strategic Objective 17** would benefit from adding “green infrastructure” into the list of services that should be provided for in a timely manner – to bring in line with the NEP's Vision and Principles (GI as important as grey and social infrastructure).

Please set out the changes that you consider are necessary to make the Proposed Submission Plan:MK October 2017 legally compliant and/or sound, including revised wording of any policy or text, and reasons why the proposed change would make it legally compliant and/or sound. Please be as precise as

possible. (Please note that any non-compliance with the Duty to Co-operate cannot be rectified at the examination.)

For the reasons set out at the box above, the NEP's suggested amendments are:

(additions to current text are shown in red)

Section 2 – Vision and Objectives

STRATEGIC OBJECTIVES

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, **green infrastructure**, community halls, sport and recreation facilities, transport interchanges, health services (including Milton Keynes University Hospital), emergency services, highways and rail improvements, and a residual waste treatment plant.

4. If your representation is seeking a change, do you consider it necessary to take part and speak at the examination hearing(s) if invited to do so by the Inspector?

Yes

No

If you wish to take part in the examination hearing(s), please outline why you consider this to be necessary: (Please note the Inspector will determine who will be invited to be heard at the examination hearing(s))

Suggest speaking at the hearing to enable two-way discussion between the NEP, to help articulate the NEP's Vision and Principles for GI, also the Biodiversity Action Plan and the Standard Response to Local Plans agreed by the NEP Partnership across Buckinghamshire and Milton Keynes, and responses proposed by the Council, to enable the Inspector to select the most appropriate way forward.

5. Do you wish to be notified of any of the following?

(Please tick all that apply)

- When Plan:MK 2016-2031 is submitted for independent examination

| |
|---|
| X |
|---|
- When the Inspector's report on Plan:MK 2016-2031 is published

| |
|---|
| X |
|---|
- Adoption by MKC of Plan:MK 2016-2031

| |
|---|
| X |
|---|

Signature



(on behalf of the Buckinghamshire and Milton Keynes Natural Environment Partnership)

Date

18 Dec 2017

PART B – REPRESENTATION

If you are making representations on more than one Chapter, section or Policy of the plan, please fill in a separate 'Part B' sheet for each representation.

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If you are proposing modifications to the Proposed Submission Plan:MK October 2017 to address issues of soundness or legal compliance, your representation should cover all the information, evidence and supporting information necessary to support/justify the representation and the suggested change.

1. Please state which part of the Proposed Submission Plan:MK October 2017 document this representation relates to. *(If you wish to make representations on more than one part please fill in a separate 'Part B' sheet for each representation)*

| | |
|---|---|
| Paragraph | Section 5 – Strategic Site Allocations |
| Policy | SD1 (Place-making principles for development) SD8 (Strategic Land Allocation, Principle 12) SD12 (Delivery of Strategic Urban Extensions) |
| Policies Map Schedule – Section or Map | |
| Table | |
| Figure | |
| Appendix | |

2. Do you consider the Proposed Submission Plan:MK October 2017 to be legally compliant?

Yes No

If NO, is this because it is NOT:

(Please tick all that you think apply)

- Prepared in accordance with the Local Development Scheme
- Prepared in accordance with the Statement of Community Involvement
- Consistent with the regulatory requirements for consultation
- Compliant with the Duty to Co-operate
- Accompanied by a compliant Sustainability Appraisal

Please give details of why you consider the Proposed Submission Plan:MK October 2017 is not legally compliant. Please be as precise as possible.

N/A

3. Do you consider the Proposed Submission Plan:MK October 2017 to be sound?

Yes No

If NO, is this because it is NOT:

(Please tick all that you think apply)

- Positively prepared
- Justified
- Effective
- Consistent with national policy

Please give details of why you consider the Proposed Submission Plan:MK October 2017 is not sound. Please be as precise as possible.

Not effective
 Deliverability of the Plan to 2031; based on effective joint working on relevant cross-boundary strategic priorities.

- The Plan needs to be better connected to the strategic vision, principles and priorities for achieving more, bigger, better and better-connected green infrastructure across Buckinghamshire and Milton Keynes, planned for early and

strategically, to maximise the delivery of multiple benefits - as set out in the Buckinghamshire and Milton Keynes Natural Environment Partnership's (the Local Nature Partnership for the area) [Vision and Principles for the Improvement of Green Infrastructure in Buckinghamshire and Milton Keynes](#). It should also adhere to the Standard Response to Local Plans set out by the NEP provided at the Issues and Options stage of consultations.

Not consistent with national policy

- **The NPPF** provides a clear steer to the preservation, recreation and restoration of and inclusion of ecological networks in planning policy – see Paragraph 117 (with our underlining):

***Para 117** “To minimise impacts on biodiversity and geodiversity, planning policies should:.....promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan.”*

- **NPPF guidance (NEP’s underlining) available at:**
<https://www.gov.uk/guidance/natural-environment> states the following:

***“How can development not only protect but also enhance biodiversity?**
*Biodiversity maintenance and enhancements through the planning system have the potential to make a significant contribution to the achievement of [Biodiversity 2020 targets](#).**

Biodiversity enhancement in and around development should be led by a local understanding of ecological networks, and should seek to include:

- *habitat restoration, re-creation and expansion;*
- *improved links between existing sites;*
- *buffering of existing important sites;*
- *new biodiversity features within development; and*
- *securing management for long term enhancement.*

Paragraph: 017 Reference ID: 8-017-20140306

Revision date: 06 03 2014”

In respect of

Policy SD1 - Place-making principles for development

To bring in line with the NEP’s Vision and Principles and NPPF guidance – need reference to:

- the need to identify, protect enhance and connect **existing green infrastructure** of all types (natural as well as man-made spaces, playing fields, woodlands, etc) at all scales – into schemes, with the **aim of achieving a connected network of green space** to enhance biodiversity, access, health and wellbeing, as a necessary component of sustainable place-making.

Policy SD8 – Strategic Land Allocation, Principle 12

To bring in line with the NEP’s Standard Response to Local Plans, we would encourage

- reference also to the **biodiversity opportunities around the design of sustainable urban drainage systems.**

Drainage no longer referenced in current Policy SD11 (similar to Policy SD5, previous consultation version of Plan:MK).

Ref to sustainable urban drainage is now at **Policy SD8, “Strategic Land Allocation”**. **But – this still does not state need to look for biodiversity enhancement opportunities around the design of SuDS.** This should be stated here to ensure it is picked up.

