

Respondent	Section commented on	Summary of Representation	MKC Response
1.Ridge & Partners LLP on behalf of The Society of Merchant Venturers (SMV)	General comments	<p>Welcomes the general approach of the document. Refers to proposed changes to the planning system in the Planning White Paper, which includes changes to how planning obligations are dealt with. SMV considers the SPD is likely to be changed to reflect those changes to the planning system and the SPD will need to be reconsulted upon at that time.</p> <p>Wishes to be notified when SPD adopted by MKC.</p>	<p>Support for document noted.</p> <p>Milton Keynes Council (MKC) wishes to adopt this SPD to replace older planning obligation documents. If Government changes to the planning obligations regime necessitate fundamental changes to this SPD, then the Council will consider its position and options at that time.</p>
2.Community Action:MK	<p>Infrastructure Delivery process</p> <p>Para 7.2, p.19</p>	<p>Seeks to strengthen paragraph 7.2 of SPD with ‘should’ replacing “may” in “As well as the types of resources described elsewhere in this SPD this should may include obligations that support Voluntary Sector infrastructure and Community Development.</p> <p>Note: text to be inserted shown in <u>bold and underlined</u>, text to be deleted is shown crossed through e.g. may</p>	<p>Unfortunately, MKC needs to consider requests for planning obligations on a case by case basis against the three tests for planning obligation (necessary, relevant and directly related). In these circumstances, it is considered that ‘may’ is the more appropriate word to use rather than ‘should’.</p>
2.Community Action:MK	General comments	<p>Welcomes document, refers to linkages with Health Impact Assessment (HIA) SPD proposes a workshop take place to tighten the connections between the HIA SPD and the aspects of it that could be funded through planning obligations.</p>	<p>This is something the Council can consider.</p>

Respondent	Section commented on	Summary of Representation	MKC Response
2.Community Action:MK	<p>Infrastructure Delivery Obligations-Resources</p> <p>Para 7.4, p.19</p>	<p>Amend paragraph 7.4 to refer to Community Action:MK and the MK Community Foundation being the lead bodies for the delivery of on <u>smaller sites</u> as well as strategic sites.</p> <p>7.4 Two principal organisations lead this activity locally; Community Action: MK and the MK Community Foundation. In terms of key strategic and smaller sites, specific outcomes from any planning obligations related to voluntary sector infrastructure and community development will be agreed with these lead organisations.</p>	<p>Agree to this change, there is always the possibility that Voluntary Sector Infrastructure and Community Development may be provided on smaller sites as well as strategic ones and this requirement will need to be agreed with these lead organisations, Community Action: MK and the MK Community Foundation</p> <p>Insert 'and smaller' between strategic and sites as shown.</p>
2.Community Action:MK	<p>Public Open Space, Leisure and Recreation Obligations p.24-28</p> <p>General comment</p>	<p>Community Action would like to discuss creative options for how Community Reserve Sites could be incorporated into planning obligations. Refers to Community Foundation being able to hold, develop and lease land for community benefit and potential models to bestow assets on the Voluntary Community Sector.</p> <p>Wishes to be notified when SPD adopted by MKC.</p>	<p>Plan:MK has no policy to require the identification of sites to meet currently unforeseen future community needs. By their nature Community Reserve sites do not meet CIL regulations and would not be lawful planning obligations. However, alternative ways of providing community reserve sites in future could be considered but this is likely to require a partner willing to transfer land.</p>

Respondent	Section commented on	Summary of Representation	MKC Response
3.Chilterns and South Bucks Area of Buckinghamshire Council	NA	No comments to make regarding this consultation.	Noted, no need to change SPD
4.Natural England	NA	Welcomes the opportunity to give their views. Considers the topic of the SPD does not appear to relate to their interests to any significant extent and does not wish to comment on it. Refers to an SPD requires a Strategic Environmental Assessment (SEA) only in exceptional circumstances	Noted, no need to change SPD Natural England has confirmed no SEA required for this SPD
5. SGN formerly Scotia Gas Networks is a British gas distribution company.	NA	Thanks, the Council for consulting them but has no comments to make on the SPD. Would be happy to assess the impact of any potential developments to gas infrastructure or help with any questions MKC may have in relation to the SGN gas network.	Noted, no need to change SPD
6.Turleys on behalf of Hermes CMK General Partner Limited	Annex A, p.35 Approach to Planning Obligations, p. 4-7	Amend Annex A: the section 106 process should allow for the negotiation of flexible triggers and phasing on a site by site basis. Supports local needs and requirements being reflected within the SPD. Any such requirements should be reflected and specifically stated within the SPD and /or up to date Neighbourhood Plans (including Business Neighbourhood Plans) to comply with national planning policy.	Annex A is an overview of the section 106 process and whilst it does not mention flexible triggers and phasing on a site by site basis. That does not mean this cannot occur. Part d of Policy INF1 (Delivering Infrastructure) specifically refers to the phasing of development to ensure infrastructure is delivered in timely manner. Normally, this level of detail is found in S106 agreements themselves. Noted, no need to change SPD

Respondent	Section commented on	Summary of Representation	MKC Response
6.Turleys on behalf of Hermes CMK General Partner Limited	<p>Approach to Planning Obligations, p. 4-7</p> <p>Negotiation process, para 2.11, p.6</p> <p>Viability, para 2.13, p.7</p>	<p>Refers to obligations being assessed against Local Plan policy and Community Infrastructure Levy (CIL) tests reflected in the National Planning Policy Framework (NPPF) at paragraphs 56-57.</p> <p>Planning Obligation policies should be set out in plans and examined in public. Policy requirements should be clear so that they can be accurately accounted for in the price paid for land and examined in public. The thresholds in paragraph 2.11 of the SPD should accord with Plan:MK thresholds.</p> <p>Given the current pandemic and economic climate, viability considerations will be essential for the delivery of development. ‘Pump-priming’ funding may impact on viability and consequently the delivery of development proposals and should be determined on a scheme by scheme basis.</p>	<p>Contents of SPD reflects policies in Plan:MK which has been examined by an independent Government Inspector.</p> <p>SPD thresholds comply with thresholds in the Council’s Local Plan, Plan:MK, adopted in March 2019.</p> <p>In cases where concerns about pump-priming may impact on viability the developer should contact the Council for a discussion about the issue and what options might be available.</p>
6.Turleys on behalf of Hermes CMK General Partner Limited	Culture & Community Obligations chapter, p. 29-32	A more pragmatic approach to cultural & community obligations should be negotiated on a site by site basis, including and /or as to the percent for art i.e. 0.5% gross development cost plus other community obligation requirement.	Planning obligations are negotiated on a case by case basis and the starting point for contributions to public art and cultural activity is policy CC1, which is where the 0.5% gross development cost figure originates.

