



## Statement of Common Ground between

### Milton Keynes Council And Buckinghamshire & Milton Keynes Natural Environment Partnership

#### 1. Introduction

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

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

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

#### 2. Scope of this SoCG

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

### 3. Proposed Modifications

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

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

	<p><b>Principle 13</b></p> <p>The layout and design of development enables easy, safe and pleasant access for pedestrians and cyclists of all abilities from residential neighbourhoods to the facilities including the redway network, open spaces and play areas, linear parks and the wider network of green infrastructure, public transport nodes, employment areas, schools, shops and other public facilities in order to promote recreation, walking and cycling within the development area and wider area. <u>Developments must identify existing green infrastructure assets and the benefits they provide and could provide for future needs, and will build the need to protect, enhance, improve and connect green infrastructure for multiple benefits to biodiversity and wildlife, access, health and well-being as a necessary component of sustainable place-making.</u></p>	
<p><b>SD8, Point 12</b></p>	<p>Take a strategic and integrated approach to flood management and provide a strategic and sustainable approach to water resource management, including Sustainable Drainage Systems (SuDS) and flood risk mitigation, <u>which look for opportunities for biodiversity enhancement through design.</u></p>	<p>Clarity</p>
<p><b>SD12</b></p>	<p>To ensure that Strategic Urban Extensions are brought forward in a strategic and comprehensive manner, planning permission will only be granted for land within Strategic Urban Extensions, following the approval by the Council of a comprehensive development framework, incorporating any necessary design codes, or phasing of development and infrastructure delivery, <u>including green infrastructure delivery</u>, for the Strategic Urban Extension as a whole.</p>	<p>Enhancement of policy</p>
<p><b>INF1</b></p>	<p>New development that generates a demand for infrastructure, facilities and resources will only be permitted if the necessary on and off-site infrastructure required to support and mitigate the impact of that development is either:</p> <ul style="list-style-type: none"> <li>• Already in place; or,</li> </ul>	<p>Clarity of policy</p>

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

3. All reasonable possibilities for mitigation have been put in place; and

~~3~~4. Compensatory provision in line with the mitigation hierarchy can be secured to ensure that the overall coherence of the site is protected and with the intent to achieve a net gain in biodiversity.

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~~1. There is no suitable alternative to the development;

~~e~~2. The benefits of the development, at this site, clearly outweigh the adverse impacts on the site;

~~f~~3. All reasonable possibilities for mitigation have been put in place; and

~~4~~4. Compensatory provision in line with the mitigation hierarchy can be secured ~~that will mitigate damaging impacts on the biodiversity or geological conservation value of the site.~~ to ensure that the overall coherence of the site is protected and with the intent to 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, Wildlife Corridors, Local Nature Reserves and Biodiversity Opportunity Areas ~~a site of county-wide (MK Wildlife Sites, Wildlife Corridors) or local importance (Local Nature Reserves, Biological Notification Sites, local wildlife sites)~~ or sites which serves as a 'biodiversity offset site' will only be permitted where:

~~d~~1. The local development needs

	<p>significantly outweigh the biodiversity or geological conservation value of the site; <b>and</b></p> <p><del>e2. The development provides appropriate avoidance/mitigation/compensation measures</del> <u>All reasonable possibilities for mitigation have been put in place; and</u></p> <p><del>3.</del> <u>Compensatory provision in line with the mitigation hierarchy</u> can be secured <del>that will to offset any damaging impacts on the biodiversity or geological conservation value of the site or its wider ecological network to ensure that the overall coherence of the site is protected and with the intent to achieve a net gain in biodiversity.</del></p> <p><del>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.</del></p>	
12.15	<p><u>Where development is located in or adjacent to BOA<sup>1</sup>, its design and layout, planning conditions and obligations will be used to secure biodiversity enhancement to help achieve the aims of the BOA.</u></p>	<p>Moved from NE1 to supporting text based on legal advice.</p>
Para 12.19	<p>Para 12.19 - A number of <u>priority habitats and</u> legally protected <u>and priority</u> species and their habitats, <u>as listed in the Buckinghamshire and Milton Keynes Biodiversity Action Plan,</u> occur throughout the Borough. Where there is a reasonable likelihood <u>that priority habitats, and</u> protected <u>or priority</u> species, or the habitats upon which they depend, may be affected by a development proposal, planning applications will not be validated until survey information has been submitted that shows the presence (or otherwise) and extent of the species or habitat over the course of the year.</p>	<p>Ensure consistency with the Framework.</p>

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

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

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



	<p><del>indirect adverse impacts before considering compensation. <u>If significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or, as a last resort, compensated for then planning permission should be refused.</u></del></p> <p><del>C. <u>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. Development proposals of 5 or more dwellings or non-residential floorspace in excess of 1,000 sq m will be required to use the Defra metric or locally approved Biodiversity Impact Assessment Metric to demonstrate any loss or gain of biodiversity.</u></del></p> <p><del>D. <u>Mitigation, compensation and enhancement measures must be secured and be maintained for the lifetime of the development.</u></del></p> <p>Enhancement and compensatory measures should seek opportunities for habitat protection, restoration and creation to meet the objectives of the UK and Bucks &amp; Milton Keynes Biodiversity Action Plan and aims of the Biodiversity Opportunity Areas. These measures should also create and enhance habitats to help wildlife adapt to the impact of climate change.</p>	
<p><b>Paragraph 14.27</b></p>	<p>The provision of <u>public</u> open space <u>and parks (including outdoor play and recreational facilities)</u> <del>and any artificial grass pitches or surfaces</del> should be an integral part of the development, considered at the beginning of the design process. Proposals for new areas of <u>public</u> open space and parks <u>(including outdoor play and recreational facilities)</u> should include a long term financially sustainable maintenance plan that can be implemented by local contractors or organisations.</p>	<p>Comprehensiveness</p>

D1

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.

**Note** - Consider the changes are not necessary to make the policy sound, would provide unnecessary detail and in any event are supported via policy SD1 and NE1-4.

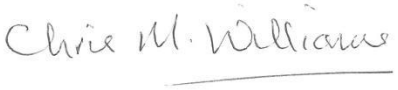
**Based on the above, the Council recommends:**

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 whole life costs. In particular, street trees and planting are incorporated to soften the streetscape and ensure the public realm is not dominated by hard surfaces and boundaries and by parked cars.

**In the supporting text for Para 15.10 include:**

Measures to soften the landscape and improve green infrastructure and biodiversity, from building/plot scale to site wide scale, in development are encouraged. Appendix 2 of the NEP’s “Vision and Principles for the Improvement of Green Infrastructure in Buckinghamshire and Milton Keynes” provides specific examples of

		<u>such measures.</u>
<b>Paragraph 16.32</b>	“Community facilities” covers the wide range of facilities and services required by any community. It includes education, health and community care, leisure centres, multi-functional sport and community buildings, meeting places, libraries, places of worship, burial grounds, <u>green infrastructure and open</u> spaces and emergency services.	Completeness

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<b>Organisation</b>	Milton Keynes Council	Buckinghamshire & Milton Keynes Natural Environment Partnership
<b>Date</b>	<b>28 March 2018</b>	<b>28 March 2018</b>