[NB – Policy FR2 now captures the essence of this (pg 146) – but it should be clearly stated at SD8 to ensure effectiveness of Policy]. “*SuDS will be designed as multi-purpose green infrastructure and open space, to provide **additional environmental, biological, social and amenity value**, wherever possible. The use of land to provide flood storage capacity should not conflict with required amenity and recreation provision*”

Policy SD12 - Delivery of strategic urban extensions

To bring in line with the NEP’s GI Vision and Principles and NPPF guidance on improved connectivity, we would expect reference here to the need for:

- **Early and strategic planning of green infrastructure.** This would show that the policy endorses the NEP’s GI Principle 1 - that green infrastructure is as important and necessary as grey (man-made, constructed) infrastructure and social infrastructure for the health and wellbeing of Buckinghamshire’s economy, environment and society.

Not captured specifically in Policy SD12 but text states this policy must capture principles in SD1 and other policies in other chapters.

Therefore – **also see comments related to the principles in Policy SD1, above, which also apply here.**

6. Please set out the changes that you consider are necessary to make the Proposed Submission Plan:MK October 2017 legally compliant and/or sound, including revised wording of any policy or text, and reasons why the proposed change would make it legally compliant and/or sound. Please be

as precise as possible. (Please note that any non-compliance with the Duty to Co-operate cannot be rectified at the examination.)

For the reasons set out at the box above, the NEP's suggested amendments are:

(additions to current text are shown in red)

Policy SD1: Place-making principles for development

Principle 2

Development integrates well with the surrounding built and natural environments to enable a high degree of connectivity with them, particularly for pedestrians and cyclists and for access to connected green infrastructure for people and wildlife.

Principle 5

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. 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 supporting the local economy.

Principle 13

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..
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.

Policy SD8, Strategic Land Allocation

Principle 12

“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, which look for opportunities for biodiversity enhancement through design”.

Policy SD12 – Delivery of Strategic Urban Extensions (pg 49)

1. *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, **including green infrastructure delivery**, for the Strategic Urban Extension as a whole.*

2. *Development frameworks will be produced by the Council in conjunction with and with the support of the developer(s). Development frameworks will also be prepared in partnership with landowners, adjoining local planning authorities, parish or town councils, infrastructure providers, regional and local agencies and services, statutory consultees, the Parks Trust and other stakeholders. Development frameworks will be prepared in consultation with the local community. The Council will adopt development frameworks as supplementary planning documents to guide future planning applications.*

7. If your representation is seeking a change, do you consider it necessary to take part and speak at the examination hearing(s) if invited to do so by the Inspector?

Yes No

If you wish to take part in the examination hearing(s), please outline why you consider this to be necessary: *(Please note the Inspector will determine who will be invited to be heard at the examination hearing(s))*

Suggest speaking at the hearing to enable two-way discussion between the NEP, to help articulate the NEP's Vision and Principles for GI, also the Biodiversity Action Plan and the Standard Response to Local Plans agreed by the NEP Partnership across Buckinghamshire and Milton Keynes, and responses proposed by the Council, to enable the Inspector to select the most appropriate way forward.

8. Do you wish to be notified of any of the following?
(Please tick all that apply)

Plan:MK



- When Plan:MK 2016-2031 is submitted for examination
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| | |
|---|-------------|
| X | independent |
| X | published |
| X | |

Signature

A handwritten signature in black ink, appearing to read 'M. Hough'.

(on behalf of the Buckinghamshire and Milton Keynes Natural Environment Partnership)

Date

18 Dec 2017

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| | |
|---|---|
| Paragraph | SECTION 11 – MANAGING AND REDUCING FLOOD RISK |
| Policy | FR2 – Sustainable Drainage Systems and Integrated Flood Risk Management and FR3 – Protecting and enhancing watercourses |
| Policies Map Schedule – Section or Map | |
| Table | |
| Figure | |
| Appendix | |

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(Please tick all that you think apply)

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N/A

3. Do you consider the Proposed Submission Plan:MK October 2017 to be sound?

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(Please tick all that you think apply)

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- Justified
- Effective
- Consistent with national policy

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Not effective

Deliverability of the Plan to 2031; based on effective joint working on relevant cross-boundary strategic priorities.

The Plan needs to be better connected to the strategic vision, principles and priorities for achieving more, bigger, better and better-connected green infrastructure across Buckinghamshire and Milton Keynes, planned for early and strategically, to maximise the delivery of multiple benefits - as set out in the Buckinghamshire and Milton Keynes Natural Environment Partnership's (the Local Nature Partnership for the area) [Vision and Principles for the Improvement of Green Infrastructure in Buckinghamshire and Milton Keynes](#). It should also adhere to the Standard Response to Local Plans set out by the NEP provided at the Issues and Options stage of consultations.

In respect of Policy FR2

Request reference to expectations of development to be in line with NEP's Standards response and to provide an undeveloped buffer between all new developments and water courses:

- Safeguard floodplains and floodplain habitats
- Seek opportunities to create wetlands and wet grasslands and woodlands and restore natural river flows and floodplains;
- Seek opportunities for SuDS to be designed to maximise the opportunity to benefit biodiversity
- Avoid building over or culverting watercourses and encouraging the removal of existing culverts and development should not prejudice future opportunities for de-culverting.
- Ensure no adverse impact on the functions and setting of a watercourse and its associated corridor.

While certain amendments have been made in FR2 (Para 4) since Feb 17 draft Plan in respect of safeguarding floodplains and seeking opportunities to maximise benefits to biodiversity, **the text should be clearer** so that it is effective (and efficient) by identifying and safeguarding existing functions in the design.

Additions since Feb 17 version (underlined):

"SuDS will be designed as multi-purpose green infrastructure and open space, to provide additional environmental, biological, social and amenity value, wherever possible. The use of land to provide flood storage capacity should not conflict with required amenity and recreation provision ..."

Policy FR3 also includes the following at Para 2 (pg 147) – but this does not specifically outline specific design and safeguard measures required..

“The Council will resist proposals that would adversely affect the natural functioning of main rivers and ordinary watercourses, this includes through the culverting of open channels, unless for access purposes...”

- 9. Please set out the changes that you consider are necessary to make the Proposed Submission Plan:MK October 2017 legally compliant and/or sound, including revised wording of any policy or text, and reasons why the proposed change would make it legally compliant and/or sound. Please be as precise as possible. (Please note that any non-compliance with the Duty to Co-operate cannot be rectified at the examination.)**

While certain amendments have been made in FR2 (Para 4) since Feb 17 draft Plan in respect of safeguarding floodplains and seeking opportunities to maximise benefits to biodiversity, **the text should be clearer so that it is effective (and efficient) by identifying and safeguarding existing functions in the design.**

For the reasons set out at the box and above, the NEP’s suggested amendments are:

(additions to current text are shown in red)

Policy FR2 (Para 4):

*“SuDS will be designed as multi-purpose green infrastructure and open space, to ~~provide~~ **maximise additional environmental, biological diversity, social and amenity value, wherever possible. The use of land to provide flood storage capacity should not conflict with required amenity and recreation provision – floodplains and floodplain habitats should be safeguarded ...**”*

And add two additional points to FR2: “It is expected that...”