Respondent	Section commented on	Summary of Representation	MKC Response
6.Turleys on behalf of Hermes CMK General Partner Limited	Development Strategy Obligations Para 3.5, p. 8	Paragraph 3.5 should recognise some Neighbourhood Plans /Business Neighbourhood Plans are out of date and should be updated to reflect the current NPPF and Plan:MK. This will ensure developer certainty in terms of planning policy requirements for development.	Within the Borough of Milton Keynes responsibility for updating Neighbourhood Plans /Business Neighbourhood Plans rests mostly with the Parish/Town Council for the area concerned. Where circumstances have changed or infrastructure requirements in Neighbourhood Plans are out of date/ have been superseded then this should be taken into account in the planning process.
6.Turleys on behalf of Hermes CMK General Partner Limited	Public Open Space, Leisure and Recreation Obligations chapter Paras 10.12-10.13, p.25	Comments on paragraphs 10.12 and 10.13 the option for service charge management should remain.	The Council's preference is that the financial arrangement for private communal space should take the form of an endowment or commuted sum paid to the management body rather than a service charge to be levied on specific properties each year in perpetuity. However, the Council recognises that it cannot require this.
6.Turleys on behalf of Hermes CMK General Partner Limited	Sustainable Construction& Renewable Energy Obligations	Supports measures in Plan:MK and the carbon offset payment to reduce our collective carbon footprint. Asks what initiatives are being funded by the Council by carbon offset funds?	Among the schemes that have been funded by carbon offset funds are the provision of solar/photovoltaic panel to generate renewable electricity and lighting improvement.

Respondent	Section commented on	Summary of Representation	MKC Response
	chapter, p. 33-34		Further details are available from the Council.
6.Turleys on behalf of Hermes CMK General Partner Limited	Transport & Connectivity chapter, p. 11-14	To provide certainty on costs asks how contributions will be calculated? Refers to the 2003 Planning Obligations SPG which sets out qualifying formula for both highways and public transport contributions	Contributions to be calculated on a scheme by scheme basis.
6.Turleys on behalf of Hermes CMK General Partner Limited	Table 1: Qualifying Thresholds of Development on p.12	Refers to Table 1 of SPD and asks if contributions sought will be calculated on additional floorspace/dwellings and not changes of use. Reiterates point that 'Pump-priming' funding may impact on viability and consequently the delivery of development proposals and should be determined on a scheme by scheme basis	S106 contributions will be sought to mitigate the of the development and this includes proposals for additional floorspace, new dwellings and changes of use. However, where a scheme is permitted development s106 contributions cannot be sought by the Council. See previous response to pump-priming above
6.Turleys on behalf of Hermes CMK General Partner Limited	Introduction page 2.	Refers to this Planning Obligations SPD replacing older planning obligations documents from 2003-2007.	This is the intention of the Council.
7.Gladman Developments	General comment	Plan:MK examined against 2012 version of the NPPF and accompanying Planning Practise Guidance (PPG) references in Plan:MK refer to these 2012 documents. It is important that the SPD is flexibly worded and consistent with the requirements of national planning policy.	Comments noted no need to change SPD.

Respondent	Section commented on	Summary of Representation	MKC Response
7.Gladman Developments	Introduction, Purpose of the document, para 2.3 on p.2	Gladman reminds the Council that SPDs cannot be used as a fast track mechanism to set polices, prepared with the aim of avoiding the need for examination or reinventing existing planning policy which should be examined. Refers to para 19 of the NPPF on the purpose of SPDs providing further guidance for the development of specific sites or on a particular issue such as design. SPDs role is to provide guidance on existing planning policy in the Development Plan and not reinvent existing policies in the Local Plan.	Comments noted no need to change SPD.
7.Gladman Developments	Introduction, para 2.6 on p.2.	Refers to the SPDs/SPGs the Planning Obligation SPD will replace.	Comments noted no need to change SPD.
7.Gladman Developments	General comment on Planning Obligations	Planning Obligations sought by MKC must comply with the Community Infrastructure Levy (2010) regulations. It is for the Council to justify the contributions sought. Highlights planning obligations sought must comply with the three tests of CIL regulation 122 and paragraph 56 of the NPPF the planning obligation must be 1) necessary to make the development acceptable in planning terms 2) Directly related to the development 3) Fairly and reasonable related in scale and in kind to the development. Refers to the lifting of pooling restrictions so that since 1 September 2019 contributions to infrastructure can be secured from 5 or more planning obligations.	The SPD has been produced to be consistent with the relevant CIL regulations and tests.

Respondent	Section commented on	Summary of Representation	MKC Response
7.Gladman Developments	General comment on Planning Obligations	Wants any request for planning obligations to be made as soon as practicable during the planning application process in order to aid efficiency of the determination process and to allow time for negotiations. Want any request for contributions to be supported by clear evidence. Seeks flexibility on planning obligations to prevent planned development being stalled. Where contributions sought MKC should consider changes in market conditions over time	MKC's position is that levels of s106 should be covered in pre-application advice so if developers avail themselves of this opportunity there will be early engagement. There is already a s106A process for revising how s106 Agreements should be changed if circumstances warrant this.
7.Gladman Developments	General comment	Supportive of the proposed approach in the SPD which is non-prescriptive and recognises that the infrastructure requirements associated with individual development proposals need to be carefully considered on a site by site basis.	Support for contents of SPD noted.
7.Gladman Developments	General comment	Gladman propose that new tariff arrangements associated with strategic sites in Plan:MK would benefit from further clarification in this SPD.	New Tariff arrangements are being discussed with landowners and developers in the relevant areas and are being based largely on existing arrangements.
7.Gladman Developments	General comment	Welcomes the opportunity to comment on this SPD and would like to be informed as the document progresses. Reserves the right to make additional comments at any later stage of public consultation.	Comments noted no need to change SPD.
7.Gladman Developments	General comment	Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Refer to three statutory tests of	See comments above. Involvement of Gladman and other developers and landowners in discussions over new