- *Development will ensure no adverse impact on the functions and setting of a watercourse and its associated corridor.*
- *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.*

10. If your representation is seeking a change, do you consider it necessary to take part and speak at the examination hearing(s) if invited to do so by the Inspector?

Yes

No

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| |
|---|
| X |
| X |
| X |

Signature



(on behalf of the Buckinghamshire and Milton Keynes Natural Environment Partnership)

Date

18 Dec 2017

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| | |
|---|--|
| Paragraph | Section 12 – Environment, Biodiversity and Geodiversity |
| Policy | Policy NE1 – Protection of Sites |
| Policies Map Schedule – Section or Map | |
| Table | |
| Figure | |
| Appendix | |

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Yes No

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Not effective – deliverability of the Plan to 2031; based on effective joint working on relevant cross-boundary strategic priorities.

Not consistent with national policy

Not consistent with paragraphs 117 and 118 of the NPPF:

NPPF Para 117.(with our underlining)

“...Planning policies should....

- *plan for biodiversity at a landscape-scale across local authority boundaries;*
- *identify and map components of the local ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them and areas identified by local partnerships for habitat restoration or creation;*
- *promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan...*
- *aim to prevent harm to geological conservation interests*
- *where Nature Improvement Areas are identified in Local Plans, consider specifying the types of development that may be appropriate in these Areas*

NPPF Para 118 (with our underlining).

“When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles

- *if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused*
- *proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site’s notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest*

- *development proposals where the primary objective is to conserve or enhance biodiversity should be permitted*
- *opportunities to incorporate biodiversity in and around developments should be encouraged;*
- *planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss; and*
- *the following wildlife sites should be given the same protection as European sites:*
 - *potential Special Protection Areas and possible Special Areas of Conservation*
 - *listed or proposed Ramsar sites³*
 - *sites identified, or required, as compensatory measures for adverse effects on European sites, potential special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites....”*

We would expect Policy NE1 to be clearer in the following areas, thereby **strengthening its effectiveness and alignment with the NPPF and priorities of the NEP.**

Policy NE1 – Protection of Sites

Reasons for changes:

- A – doesn't make clear that all possibilities for mitigation should be considered in assessing possible alternatives to the development (so to apply the mitigation hierarchy as intended).
- Specific implications of BOAs for planning is not provided (but should be)
- Also in Para C – the terminology local sites of importance is not consistent with surrounding authorities and also implies that some of the sites are only of local value – whereas they are of county value.
- To be clearly compliant with NPPF Para 118 – covering irreplaceable habitats:

118. “planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss; and...”

In respect of NE1

We would also expect to see reference to the following to strengthen **Policy NE1 (Nature Conservation Sites)**:

- **Clear requirements for development proposed within or adjacent to a BOA** – to be consistent with the above quoted paragraph 117 extracts and with the agreed text on BOAs on page 22 from the Buckinghamshire and Milton Keynes Biodiversity and Planning document – see: <http://bucksmknep.co.uk/biodiversity-and-planning/> .

Requirements include:

- the need for a biodiversity survey looking at both constraints and opportunities for enhancement; and that
 - development that would prevent the aims of a BOA being achieved will not be permitted.
 - Where development has potential in or adjacent to a BOA, its design and layout, planning conditions and obligations will be used to secure biodiversity enhancement to help achieve the aims of the BOA.
- **Include “irreplaceable habitats”** into the policy text on action for development proposals likely to harm a National Nature Reserve, SSSI, etc.

As the **NPPF (Para 118, see above)** lists irreplaceable habitats other than just ancient woodland, then to be consistent with the NPPF this Policy should also recognise there are other irreplaceable habitats beyond ancient woodland too. (See Page 14, Biodiversity and Planning document – link just above).

- **Clearer articulation of the mitigation hierarchy** to include – in this order:
 - Avoid (is there a suitable alternative to development which avoids the impact?)
 - Mitigate – all possibilities to be put in place
 - Compensate: **on-site first** to ensure net gain in biodiversity; **off-site compensation a possibility thereafter**, only after other options exhausted.
- **Reference to Greensands Ridge Nature Improvement Area (NIA) and an appropriate planning approach (per Para 117, NPPF).**

12. Please set out the changes that you consider are necessary to make the Proposed Submission Plan:MK October 2017 legally compliant and/or sound, including revised wording of any policy or text, and reasons why the proposed change would make it legally compliant and/or sound. Please be as precise as possible. (Please note that any non-compliance with the Duty to Co-operate cannot be rectified at the examination.)

Policy NE1 – Protection of Sites

Reasons for changes:

- A – doesn't make clear that possibilities for mitigation should be considered in assessing possible alternatives to the development.
- Specific implications of BOAs for planning is not provided (but should be).
- Also in Para C – the terminology local sites of importance is not consistent with surrounding authorities and also implies that some of the sites are only of local value – whereas they are of county value.
- To be clearly compliant with NPPF Para 118 – covering irreplaceable habitats:
118. "planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss; and..."

For the reasons set out above, the NEP's suggested amendments are:

(additions to current text are shown in red)

Policy NE1 PROTECTION OF SITES

- 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:
1. There is no suitable alternative to the development; **and**
 2. **All possibilities for mitigation have been put in place; and**
 3. There are imperative reasons of overriding public interest; and
 4. Compensatory provision can be secured to ensure that the overall coherence of the site is protected.
- 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:

d. There is no suitable alternative to the development; **and**
 e. All possibilities for mitigation have been put in place; **and**
 f. The benefits of the development, at this site, clearly outweigh the adverse impacts on the site; **and** f. Compensatory provision (**on-site; only where on-site options have been exhausted should off-site compensation be considered**) can be secured that will mitigate damaging impacts on the biodiversity or geological conservation value of the site **and achieve a net gain in biodiversity.**

C. Development proposals which would be likely to harm the biodiversity or geological conservation value of **Local Wildlife Sites, Biological Notification Sites, MK Wildlife Corridors or Local Nature Reserves** ~~a site of county-wide (MK Wildlife Sites, Wildlife Corridors) or local importance (Local Nature Reserves, Biological Notification Sites, local wildlife sites) or which serves as a 'biodiversity offset site'~~ will only be permitted where:

d. The local development needs significantly outweigh the biodiversity or geological conservation value of the site; (**involving a biodiversity survey looking at both constraints and opportunities for enhancement**) **and**
 e. The development provides appropriate avoidance/mitigation/compensation measures (**on-site first; offsite as a last resort**) to offset any damaging impacts on the biodiversity or geological conservation value of the site or its wider ecological network; **and**
 f. All possibilities for mitigation have been put in place; **and**
 g. Development that would prevent the aims of a BOA being achieved will not be permitted. Where development has potential in or adjacent to a BOA, its design and layout, planning conditions and obligations will be used to secure biodiversity enhancement to help achieve the aims of the BOA.

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.

13. If your representation is seeking a change, do you consider it necessary to take part and speak at the examination hearing(s) if invited to do so by the Inspector?

Yes

No


If you wish to take part in the examination hearing(s), please outline why you consider this to be necessary: *(Please note the Inspector will determine who will be invited to be heard at the examination hearing(s))*

Suggest speaking at the hearing to enable two-way discussion between the NEP, to help articulate the NEP's Vision and Principles for GI, also the Biodiversity Action Plan and the Standard Response to Local Plans agreed by the NEP Partnership across Buckinghamshire and Milton Keynes, and responses proposed by the Council, to enable the Inspector to select the most appropriate way forward.

14. Do you wish to be notified of any of the following?
(Please tick all that apply)

- | | | | | |
|--|---|---|---|---|
| <ul style="list-style-type: none"> • When Plan:MK 2016-2031 is submitted for independent examination • When the Inspector's report on Plan:MK 2016-2031 is published • Adoption by MKC of Plan:MK 2016-2031 | <table border="1" style="width: 100%; height: 100%; border-collapse: collapse;"> <tr><td style="text-align: center;">X</td></tr> <tr><td style="text-align: center;">X</td></tr> <tr><td style="text-align: center;">X</td></tr> </table> | X | X | X |
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| X | | | | |

Signature


(on behalf of the Buckinghamshire and Milton Keynes Natural Environment Partnership)

Date

18 Dec 2017

PART B – REPRESENTATION

If you are making representations on more than one Chapter, section or Policy of the plan, please fill in a separate 'Part B' sheet for each representation.

Your representation should succinctly cover all the information and evidence necessary to justify your representation and/or any suggested modifications, as there will not normally be a subsequent opportunity to make further representations.

Where relevant please submit evidence to support your representation on the soundness and/or legal compliance of the Proposed Submission Plan:MK October 2017. Any supporting evidence can be attached to this form or submitted as a separate document.

If you are proposing modifications to the Proposed Submission Plan:MK October 2017 to address issues of soundness or legal compliance, your representation should cover all the information, evidence and supporting information necessary to support/justify the representation and the suggested change.

1. Please state which part of the Proposed Submission Plan:MK October 2017 document this representation relates to. *(If you wish to make representations on more than one part please fill in a separate 'Part B' sheet for each representation)*

| | |
|---|---|
| Paragraph | Section 12 – Environment, Biodiversity and Geodiversity |
| Policy | Policy NE2 – Protected Species and Priority Species and Habitats and supporting text (Para 12.19) |
| Policies Map Schedule – Section or Map | |
| Table | |
| Figure | |
| Appendix | |

2. Do you consider the Proposed Submission Plan:MK October 2017 to be legally compliant?

Yes No

If NO, is this because it is NOT:

(Please tick all that you think apply)

- Prepared in accordance with the Local Development Scheme
- Prepared in accordance with the Statement of Community Involvement
- Consistent with the regulatory requirements for consultation
- Compliant with the Duty to Co-operate
- Accompanied by a compliant Sustainability Appraisal

Please give details of why you consider the Proposed Submission Plan:MK October 2017 is not legally compliant. Please be as precise as possible.

N/A

3. Do you consider the Proposed Submission Plan:MK October 2017 to be sound?

Yes No

If NO, is this because it is NOT:

(Please tick all that you think apply)

- Positively prepared
- Justified
- Effective
- Consistent with national policy

Please give details of why you consider the Proposed Submission Plan:MK October 2017 is not sound. Please be as precise as possible.

Not effective

Deliverability of the Plan to 2031; based on effective joint working on relevant cross-boundary strategic priorities.

Not consistent with national policy

Also – policy text is **not clearly compliant with NPPF Para 117** which provides a clear steer to the inclusion of priority habitats and priority species in planning policy in paragraph 117 (with our underlining):

“To minimise impacts on biodiversity and geodiversity, planning policies should:.....promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan....”

There is also **Standing Advice provided by Natural England and the Forestry Commission** (last updated in November 2017) on buffers for ancient woodland and other irreplaceable habitats - which should be adhered to in order to minimise the effects from development of adjacent land.

Also the NERC (2006) Duty to have regard to biodiversity which applies to local authorities in making decisions which is specifically linked to priority habitats and species.

We would expect to see reference to the following to strengthen the clarity of the **Policy NE2, Protected Species**, and thereby the Policy’s effectiveness.

- Recognition of the importance of and need to protect **priority habitats and species**. Need to add “priority species and habitats” into text where protected species and habitats are currently mentioned (e.g. Para 12.19).
- **Minimum buffer** between development and irreplaceable habitats (e.g. ancient woodland and veteran trees) **and its long-term management** to be secured as part of planning permission.
- **Hedgerows** – should be retained along with provision of a suitable protective buffer from development sites. Where hedgerow loss is unavoidable new hedgerows should be created – using native species and at least 3 times the length loss in line with good practice

15. Please set out the changes that you consider are necessary to make the Proposed Submission Plan:MK October 2017 legally compliant and/or sound, including revised wording of any policy or text, and reasons why the proposed change would make it legally compliant and/or sound. Please be as precise as possible. (Please note that any non-compliance with the Duty to Co-operate cannot be rectified at the examination.)

Policy NE2 – Protected Species

Reasons for changes:

- Priority habitats and species – needs to be added to text at Para 12.19 to reflect their importance, alongside protected species and habitats.
- Buffer - Policy FR3 (Protecting and Enhancing Species) includes “development to be set back from watercourses to provide an adequate undeveloped buffer zone”. But this does not go far enough to comply with the current Standing Advice ([see above](#)) to set out a minimum buffer for irreplaceable habitats.
- Hedgerows - Some mention of new planting of hedgerows needing to be native species at Policy SD16, pg 56. But fall sorts of specific asks needed for clarity and effectiveness.