Respondent	Section commented on	Summary of Representation	MKC Response
7.Gladman Developments	General comment	<p>planning obligations that planning obligations must meet. Planning obligations should only be imposed where such matters cannot be dealt with by way of a planning condition. Seeks clarity as to the extent to which the obligation examples in the SPD will be imposed. Refers to Gladman/L&Q Estates involvement in the South East Milton Keynes (SEMK) allocation. Anticipates that a Tariff mechanism will be used in the delivery of development such that phases of the development can share proportionately in site wide strategic infrastructure costs and mitigations. Expects the tariff will set out the relevant and required obligations for SEMK, approach to the shared costs across the site and delivery of infrastructure in a co-ordinated way. This will be separate to this Planning Obligation SPD but consistent with it and leading on the proposals and requirements for the SEMK site.</p> <p>Wishes to be notified when SPD adopted by MK</p>	Tariff arrangements is very welcome and will help to ensure continued timely delivery of infrastructure alongside development.
8.Bletchley & Fenny Stratford Town Council	General comments	Town Council welcomes the opportunity to comment on these proposals and is pleased that early engagement with the Town Councils is included and the recognition of existing Neighbourhood plans. Has concerns around the detailing and triggers of S106 allocations and feels that involvement in pre-application meetings would help them to influence	MKC is open to involving Parish /Town Councils (and other stakeholders) in S106 negotiations at pre-application stage. This will be managed on a case by case basis according to the scheme and any other arrangements in place (like a Planning Performance Agreement).

Respondent	Section commented on	Summary of Representation	MKC Response
8.Bletchley & Fenny Stratford Town Council		planners and to prepare for these applications being submitted.	
8.Bletchley & Fenny Stratford Town Council	General comments	Wants MKC to strengthen its commitment to what is promised with regards to community infrastructure, seeks early delivery of infrastructure rather than being left until the development is finished.	MKC supports the early delivery of infrastructure such as schools and health facilities in new development.
8.Bletchley & Fenny Stratford Town Council	General comments	Refers to example of Newton Leys being an example of this with no medical centre in the area and residents having to travel elsewhere to obtain medical support. Note: Newton Leys is an example where the delivery of facilities was dependent on trigger points, in terms of numbers of dwellings completed on site, being achieved. However, in an economic downturn housebuilding can slow down or stop when there are no buyers. With little or no housing development taking place on site, the developer was unable to afford the delivery of facilities and their delivery occurred years later than originally planned.	The Milton Keynes Tariff approach pioneered in the Western and Eastern Expansion areas where public money is invested to forward fund the early delivery of key infrastructure helps mitigate against the risk of late delivery. The Council intends to adopt a Tariff 2 approach towards the delivery of infrastructure in the Milton Keynes East and South-East Expansion Areas now that 'pooling' of s106 contributions from developers to forward fund infrastructure provision is permitted.
9.Wolverton & Greenleys Town Council	Figure 1 on p.5	Pleased that Parish Plans have now been included in this section. Also, that the threshold for contributions from housing schemes in paragraph 2.11 has been lowered from 15 to 11 dwellings.	Comments noted no need to change SPD.

Respondent	Section commented on	Summary of Representation	MKC Response
9.Wolverton & Greenleys Town Council		<p>Welcomes statement in paragraph 10.13 that: <i>“It is the Council’s clear preference that the financial arrangements for private communal space should take the form of an endowment or commuted sum paid to the management body, rather than a service charge to be levied on specific properties each year in perpetuity.”</i></p> <p>Wishes to be notified when SPD adopted by MKC.</p>	
10.Sport England	<p>Public Open Space, Leisure and Recreation Obligations. Pages 24-28.</p> <p>Para 10.16 on p.27</p>	<p>Welcomes reference (at para 10.16 of SPD) to Sport’s England (SE) planning tool, the Sports Facilities Calculator which details of how much new development will generate additional demand for specific sports facilities. SE refer to the new Milton Keynes Playing Pitch Strategy (PPS). SE considers once it is completed and adopted by the Council it will represent a robust and up to date assessment of MK’s current and future needs for outdoor pitch sports. The PPS sets out detailed recommendations; priorities and an action plan for addressing the identified needs within the Council area. SE consider the SPD should refer to the PPS for the purposes of identifying both new provision and/or improvements to existing sports provision/facilities. Wishes to be notified when SPD adopted by MKC.</p>	<p>Milton Keynes Playing Pitch Strategy has not yet been adopted by the Council nor has it been endorsed by several sporting bodies whose staff are on furlough due to the Covid-19 pandemic.</p> <p>In these circumstances the updated playing pitch strategy has not been incorporated into this SPD.</p>
11.CMK Town Council (CMKTC)	General comments	<p>CMKTC recognises the need for this SPD to be updated and conform with national planning policy. However, the Town Council has concerns about:</p>	<p>MKC is open to involving Parish /Town Councils (and other stakeholders) in S106 negotiations at pre-application stage. This will be</p>

Respondent	Section commented on	Summary of Representation	MKC Response
11.CMK Town Council (CMKTC)		<p>a) The lack of Parish Council involvement in the process of determining contributions from any development</p> <p>b) The detail about how different contribution types are weighted against each other</p> <p>CMKTC objects to the proposed draft SPD.</p>	managed on a case by case basis according to the scheme and any other arrangements in place (like a Planning Performance Agreement).
11.CMK Town Council (CMKTC)	<p>Approach to Planning Obligations</p> <p>Figure 1: Planning Obligations Process Flow</p>	<p>Detailed Comments & Proposed Changes</p> <p>Parish Councils should be included in the first “identifying need” stage of Figure 1, the Planning Obligation Process Flow diagram rather than at the second stage of the diagram, the S106 Negotiation process. CMKTC argue it is not appropriate for Parish Councils to be excluded from the “identifying need” stage. Also, if Parish Council plans are considered without the Parish Councils that developed them being included, there is a risk of those plans being misinterpreted.</p> <p>CMKTC seeks the following changes to the document Add “<u>consultation with Parish Councils</u>” to “identifying need” section in Figure 1 on page 5 of SPD.</p>	<p>Annex A:The Section 106 Process :an overview does refer to early engagement with stakeholders of specific needs/Mitigations (including Local Councils and Ward Members) before pre-application discussions commence.</p> <p>Change sought agreed. Figure 1 already refers to consultees which includes Parish /Town Councils. Add “<u>consultation with Parish Councils where no Neighbourhood Plan is in development</u>” in Figure 1.</p>

Respondent	Section commented on	Summary of Representation	MKC Response
11.CMK Town Council (CMKTC)	<p>Approach to Planning Obligations</p> <p>Negotiation Process</p> <p>Para 2.10 on p.6</p>	<p>CMKTC supports the aspiration to have S106 negotiations begin at pre-app stage. However, Parish Councils should be part of these pre-app discussions, as Parish Councils are in touch with local community needs in a way in which the local authority is not.</p> <p>Propose change to paragraph 2.10 on page 6, add following text in bold and underlined . The expectation is that the negotiation process will begin at pre-application stage, <u>with town and parish councils engaged from this point.</u></p> <p>Various types of contribution, such as affordable housing, public art, open space, carbon offset contributions are triggered at 11 dwellings. Some other contribution types have different triggers and there is no scale of development trigger for infrastructure/transport contributions. No single development can provide all of these contributions and here is no clear hierarchy for establishing which contributions types should be given priority or how to determine that.</p>	<p>MKC is open to involving Parish /Town Councils (and other stakeholders) in S106 negotiations at pre-application stage. This will be managed on a case by case basis according to the scheme and any other arrangements in place (like a Planning Performance Agreement).</p> <p>Where there is a relevant trigger in the Local Plan this is reflected in the SPD. The SPD is not meant to imply that all obligations covered in the document would be required on all developments; it has to be assessed on a case by case basis. However, if a proposal cannot meet relevant policies or mitigate its impact then the Council may need to refuse the application.</p> <p>Provision of highways and new or upgraded Redway are often secured through section 278 agreements under the 1980 Highways Act rather</p>

Respondent	Section commented on	Summary of Representation	MKC Response
11.CMK Town Council (CMKTC)			than section 106 legal agreements under the Town and Country Planning Act.
11.CMK Town Council (CMKTC)	<p>Development Strategy Head of Terms General comment Development Strategy</p> <p>Head of Terms Para 3.12 on p.9</p> <p>NA</p>	<p>Head of terms for transport omits road improvements and only talks about public transport and walking/cycling. It is inappropriate to constrain what types of transport improvements may be funded by S106 in the SPD, as road improvements may be an appropriate use of contributions in many cases. Proposed change to paragraph 3.12. Add text in bold and underlined .</p> <p>“Improvement to the accessibility of Town Centre facilities and services (such as through town centre parking, cycle routes, <u>road improvements</u>, or public transport services – see also Transport and Connectivity Obligations). “</p> <p>Is MKC still going through with Planning Obligations changes given the Government’s Planning White Paper?</p>	<p>The omission of road improvements does not mean that they will not be provided. The Heads of Terms illustrating what contributions may be sought is not intended to be definitive. However , if it would reduce uncertainty the Council has no objection to adding the words <u>road improvements</u> between ‘cycle routes’ and ‘or public transport services’</p> <p>Yes, same answer at 1 above. MKC wishes to adopt this SPD to replace older planning obligation documents. If Government changes to the planning obligations regime necessitate fundamental changes to this SPD, then the Council will consider its position and options at that time.</p>

Respondent	Section commented on	Summary of Representation	MKC Response
11.CMK Town Council (CMKTC)	Add new paragraph to section 11 Culture and Community Obligations Chapter, pages 29-32.	<p>New detail is given on how community facilities would be managed long-term, although this is done for parks. More detail on how these will be managed and secured long-term as assets for use by the community is needed</p> <p>1) Add new paragraph in section 11 Culture and Community Chapter, pages 29-32.</p> <p>“Management and Maintenance of open space play areas and green infrastructure in perpetuity.</p> <p>11.xx New, improved or enhanced community facilities must be managed and maintained into the long term if they are to meet the requirements of Plan:MK. Developers are required to include a management and maintenance strategy for all new or extended community facilities, which shall include details of the proposed ownership of the facility; the identity of the responsible maintenance (stewardship) body (e.g. a local council, charity , etc), financial and public accountability, and a suitable and sustainable financial arrangement to enable the stewardship body to maintain the community facility to the required standard and for the use of the community in perpetuity.”</p>	<p>Community and Leisure facilities, including playing fields, where provided, are expected to be able to generate funding streams to be able to provide for their own long- term management and maintenance.</p> <p>This same does not apply to parks and play areas which is why the Council seek maintenance contributions for these facilities.</p> <p>Requiring a suitable and sustainable financial arrangement to enable the maintenance of the community facility to the required standard and for the use of the community in perpetuity is difficult to justify. Proposed new paragraph not accepted.</p>

Respondent	Section commented on	Summary of Representation	MKC Response
12.Fiona Youlton	NA	As far as I'm concerned, the planning in the UK will continue to ride roughshod over communities so this is all a complete waste of time Our views just don't matter.	Public representation on all planning documents including this SPD are considered very carefully by the Council.
13.Sylvia Marshall	NA	Many thanks for the information, sadly I feel feedback, views, advice, are a waste of time, I feel as a member of the public, my input will have no impact, your plans are decided before they ever reach the public. Dissatisfied member of the plebeians.	The Council does seek to consult with members of the public on planning documents public representations on all planning documents including this SPD are carefully considered by the Council.
14.Sue Malleeson	General comment	The document assumes the developer are paying S106 contributions but in the case of South Caldecotte it is the landowners entirely, not the developers, who are footing the bill. The wording in the document may need to change to reflect this possibility.	Prices paid for land by developers often reflects S106 contributions payable for the form of development proposed. Many developers and landowners agree 'options' or conditional agreements which allow for the adjustment of land value once contributions have been agreed. Irrespective of whether it is a developer or a landowner who pays S106 contributions, the planning obligation run with the land and therefore a change in ownership results in a change in liability.

Respondent	Section commented on	Summary of Representation	MKC Response
14.Sue Malleson	Transport & Connectivity Obligations Para 5.6 on p.11	Seeks changes to this sentence deletion of 'would also' and its replacement by 'may also be affected' as shown below The southern part of Milton Keynes <u>may also</u> would also be affected by proposals for the Oxford to Cambridge Expressway.	Delete this sentence as Highways England have paused work on the expressway while they undertake further work on other potential road projects that could support the Government's ambition for the Oxford-Cambridge.
14.Sue Malleson	Annex A: The Section 106 Process: an overview on p.35	It is unclear at what point the S106 will be available for examination by the public or the Development Control Committee (DCC). These sections should be reworded. The SPD should be specific about each stage. When and where the heads of Terms should be published and to whom: Town or Parish Council, DCC members and ward Councillors and members of the public	Annex A shows the S106 Heads of Terms (HoTs) submitted with the planning application however the final s106 will only be arrived at through the planning consultation and legal negotiation. Final HoT's are included in Committee or Delegated Reports.
14.Sue Malleson	General comment	Refers to South Caldecotte appeal where the Heads of Terms was revealed when the appeal was launched and the details of the S106 with financial allocations halfway through the planning inquiry. To avoid such a muddle in future, the relevant sections of the SPD are unequivocal about who should see what and when, and where the information should be posted.	As far as the financial allocations appearing halfway through the appeal inquiry. This appeal was expected to last for 3 weeks but was concluded within a week. The Council thus had very little time to respond and consult more widely, than with elected members, on the financial aspects of the applicant's S106 agreement.