For the reasons set out above, the NEP’s suggested amendments are:

(additions to current text are shown in red)

Repeat requests for:

- Minimum buffer between development and irreplaceable habitats
- Long-term management of buffer
- Hedgerows

Suggested amendments – additional paragraphs to NE2

Policy NE2 PROTECTED SPECIES AND PRIORITY SPECIES AND HABITATS

*When there is a reasonable likelihood of the presence of statutorily protected **or priority** 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.*

A minimum buffer between development and irreplaceable habitats (e.g. ancient woodland and veteran trees) and its long-term management must be secured as part of planning permission.

Hedgerows should be retained along with provision of a suitable protective buffer from development sites. Where hedgerow loss is unavoidable new hedgerows should be created – using native species and at least 3 times the length loss in line with good practice. [continued....]

Para 12.19

*A number of **priority habitats** and legally protected **and priority** species and their habitats occur throughout the Borough. Where there is a reasonable likelihood that **priority habitats**, and protected **or priority** 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 submitted that shows the presence (or otherwise) and extent of the species or habitat over the course of the year.*

16. If your representation is seeking a change, do you consider it necessary to take part and speak at the examination hearing(s) if invited to do so by the Inspector?

Yes No

If you wish to take part in the examination hearing(s), please outline why you consider this to be necessary: *(Please note the Inspector will determine who will be invited to be heard at the examination hearing(s))*

Suggest speaking at the hearing to enable two-way discussion between the NEP, to help articulate the NEP’s Vision and Principles for GI, also the Biodiversity Action Plan and the Standard Response to Local Plans agreed by the NEP Partnership across Buckinghamshire and Milton Keynes, and responses proposed by the Council, to enable the Inspector to select the most appropriate way forward.

17. Do you wish to be notified of any of the following?
(Please tick all that apply)

- When Plan:MK 2016-2031 is submitted for independent examination
- When the Inspector’s report on Plan:MK 2016-2031 is published
- Adoption by MKC of Plan:MK 2016-2031

PART B – REPRESENTATION

If you are making representations on more than one Chapter, section or Policy of the plan, please fill in a separate 'Part B' sheet for each representation.

Your representation should succinctly cover all the information and evidence necessary to justify your representation and/or any suggested modifications, as there will not normally be a subsequent opportunity to make further representations.

Where relevant please submit evidence to support your representation on the soundness and/or legal compliance of the Proposed Submission Plan:MK October 2017. Any supporting evidence can be attached to this form or submitted as a separate document.

If you are proposing modifications to the Proposed Submission Plan:MK October 2017 to address issues of soundness or legal compliance, your representation should cover all the information, evidence and supporting information necessary to support/justify the representation and the suggested change.

1. Please state which part of the Proposed Submission Plan:MK October 2017 document this representation relates to. *(If you wish to make representations on more than one part please fill in a separate 'Part B' sheet for each representation)*

| | |
|---|---|
| Paragraph | Section 12 – Environment, Biodiversity and Geodiversity |
| Policy | Policy NE3 – Biodiversity and Geological Enhancement and supporting text |
| Policies Map Schedule – Section or Map | |
| Table | |
| Figure | |
| Appendix | |

2. Do you consider the Proposed Submission Plan:MK October 2017 to be legally compliant?

Yes No

If NO, is this because it is NOT:

(Please tick all that you think apply)

- Prepared in accordance with the Local Development Scheme
- Prepared in accordance with the Statement of Community Involvement
- Consistent with the regulatory requirements for consultation
- Compliant with the Duty to Co-operate
- Accompanied by a compliant Sustainability Appraisal

Please give details of why you consider the Proposed Submission Plan:MK October 2017 is not legally compliant. Please be as precise as possible.

N/A

3. Do you consider the Proposed Submission Plan:MK October 2017 to be sound?

Yes No

If NO, is this because it is NOT:

(Please tick all that you think apply)

- Positively prepared
- Justified
- Effective
- Consistent with national policy

Please give details of why you consider the Proposed Submission Plan:MK October 2017 is not sound. Please be as precise as possible.

Not effective

Deliverability of the Plan to 2031; based on effective joint working on relevant cross-boundary strategic priorities.

Not consistent with national policy

There is a clear steer in the NPPF, NPPF planning guidance, and the Natural Environment White Paper **towards development achieving a net gain in biodiversity. E.g.**

- **NPPF** – Paras 7,8,9,17 (7th bullet), 109, 113, 114, 117, 118, 119, 152, 157 (last bullet), 187.
- **NPPF planning guidance**

<http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/biodiversity-ecosystems-and-green-infrastructure/>

“Is there a statutory basis for planning to seek to minimise impacts on biodiversity and provide net gains in biodiversity where possible?”

Yes.

Section 40 of the Natural Environment and Rural Communities Act 2006, which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector, which should be seeking to make a significant contribution to the achievement of the commitments made by Government in its Biodiversity 2020 strategy.....

The National Planning Policy Framework is clear that pursuing sustainable development includes moving from a net loss of biodiversity to achieving net gains for nature, and that a core principle for planning is that it should contribute to conserving and enhancing the natural environment and reducing pollution.

In addition there is a need in Policy NE2 to restate the mitigation hierarchy to ensure it is followed and is aligned with the NPPF (Paragraph 118).

To be compliant with the NPPF and related documents, as well as with the NEP’s collaborative work with its partners across neighbouring authorities throughout Buckinghamshire and Milton Keynes, the NEP had previously requested the following references to:

- The need to provide a net gain for biodiversity included in the policy text.
- Implementing the mitigation hierarchy included in the policy text.
- A monitoring framework into the long-term to ensure net gains in biodiversity that are proposed are actually achieved, with remedial measures not achieving satisfactory conditions within stipulated timeframes.
- A forthcoming SPD to provide details of a suitable biodiversity accounting and offsetting mechanism.

Some changes have been made but these do not go far enough to make the policy clear and therefore effective.

18. Please set out the changes that you consider are necessary to make the Proposed Submission Plan:MK October 2017 legally compliant and/or sound, including revised wording of any policy or text, and reasons why the proposed change would make it legally compliant and/or sound. Please be as precise as possible. (Please note that any non-compliance with the Duty to Co-operate cannot be rectified at the examination.)

Policy NE3 - Biodiversity and Geological Enhancement

Reasons for changes:

- **Net gain in biodiversity not stated** in NE3 apart from with ref to biodiversity offset sites – although is stated in Policy SD1 (Place-making Principles). NE 3 states: “*Development proposals will be required to maintain and protect biodiversity and geological resources, and wherever possible enhance biodiversity*”.
- **Mitigation hierarchy – needs to be explained more clearly to be compliant with NPPF Para 118** – compensation only after all options to avoid and mitigate are put in place.
- **Monitoring framework – not included** (mentioned at 12.22 in relation to GI, but not in relation to net gain in biodiversity – this is needed to ensure proposed net gains are actually achieved)
- **Forthcoming SPD** –not included yet this is currently being worked on by the NEP to provide details of how to apply the metric.