Respondent	Section commented on	Summary of Representation	MKC Response
14.Sue Malleson	General comment	Statutory Planning Register: It would be helpful if this could be identified more clearly using the terminology used on the Council’s own website “Planning Applications Online”.	<p>Add an additional sentence to renumbered paragraph 1.2 explaining about the Council’s planning register. Proposed text is as follows.</p> <p><u>The Council’s planning register contains records of planning applications, decisions and appeals within the Borough area.</u></p>
15. MK Centre for Integrated Living (MKCIL)	<p>General comment</p> <p>Para 2.1 on p.1</p> <p>Para 1.6 on p.2</p> <p>Para 2.3 on p.4</p>	<p>Feel document is generally well put together and covers most aspects well apart from the inclusion and/or clarification of aspects of document related to disability.</p> <ol style="list-style-type: none"> 1) Error in paragraph numbering, the Introduction should be numbered paragraph 1. 2) Commends collection of various SPDs into one document. Can this be applied elsewhere? 3) Suggests developers consult with Disability or Age Groups as it is unlikely that all, if any, of the groups involved will have the detailed knowledge of what’s required to address those areas. 	<p>This error in numbering will be amended</p> <p>The Council amalgamates documents as in this SPD, when it considers it would be beneficial to do so.</p> <p>Inform MKCIL how they can comment on planning applications appearing on the weekly list</p>

Respondent	Section commented on	Summary of Representation	MKC Response
15.MK Centre for Integrated Living (MKCIL)	<p>Figure 1 on p.5</p> <p>Para 5.20 on p.13</p> <p>Para 6.9 on p.16</p> <p>Paras 11.8-11.9 on pages 29-30</p> <p>Para 11.21 on p.31</p>	<p>4) Refers to Figure 1 and compliance with several plans and strategies. Notes there is no reference to any Disability Accessibility Strategy. Is this because there isn't one?</p> <p>5) Comments on Transport Heads of Terms, paragraph 5.20. Agrees that the developer should contribute towards transport infrastructure.</p> <p>6) Paragraph 6.9 what is meant by the term older persons' housing</p> <p>7) Paragraphs 11.8-11.9 refers to planning obligations for the upkeep of cultural and community facilities. MKCIL concerned that facilities in MK are not accessible for the disabled and suggests that S106 contributions be used to bring these buildings up to modern standards.</p> <p>8) Paragraph 11.21 refers to increases in demand for Adult Social Care Services as the population grows. MKCIL wants the Joint Social Needs</p>	<p>List of documents on page 5 is indicative and not intended to be comprehensive. Milton Keynes Council does have Disability Accessibility Strategy 2018-2021 which is intended to be reviewed this year.</p> <p>Comments noted</p> <p>In the context of this sentence planning obligations for school places will not be sought on planning applications providing housing for elderly people.</p> <p>Unfortunately, S106 contributions cannot be used to redress existing shortfalls in provision it can only mitigate the additional impacts of new development</p> <p>Comments noted planning obligations can assist in the provision of additional facilities.</p>

Respondent	Section commented on	Summary of Representation	MKC Response
15.MK Centre for Integrated Living (MKCIL)	Para 11.21 on p.31	<p>Assessment (JNSA) which the Council uses as evidence to justify contributions towards expanding existing specialist facilities for adults and for the possible delivery of new facilities to be kept up to date.</p> <p>9) Paragraph 11.21 on page 31. Questions why not more is said about housing standards in policy H4 on the Amenity , Accessibility and Adaptability of Homes and the Public Realm. Will this be addressed within the planning process?</p>	Yes, this SPD deals with planning obligations, development proposals are assessed against relevant planning policies including H4.
15.MK Centre for Integrated Living (MKCIL)	General comments	<p>10) What is meant by accessibility does it refer to access for the general population or access for the total population?</p> <p>Wishes to be notified when SPD adopted by MKC</p>	Accessibility is used in this SPD as meaning access for the total population
16.Newport Pagnell Town Council	General comments	<p>Start of [S106] process is not the pre-planning application stage but the Local Investment Plan and the Draft Infrastructure Delivery Plan. Want Parishes consulted on these two documents at least annually.</p> <p>Negotiations on S106 must begin before S106 /S278 agreements are drafted. This should begin at site identification stage and not at pre-application stage, although if a pre-planning application does come in on</p>	<p>Parish and Town Councils are encouraged to include infrastructure plans within their Neighbourhood Plans as NPTC have done previously. These can then be used to inform the relevant IDP.</p> <p>The need for a s278 Agreement can be identified through the planning process and then secured through</p>

Respondent	Section commented on	Summary of Representation	MKC Response
16.Newport Pagnell Town Council	General comments	<p>No mention of S106 requirements to support the grid road network of MKC and link new developments into this grid network.</p> <p>SPD omits to mention the problems when adjoining sites, are developed separately to avoid paying S106 payments.</p> <p>Refers to a planning barrister suggesting there is no barrier to applying such funding to smaller developments on the second application and text should appear in the SPD to cover this point and warn developers MKC will seek funding in such cases.</p>	<p>Requirement for new highway connections will be identified through the planning process and secured through s38 Agreements.</p> <p>Agree that further text outlining that we will take a robust approach to disaggregation should be included.</p>
16.Newport Pagnell Town Council	Para 7.4 on p.19	<p>NPTC objects to paragraph 7.4 which says, '<i>in terms of key strategic sites, specific outcomes from any planning obligation related to voluntary sector infrastructure and community development will be agreed with these lead organisations.</i>' NPTC comment many other organisations offer voluntary services at local levels and reserving s106 contributions for Community Action and the MK Community Foundation is not appropriate as these bodies do not offer support of any kind to many parishes in the Borough.</p>	<p>NPTC is free to suggest to the Council another body for planning obligations related to voluntary sector infrastructure and community development to go to other than Community Action and the MK Community Foundation. However, this section of the SPD was agreed for inclusion in the consultation draft SPD following recommendation of the Cabinet Advisory Group.</p>

Respondent	Section commented on	Summary of Representation	MKC Response
16.Newport Pagnell Town Council	General comment	<p>Refers to the process of applying for S106 funding. NPTC would appreciate it if a two-stage process could be agreed without the need for applications previously agreed having to go forward to a board for further approval. The existing form serves as a suitable document on which to make applications and Ward Councillors already comment on those forms.</p> <p>Wishes to be notified when SPD adopted by MKC.</p>	<p>The Council continues to refine its processes around s106 funding requests and release. This should enable requests for smaller amounts of funding or more straightforward requests to be processed more quickly. However, the Council must still demonstrate it is discharging its legal responsibilities under individual s106 agreements in a robust way.</p>
17.Network Rail	Paragraphs 5.8-5.16 on pages 11-13	<p>Network Rail want paragraphs 5.8-5.16 strengthened with the inclusion of increased rail capacity and station enhancements, which may also be required in order to cater for growth.</p>	<p>Amend para 5.16 contributions for the provision of public transport infrastructure to include <u>measures to provide increased rail capacity and railway station enhancements.</u></p>
18.The Canal & River Trust	<p>Approach to Planning Obligations, p.4</p> <p>Approach to Planning</p>	<p>Document mentions the identification of S106 requirements at pre-application stage. This only works if the Council encourages effective early engagement directly between promoters and stakeholders or if the Council consults stakeholders as part of the formal pre-application process. This is not always the case. Early engagement and pre-application is not just an opportunity to discuss contributions but provides opportunities to improve the proposal.</p> <p>MKC should ensure the promoters [of development] contact all statutory consultees, who will be formally</p>	<p>Figure 1 shows the Council is seeking to encourage effective engagement at an early stage. on s106 matters.</p> <p>Inform the Canal & River Trust how to be a consultee on planning application.</p> <p>Agreed. Even if pre-application discussion has occurred and an</p>

Respondent	Section commented on	Summary of Representation	MKC Response
18.The Canal & River Trust	Obligations, p.4	consulted if a scheme is submitted for planning. If engagement does not take place, then any subsequent request the consultee makes should be given full consideration and not be seen as “too late” or that the Heads of Terms (HOT) are a done deal.	application is submitted with Heads of Terms, a consultation on planning obligations remains a part of the process.
18.The Canal & River Trust	Transport and Connectivity Obligations Para 5.2, p.10	It should be made clear that not all highways or connecting routes are owned by MKC but may still be used by the public and affected if development increases usage. This should be recognised and S106 funding not necessarily used to improve Council owned assets to the detriment of third-party landowners.	Add new sentence at the end of para 5.2 <u>That not all highways or connecting routes are owned by MKC and routes such as a canal towpath may be used by the public.</u> Planning contributions can be secured for third party routes used by the public where the three tests for planning obligations are met.
18.The Canal & River Trust	Transport and Connectivity Obligations Para 5.18, p.13	The Trust expects to see a big increase in the use of the canal towpath at Campbell Park as a result of development nearby. However, no sustainable transport contribution was agreed, and the assumption was made users would travel on the Redway instead and this should be improved. Many users prefer to use the towpath and so it is likely to be degraded further.	Noted. The Council will assess planning obligations sought on the basis of evidence submitted to it by consultees and the relevant policies in Plan:MK.
18.The Canal & River Trust 18.The Canal & River Trust	Public Open Space, Leisure and Recreation Obligations p.24-28 General comment	MKC must recognise that other routes and open spaces not just those owned by the Council /Parks Trust could suffer a detrimental impact from development and seek early engagement with owners to ensure that necessary funding is sought for those assets too. Wishes to be notified when SPD adopted by MKC.	Figure 1 shows the Council is seeking to encourage effective engagement at an early stage. on s106 matters with other delivery bodies and consultees. Noted

Respondent	Section commented on	Summary of Representation	MKC Response
19.Mr Alan Mills	General comment	It is unfortunate that the time taken to review and revise the SPD has been overtaken by the National Planning Practise Guidance (NPPPG) to prevent the inclusion of formulaic approach to costings. The revised SPD gives less predictability or certainty to developers as to the costs of S106 contributions and may be overtaken by the proposed introduction of the Infrastructure levy.	This SPD is less prescriptive than previous SPG/SPDs produced by the Council as a result of changes to the NPPG and it is a risk this SPD could be overtaken by the proposed introduction of the Infrastructure Levy. However, the Council still requires an up to date SPD based on Plan:MK policies.
19.Mr Alan Mills	Background Para 2.3 and Figure 1, p.4-5	Supports the inclusion of local needs identified by Neighbourhood Plans and inclusion of Parish Council's in S106 negotiations. Refers to the protocol mentioned in para 2.3 for engaging with other groups and asks where it is published?	MKC is open to involving Parish /Town Councils (and other stakeholders) in S106 negotiations at pre-application stage. This will be managed on a case by case basis according to the scheme and any other arrangements in place (like a Planning Performance Agreement).
19.Mr Alan Mills 19.Mr Alan Mills	Transport & Connectivity Obligations Introduction Para 5.3-5.4,p.11 Para 5.3-5.4,p.11	Agrees that details of proposed off-site s278 highway works should be included within section s106 agreements. Otherwise s278 agreements are not publicly available. Suggests fully completed s278 agreements should be published on the planning application web site, along with the S106 Agreement.	It may not be practical to publish a fully completed section 278 agreement alongside the section 106 agreement. Section 38 & 278 agreements can take many months or even years to conclude after a planning permission has been issued. This is why the Council often has an obligation in the s106 agreement for the developer to enter into a s38/278

Respondent	Section commented on	Summary of Representation	MKC Response
			agreement and a definition of the highway works required.
19.Mr Alan Mills	Negotiation Process Para 2.10, p.6	Welcomes the publication of draft S106 agreements on the Council's web site to allow transparency. Currently, only completed S106s are published when there is no opportunity to comment or influence the negotiations. Asks at what stage the draft S106 is to be published, should be at 1 st draft and successive draft stages as per Annex A.	The Council is seeking to publish a substantive draft of s106 agreements. However, the approach has to be proportionate; it is unlikely that every iteration of the document will be published.
19.Mr Alan Mills	Transport & Connectivity Obligations Walking & Cycling Paras 5.17-5.20, p.13	If the Council is serious in achieving a step change away from the use of the private car, much greater investment is required to improve Redway networks and quality. While developments are expected to deliver road improvements, very few make contributions to off-site Redway improvements, to connect their residents to schools, town centres and facilities.	The Council is seeking with the resources it has to improve and further develop the Redway network.
19.Mr Alan Mills	Flood Risk Obligations Sustainable Drainage Systems (SuDs) Paras 8.3-8.8, p.21-22	Where on-site SuDs systems are proposed as part of alleviating flood risk for the development, it should be a requirement that a s106 financial contribution for future on-going maintenance will be required.	Paragraph 8.4 of the SPD does highlight that works funded by s106 contributions could include the long-term maintenance, refurbishment and replacement of flood risk management facilities such as SuDs.
19.Mr Alan Mills	Flood Risk Obligations	The word 'could' should be replaced by 'should' Sentence to read	Paragraph 8.4 makes clear that works funded by s106 contributions could include those described opposite.