In particular - Paragraph C, Policy NE3 is no longer sound. It needs to be clearer on:

- **The meaning of “where compensation is required” i.e. the trigger / threshold*** for this. (NB - if the intention with the new / current text is to apply the metric to capture all development, **we are concerned this would be unworkable**). Reference to thresholds* for applying the metric to secure a net gain in biodiversity has been removed. **It is no longer clear whether net gain is required or when the metric should be used** to help secure it.
- **When compensation should be used, in line with the mitigation hierarchy** – i.e. on-site first; off-site as a last resort.
- **When the metric should be used** – this should be **NOT** just “to inform what compensation will be required” (as in the current Policy text), but also to

assess whether net gain is achieved on site as well as measuring the amount of off-site compensation required.

Suggest re-instate the previous Feb 2017 version text – including with clearly defined thresholds* for applying the metric.

* **“threshold”** - i.e. residential development – exceeding 5 dwellings; other development incorporating gross floorspace of over 1000 sq m (as set out in previous Plan:MK drafts).

For the reasons set out above, the NEP’s suggested amendments are:

To request far clearer policy text for:

- The need to secure a net gain in biodiversity - to be clearly stated in NE3.
- Request **re-instatement of 5 dwellings / 1000 sq m floorspace threshold to apply the metric** - which should be used to assess impacts on biodiversity of the proposed development (not just in the case of off-site compensation),
- Monitoring framework to ensure net gains are achieved.
- Forthcoming SPD to provide details of the bio-accounting mechanism.

(additions to current text are shown in red)

Suggested amendments:

Policy NE3:

A. Development proposals will be required to maintain and protect biodiversity and geological resources, and wherever possible ~~enhance~~ **result in a net gain in biodiversity, enhance** 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.

~~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.~~

B If biodiversity losses resulting from a development cannot be avoided (by locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Mitigation, compensation and enhancement measures must be secured and should be maintained in perpetuity (e.g. for the lifetime of the development).

~~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.~~

C. Developments exceeding 5 dwellings (in the case of residential development) or incorporating gross floorspace in excess of 1000 sq m (in the case of other development) will be required to incorporate proposals to enhance biodiversity and geological features which are appropriate to, and where possible compensate for, impacts on the immediate area and the site characteristics. Where enhancement is not possible on the site, appropriate enhancements will be sought on other land by provision of replacement habitat of higher quality to achieve a net gain in biodiversity. A Biodiversity Impact Assessment metric will be provided to help measure the habitat value gain or loss of due to a development.

A forthcoming SPD will set out how the metric should be applied.

D. 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. A monitoring framework will be introduced to ensure proposed net gains in biodiversity are achieved, including remedial measures for non-compliance.

19. If your representation is seeking a change, do you consider it necessary to take part and speak at the examination hearing(s) if invited to do so by the Inspector?

Yes


No

If you wish to take part in the examination hearing(s), please outline why you consider this to be necessary: *(Please note the Inspector will determine who will be invited to be heard at the examination hearing(s))*

Suggest speaking at the hearing to enable two-way discussion between the NEP, to help articulate the NEP's Vision and Principles for GI, also the Biodiversity Action Plan and the Standard Response to Local Plans agreed by the NEP Partnership across Buckinghamshire and Milton Keynes, and responses proposed by the Council, to enable the Inspector to select the most appropriate way forward.

20. Do you wish to be notified of any of the following?
(Please tick all that apply)

- | | |
|---|---|
| • When Plan:MK 2016-2031 is submitted for independent examination | X |
| • When the Inspector's report on Plan:MK 2016-2031 is published | X |
| • Adoption by MKC of Plan:MK 2016-2031 | X |

| | |
|------------------|--|
| Signature |  <i>(on behalf of the Buckinghamshire and Milton Keynes Natural Environment Partnership)</i> |
| Date | 18 Dec 2017 |

PART B – REPRESENTATION

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Where relevant please submit evidence to support your representation on the soundness and/or legal compliance of the Proposed Submission Plan:MK October 2017. Any supporting evidence can be attached to this form or submitted as a separate document.

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1. Please state which part of the Proposed Submission Plan:MK October 2017 document this representation relates to. *(If you wish to make representations on more than one part please fill in a separate 'Part B' sheet for each representation)*

| | |
|---|---|
| Paragraph | Section 14 – Public Open Space, Leisure and Recreation |
| Policy | Policy L4 (Public Open Space Provision in New Estates) and supporting text (Para 14.27) |
| Policies Map Schedule – Section or Map | |
| Table | |
| Figure | |
| Appendix | |

2. Do you consider the Proposed Submission Plan:MK October 2017 to be legally compliant?

Yes No

If NO, is this because it is NOT:

(Please tick all that you think apply)

- Prepared in accordance with the Local Development Scheme
- Prepared in accordance with the Statement of Community Involvement
- Consistent with the regulatory requirements for consultation
- Compliant with the Duty to Co-operate
- Accompanied by a compliant Sustainability Appraisal

Please give details of why you consider the Proposed Submission Plan:MK October 2017 is not legally compliant. Please be as precise as possible.

N/A

3. Do you consider the Proposed Submission Plan:MK October 2017 to be sound?

Yes No

If NO, is this because it is NOT:

(Please tick all that you think apply)

- Positively prepared
- Justified
- Effective
- Consistent with national policy

Please give details of why you consider the Proposed Submission Plan:MK October 2017 is not sound. Please be as precise as possible.

Not effective – deliverability of the Plan to 2031; based on effective joint working on relevant cross-boundary strategic priorities.

The words inserted at Para 14.27 “*and any artificial grass pitches or surfaces*”, while perhaps seeking to complete the picture of open space, risk artificial surfaces being seen as a way of providing open spaces in development that may be easier / cheaper to manage than natural areas.

The text as it stands risks artificial surfaces being seen as equivalent in value / or as an alternative to providing natural open spaces where benefits for wildlife and the environment can be provided, in turn with benefits for human health and wellbeing, society and the economy.

Artificial surfaces are not equivalent in value to non-artificial surfaces.

Not consistent with national policy

The current approach risks undermining / at least confusing the need for more, bigger, better and better-connected non-artificial green infrastructure (in line with Lawton principles) and net gain in biodiversity (in line with the NPPF requirements and those set out by the NEP).