Respondent	Section commented on	Summary of Representation	MKC Response
19.Mr Alan Mills	Sustainable Drainage Systems (SuDs) Para 8.4, p.21	It is expected that works that could should be funded by S106 will include the future long-term maintenance , refurbishment and replacement of those flood risk management facilities including drainage and treatment systems, provided on-site by developer to serve development	However, MKC needs to consider requests for planning obligations on a case by case basis against the three tests for planning obligation in these circumstances, 'could' is the more appropriate word to use rather than 'should'.
19.Mr Alan Mills	Education & Health Obligations Health Facilities Para 6.20, p.17	The Milton Keynes Clinical Commissioning Group (MKCCG) is developing the development of health care into 4 large area-based hubs. These must be located in positions which are easily accessible by public transport. While a few large hubs are cost effective for MKCCG these are not effective or sustainable if the populations which they serve cannot readily reach them. For Newport Pagnell there are no direct buses to the Broughton hub.	This is a matter for the Clinical Commissioning Group rather than Milton Keynes Council, although the comments are noted.
19.Mr Alan Mills	Public Open Space, Leisure and Recreation Obligations Management & Maintenance of Open Space	The use of the phrase 'It is MK Council's clear preference' is not strong enough replace by 'It should be a requirement to use the proven MK approach.' ' <u>It should be a requirement to use the proven MK approach</u> is MK Council's clear preference that the financial arrangements for private communal space	The SPD cannot introduce a requirement that is not part of policy in Plan:MK. This matter was considered through the examination of Plan:MK but the independent Inspector did not consider there was sufficient evidence to support a policy that required this approach.

Respondent	Section commented on	Summary of Representation	MKC Response
19.Mr Alan Mills	Para 10.13, p.25	should take the form of an endowment or commuted sum.	
19.Mr Alan Mills	Annex B: Overview of Legal Agreement Principles General comment p.36-37	There is no mention of any standard time period for the expenditure of S106 contributions. A standard period of 10 years should be stated.	Amend SPD to reflect the time period for the expenditure of S106 contributions. Add following text at 10 in Annex B. <u>The Council's standard time period for the expenditure of s106 contributions is normally 7 or 10 years from the date of receipt depending on the development's scale.</u>
19.Mr Alan Mills	General comment	Wishes to be notified when SPD adopted by MKC	Noted
20.Local Partnerships	Flood Risk Obligations Para 8.7 on p.21	Insert new sentence at the end of paragraph 8.7 <u>'Additional Flood risk mitigation strategies can be found in the Council's Sustainable Construction SPD.'</u>	Local Partnerships are the consultancy who have produced the Council's draft Sustainable Construction SPD. This text is a cross reference to additional flood risk mitigation strategies found in the Council's revised Sustainable Construction SPD (which has not yet been adopted by the Council). Proposed new wording is accepted

Respondent	Section commented on	Summary of Representation	MKC Response
20.Local Partnerships	Sustainable Construction & Renewable Energy Obligations Para 12.2 on p.33	Propose amendments to para 12.2 12.2 Policy SC1 details MKC’s requirements relating to sustainable design, and construction and reporting . The policy details a number of measures that any new development will be required to incorporate; these include; energy efficiency, renewable energy, sustainable urban drainage, waste reduction and recycling measures, and quality and reporting standards carbon neutrality , amongst others. MKC has a separate Supplementary Planning Document detailing how this policy will be applied, when determining planning applications, and advising applicants on what information would need to be provided as well as the kind of monetary contributions developers will need to make unless the development is zero carbon	Revised text is to align the wording in this SPD with that in the Sustainable Construction SPD and is accepted. Wording of carbon neutrality proposed to be deleted because the calculations in the Council’s Sustainable Construction SPD are based on zero carbon rather than carbon neutrality.
20.Local Partnerships	Sustainable Construction & Renewable Energy Obligations Para 12.7 on p.33	Paragraph 12.7, see below, gives the impression the Council is charging over the odds at £200 per tonne of carbon dioxide (CO2) when in fact the contributions paid to the Carbon Offset Fund (COF) in Milton Keynes are a fraction of what other Council’s charge, since MKC charges are only paid for one year rather than over the lifetime of the development as is the norm. 12.7 A commonly used benchmark for the cost per tonne for offsetting carbon dioxide was set by the Zero Carbon Hub, at £60 per tonne. The Milton Keynes COF	The Council cannot introduce a new policy through an SPD but the issue of how much could be levied per tonne of CO2 and the period charged for could be considered as an item in the next round of planning making.

Respondent	Section commented on	Summary of Representation	MKC Response
20.Local Partnerships		was launched in 2008 with contributions required from developers calculated at a rate of £200 (the rate) which is index linked to the building cost inflation, BCIS index. The rate includes the cost of managing the COF. The principles of the COF have been carried forward from the previous Local Plan into Policy SC1.	
20.Local Partnerships	Sustainable Construction & Renewable Energy Obligations Para 12.8 on p.33	Proposed amendments to para 12.8 to align with the calculation methodology in the Sustainable Construction SPD. 12.8 Payments required to be made are calculated using the final estimated energy use per m2 after SC1 requirements are applied figure, relevant conversion factor for each fuel and floor area to give the total CO2 emissions per year which is then multiplied by the rate to give the final contribution to the COF. The use of carbon offset payments and the monitoring of carbon savings delivered will be managed by the MKC.	Revised text is to align the wording in this SPD with that in the Sustainable Construction SPD and is accepted.
20.Local Partnerships	Sustainable Construction & Renewable Energy Obligations Para 12.12 on p.34	Proposed amendments to para 12.12 to align the text in this SPD with text in the Sustainable Construction SPD. Example Heads of Terms 12.12 Planning obligations might include: 1. A renewable energy management plan Energy and Climate Statement including carbon reductions via	Revised text is to align the wording in this SPD with that in the Sustainable Construction SPD and is accepted.