For example – NPPF guidance (NEP’s underlining) available at:
<https://www.gov.uk/guidance/natural-environment> states the following:

***“How can development not only protect but also enhance biodiversity?
Biodiversity maintenance and enhancements through the planning system have the potential to make a significant contribution to the achievement of [Biodiversity 2020 targets](#).”***

Biodiversity enhancement in and around development should be led by a local understanding of ecological networks, and should seek to include:

- *habitat restoration, re-creation and expansion;*
- *improved links between existing sites;*
- *buffering of existing important sites;*
- *new biodiversity features within development; and*
- *securing management for long term enhancement.*

Paragraph: 017 Reference ID: 8-017-20140306

Revision date: 06 03 2014”

The current approach risks undermining / at least confusing the need for more, bigger, better and better-connected non-artificial green infrastructure (in line with Lawton principles) and net gain in biodiversity (in line with the NPPF requirements and those set out by the NEP).

Therefore – the current text risks being non-effective and non-compliant - with potential perverse consequences.

21. Please set out the changes that you consider are necessary to make the Proposed Submission Plan:MK October 2017 legally compliant and/or sound, including revised wording of any policy or text, and reasons why the proposed change would make it legally compliant and/or sound. Please be as precise as possible. (Please note that any non-compliance with the Duty to Co-operate cannot be rectified at the examination.)

For the reasons outlined above – the NEP suggests an amendment – to remove reference to “and any artificial grass pitches or surfaces” so these cannot be read as equivalent in value to open space and parks.

Suggested amendment:

(NB - additions to current text are shown in red)

Para 14.27 and Policy L4 (Public Open Space Provision in New Estates)

The provision of open space...and parks ~~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 open space and parks should include a long term financially sustainable maintenance plan that can be implemented by local contractors or organisations.

22. If your representation is seeking a change, do you consider it necessary to take part and speak at the examination hearing(s) if invited to do so by the Inspector?

Yes

No

If you wish to take part in the examination hearing(s), please outline why you consider this to be necessary: (Please note the Inspector will determine who will be invited to be heard at the examination hearing(s))

Suggest speaking at the hearing to enable two-way discussion between the NEP, to help articulate the NEP’s Vision and Principles for GI, also the Biodiversity Action Plan and the Standard Response to Local Plans agreed by the NEP Partnership across Buckinghamshire and Milton Keynes, and responses proposed by the Council, to enable the Inspector to select the most appropriate way forward.

23. Do you wish to be notified of any of the following?
(Please tick all that apply)

- | | |
|---|---|
| • When Plan:MK 2016-2031 is submitted for independent examination | X |
| • When the Inspector's report on Plan:MK 2016-2031 is published | X |
| • Adoption by MKC of Plan:MK 2016-2031 | X |

Signature


(on behalf of the Buckinghamshire and Milton Keynes Natural Environment Partnership)

Date

18 Dec 2017

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If you are proposing modifications to the Proposed Submission Plan:MK October 2017 to address issues of soundness or legal compliance, your representation should cover all the information, evidence and supporting information necessary to support/justify the representation and the suggested change.

1. Please state which part of the Proposed Submission Plan:MK October 2017 document this representation relates to. *(If you wish to make representations on more than one part please fill in a separate 'Part B' sheet for each representation)*

| | |
|---|--|
| Paragraph | Section 15 - Design |
| Policy | Policy D1 – Designing a High Quality Place and supporting text |
| Policies Map Schedule – Section or Map | |
| Table | |
| Figure | |
| Appendix | |

2. Do you consider the Proposed Submission Plan:MK October 2017 to be legally compliant?

Yes No

If NO, is this because it is NOT:

(Please tick all that you think apply)

- Prepared in accordance with the Local Development Scheme
- Prepared in accordance with the Statement of Community Involvement
- Consistent with the regulatory requirements for consultation
- Compliant with the Duty to Co-operate
- Accompanied by a compliant Sustainability Appraisal

Please give details of why you consider the Proposed Submission Plan:MK October 2017 is not legally compliant. Please be as precise as possible.

N/A

3. Do you consider the Proposed Submission Plan:MK October 2017 to be sound?

Yes No

If NO, is this because it is NOT:

(Please tick all that you think apply)

- Positively prepared
- Justified
- Effective
- Consistent with national policy

Please give details of why you consider the Proposed Submission Plan:MK October 2017 is not sound. Please be as precise as possible.

Not effective

Deliverability of the Plan to 2031; based on effective joint working on relevant cross-boundary strategic priorities.

The text as it stands risks artificial surfaces being seen as equivalent in value / or as an alternative to providing natural open spaces where benefits for wildlife and the environment can be provided, in turn with benefits for human health and wellbeing, society and the economy.

Artificial surfaces are not equivalent in value to non-artificial surfaces.

Not consistent with national policy

The current approach risks undermining / at least confusing the need for more, bigger, better and better-connected non-artificial green infrastructure (in line with Lawton principles) and net gain in biodiversity (in line with the NPPF requirements and those set out by the NEP).

For example – NPPF Para 118 states: (with our underlining).

“When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles...

- *opportunities to incorporate biodiversity in and around developments should be encouraged;*

And the NPPF guidance (NEP’s underlining) available at:

<https://www.gov.uk/guidance/natural-environment> **states the following:**

“How can development not only protect but also enhance biodiversity?

Biodiversity maintenance and enhancements through the planning system have the potential to make a significant contribution to the achievement of [Biodiversity 2020 targets](#).

Biodiversity enhancement in and around development should be led by a local understanding of ecological networks, and should seek to include:

- *habitat restoration, re-creation and expansion;*
- *improved links between existing sites;*
- *buffering of existing important sites;*
- *new biodiversity features within development; and*
- *securing management for long term enhancement.*

Paragraph: 017 Reference ID: 8-017-20140306 Revision date: 06 03 2014”

The current text risks being non-effective, and with potential perverse consequences.

Point 5 of the Policy D1 now has the following words added since the previous draft (underlined).

“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, 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.”

Again, **the reference to cost risks hard surfaces being seen as equivalent to natural surfaces as a way of landscaping at lower financial cost.**

However – this is not correct, and to imply so risks the perverse consequence of larger areas of hard and artificial surfaces.

Larger areas of hard and artificial surfaces would be at the expense of losing out on benefits from natural landscaping and the financial and other costs saved from the natural approach - from reduced flood risk, absorption of pollutants, reduction of urban heat island effect, provision for pollinators and provision for improved health and quality of life benefits.

24. Please set out the changes that you consider are necessary to make the Proposed Submission Plan:MK October 2017 legally compliant and/or sound, including revised wording of any policy or text, and reasons why the proposed change would make it legally compliant and/or sound. Please be as precise as possible. (Please note that any non-compliance with the Duty to Co-operate cannot be rectified at the examination.)

For the reasons outlined above – the NEP suggests an amendment

Suggested amendment:

(NB - additions to current text are shown in red)

Policy D1 Designing a high quality place

Point 5 – remove reference to cost and make additions as follows:

*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, **and** 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. 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.

25. If your representation is seeking a change, do you consider it necessary to take part and speak at the examination hearing(s) if invited to do so by the Inspector?

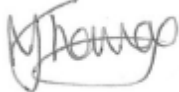
Yes No

If you wish to take part in the examination hearing(s), please outline why you consider this to be necessary: *(Please note the Inspector will determine who will be invited to be heard at the examination hearing(s))*

Suggest speaking at the hearing to enable two-way discussion between the NEP, to help articulate the NEP’s Vision and Principles for GI, also the Biodiversity Action Plan and the Standard Response to Local Plans agreed by the NEP Partnership across Buckinghamshire and Milton Keynes, and responses proposed by the Council, to enable the Inspector to select the most appropriate way forward.

26. Do you wish to be notified of any of the following?
(Please tick all that apply)

- When Plan:MK 2016-2031 is submitted for independent examination
- When the Inspector’s report on Plan:MK 2016-2031 is published
- Adoption by MKC of Plan:MK 2016-2031

| | |
|------------------|--|
| Signature |  <i>(on behalf of the Buckinghamshire and Milton Keynes Natural Environment Partnership)</i> |
| Date | 18 Dec 2017 |

PART B – REPRESENTATION

If you are making representations on more than one Chapter, section or Policy of the plan, please fill in a separate 'Part B' sheet for each representation.

Your representation should succinctly cover all the information and evidence necessary to justify your representation and/or any suggested modifications, as there will not normally be a subsequent opportunity to make further representations.

Where relevant please submit evidence to support your representation on the soundness and/or legal compliance of the Proposed Submission Plan:MK October 2017. Any supporting evidence can be attached to this form or submitted as a separate document.

If you are proposing modifications to the Proposed Submission Plan:MK October 2017 to address issues of soundness or legal compliance, your representation should cover all the information, evidence and supporting information necessary to support/justify the representation and the suggested change.

1. Please state which part of the Proposed Submission Plan:MK October 2017 document this representation relates to. *(If you wish to make representations on more than one part please fill in a separate 'Part B' sheet for each representation)*

| | |
|---|--|
| Paragraph | Section 16 – Culture and Community Section 10 – Infrastructure Delivery |
| Policy | Section 16 – Para 16.32 Section 10 – Policy INF 1 |
| Policies Map Schedule – Section or Map | |
| Table | |
| Figure | |
| Appendix | |

2. Do you consider the Proposed Submission Plan:MK October 2017 to be legally compliant?

Yes No

If NO, is this because it is NOT:

(Please tick all that you think apply)

- Prepared in accordance with the Local Development Scheme
- Prepared in accordance with the Statement of Community Involvement
- Consistent with the regulatory requirements for consultation
- Compliant with the Duty to Co-operate
- Accompanied by a compliant Sustainability Appraisal

Please give details of why you consider the Proposed Submission Plan:MK October 2017 is not legally compliant. Please be as precise as possible.

N/A

3. Do you consider the Proposed Submission Plan:MK October 2017 to be sound?

Yes No

If NO, is this because it is NOT:

(Please tick all that you think apply)

- Positively prepared
- Justified
- Effective
- Consistent with national policy

Please give details of why you consider the Proposed Submission Plan:MK October 2017 is not sound. Please be as precise as possible.

Not effective – deliverability of the Plan to 2031; based on effective joint working on relevant cross-boundary strategic priorities.

SECTION 16 – CULTURE AND COMMUNITY

Para 16.32 “Community Facilities”

To bring in line with the NEP’s GI Vision and Principles which apply to neighbouring local authorities, we would expect to see reference to “community facilities” to include green infrastructure and open spaces as a “requirement” of any community in recognition that green infrastructure is as important *and necessary* as man-made or social infrastructure for the health and wellbeing of communities.

SECTION 10 – INFRASTRUCTURE DELIVERY

Policy INF 1 *Delivering Infrastructure*

To bring in line with the NEP’s GI Vision and Principles we would expect to see reference here to green infrastructure and open spaces as an infrastructure “requirement” of any community - in recognition that green infrastructure is as important *and necessary* as man-made or social infrastructure for the health and wellbeing of communities.

27. Please set out the changes that you consider are necessary to make the Proposed Submission Plan:MK October 2017 legally compliant and/or sound, including revised wording of any policy or text, and reasons why the proposed change would make it legally compliant and/or sound. Please be as precise as possible. (Please note that any non-compliance with the Duty to Co-operate cannot be rectified at the examination.)

For the reasons outlined above – the NEP suggests the following amendments

SECTION 16 – CULTURE AND COMMUNITY

Suggested amendment:

(NB - additions to current text are shown in red)

Para 16.32 “Community Facilities”

*“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, **green infrastructure and open spaces** and emergency services.*

[continued on next page...]

SECTION 10 – INFRASTRUCTURE DELIVERY
Suggested amendment:

(NB - **additions** to current text are **shown in red**)

Policy INF 1 – Delivering Infrastructure

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 of that development is either:

- i. Already in place; or,*
- ii. 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 **improved and better connected green infrastructure**, local health, shopping and recreational facilities.*

28. If your representation is seeking a change, do you consider it necessary to take part and speak at the examination hearing(s) if invited to do so by the Inspector?

Yes

No

If you wish to take part in the examination hearing(s), please outline why you consider this to be necessary: *(Please note the Inspector will determine who will be invited to be heard at the examination hearing(s))*

Suggest speaking at the hearing to enable two-way discussion between the NEP, to help articulate the NEP's Vision and Principles for GI, also the Biodiversity Action Plan and the Standard Response to Local Plans agreed by the NEP Partnership across Buckinghamshire and Milton Keynes, and responses proposed by the Council, to enable the Inspector to select the most appropriate way forward.

29. Do you wish to be notified of any of the following?
(Please tick all that apply)

Plan:MK



- When Plan:MK 2016-2031 is submitted for examination
- When the Inspector's report on Plan:MK 2016-2031 is published
- Adoption by MKC of Plan:MK 2016-2031

| | |
|---|-------------|
| X | independent |
| X | published |
| X | |

Signature

A handwritten signature in black ink, appearing to read 'M. Hough'.

(on behalf of the Buckinghamshire and Milton Keynes Natural Environment Partnership)

Date

18 Dec 2017