Respondent	Section commented on	Summary of Representation	MKC Response
		<p><u>energy efficiency and renewable energy, including a renewable energy management plan;</u> 2. On-site waste receptacles specific to supporting MKCs Waste Strategy and services; 3. <u>Zero Carbon</u> Carbon Neutrality measures <u>and/or</u> a Carbon Offset Fund payment; 4. Monitoring <u>and quality regimes fees</u> associated with sustainable construction obligations. Wishes to be notified when SPD adopted by MKC</p>	
21. Anglian Water Services	Flood Risk Obligations Paras 8.5-8.7 on p.21	<p>Anglian Water wish to be consulted on Flood Risk Assessment through the planning application process where the discharge of foul and/or surface water interacts with the existing public sewerage network. It is open to developers to put forward SuDS features for adoption by Anglian Water which meets the legal definition of sewers and the requirement outline in the Design and Construction Guidance. Want Anglian Water referred to in the wording of the SPD and reference made to the adoption of SuDS by Anglian Water and related water sector guidance.</p>	<p>Anglian Water are consulted by Development Management Officers on planning applications where the discharge of foul and/or surface water interacts with public sewerage network. <u>Amend text and refer in paragraph 8.5 to the fact that developers could put SuDs forward for adoption by Anglian Water.</u></p>
21. Anglian Water Services	Flood Risk Obligations Para 8.7 on p.21	<p>Anglian Water as a water and sewerage company seeks fair contributions through charges directly from developers under the provision of the Water Industry Act 1991 to supply water and/or drain a site effectively. As such we would not, make use of planning obligations under planning legislation for this purpose.</p>	<p>The text Anglian Water want removed (para 8.7) refers to MKC seeking a monetary contribution from the developer towards water and /or sewerage infrastructure and <u>flood risk mitigation measures</u> rather for water supply or foul</p>

Respondent	Section commented on	Summary of Representation	MKC Response
		<p>Please remove references to monetary contributions for water (supply) and sewerage infrastructure as there is an existing funding source for developers to fund connections and improvements to the water supply and foul sewerage networks to serve new development proposals.</p> <p>Anglian Water will seek the imposition of planning conditions by MKC for development proposals in relation to the foul sewerage network where they consider it is necessary to address the risk of downstream flooding.</p>	<p>sewerage disposal. We are talking about two different things retain wording in SPD.</p> <p>Comments note no need to change SPD</p>
21. Anglian Water Services	Sustainable Construction Obligations	<p>Policy SC1 includes reference to water efficiency and re-use measures which are not referenced in the SPD. It would be helpful to clarify how these relate to the imposition of planning conditions and planning obligations. For example, Part G of Building Regulations refers to the use of planning conditions for new homes where the optional higher water efficiency standard has been adopted.</p> <p>Wishes to be notified when SPD adopted by MKC</p>	Water efficiency and re-use measures are referenced in the Council's Sustainable Construction SPD which provides guidance on policy SC1.
22. Cycling UK/Milton Keynes Cyclists Touring Club (MKCTC)	Transport & Connectivity Obligations	Supports Travel Plans	Comments noted no need to change SPD.

Respondent	Section commented on	Summary of Representation	MKC Response
	Para 5.12 on p.12		
22. Cycling UK/Milton Keynes Cyclists Touring Club (MKCTC)	Transport and Connectivity Obligations Para 5.14 on p.13	Does not support allowing developers to close and damage existing infrastructure and reinstate later. Too many examples of Redway and other cycling routes being closed for long periods forcing cyclists to use busy roads.	Paragraph 5.14 says nothing about closing cycling routes but does refer to construction activities negatively impacting on highways and footways. Where public infrastructure is damaged it not unreasonable for the Council to seek its repair using relevant sections of the Highways Act.
22. Cycling UK/Milton Keynes Cyclists Touring Club (MKCTC)	Transport Obligations Para 5.17-5.19 on p.13	Supports walking and cycling especially the need to upgrade existing routes as well as providing new ones.	Comments noted no need to change SPD.
22. Cycling UK/Milton Keynes Cyclists Touring Club (MKCTC)	Transport and Connectivity Obligations General comment	Generally, supports the draft document. However, comment that we are well aware that good intentions do not always guarantee good results on the ground. Time and time again we see new schemes with poor detailing, e.g. a lack of dropped kerbs, and more concerningly, poor and sometimes no links to existing Redway and other cycling routes. Cyclists use roads, Redways and other routes, their connectivity needs to be recognised. Seeks to be consulted on development proposals having an impact on cyclists. Wishes to be notified when SPD adopted by MKC	Any specific concerns about quality cycling schemes should be taken up with the provider/sponsor not a matter for this SPD. Inform the Cycling UK/Milton Keynes Cyclists Touring Club (MKCTC) how they can be consulted on schemes.

Respondent	Section commented on	Summary of Representation	MKC Response
23.MK Culture Team	Summary of comments not covered below	Want to ensure culture in all its forms is retained in the SPD whether under one area or retaining individual sectors. Seek to bring in areas like arts and the historic environment left out of the 2005 SPD.	The Council cannot introduce new policy via an SPD.
23.MK Culture Team	Approach to Planning Obligations Background Para 2.2 on p.4	Add after Libraries <i>'and Archives'</i> as Archives are also statutory services. Statutory services covered by existing SPDs should be listed to ensure a full understanding of Milton Keynes Council's statutory responsibilities, especially in cultural and community terms.	Agree to amend text to include Archives and refer to some statutory and discretionary functions information available on the Council's website.
23.MK Culture Team	Approach to Planning Obligations Background Para 2.3 on p.4	Comment that in areas of dispute or differences of opinion the final decision rests with Milton Keynes Council	Noted, whilst MKC as Local Planning Authority is ultimately responsible for deciding on planning applications and related S106 matters, it is seeking to work in partnership with key stakeholders and minimise areas of dispute.
23.MK Culture Team	Approach to Planning Obligations Identifying Need Para 2.5 on p.6	Wants paragraph 2.5 on identifying need amended to give consideration to services that would be regarded as district or city-wide for cost and audience effectiveness. As, neighbourhood plans may not capture the full importance of those services purposes if not locally present, yet those services would still deliver a need through outreach or provision from a more centralised facility.	Points noted but are more about service delivery rather than development and use of land. New policy cannot be introduced through an SPD and these comments are considered outside the scope of paragraph 2.5.

Respondent	Section commented on	Summary of Representation	MKC Response
23.MK Culture Team	<p>Approach to Planning Obligations</p> <p>Identifying Need</p> <p>Para 2.6 on p.6</p>	<p>Comments that the Local Investment Plan (LIP) requires regularly updating to be regarded as accurate for planning purposes.</p>	<p>MKC do not review the LIP annually and currently have no plans to renew it. We will be updating the draft Infrastructure Development Plan identifying future infrastructure requirements particularly for the delivery of new housing development within the Borough.</p>
23.MK Culture Team	<p>Approach to Planning Obligations</p> <p>Negotiation Process</p> <p>Para 2.12 on p.7</p>	<p>Want paragraph 2.12 amended to include ‘feasibility and scoping to enable infrastructure to happen.’</p>	<p>Paragraph 2.12 refers to ‘The capital costs associated with the delivery of infrastructure and may include reasonable costs incurred as part of the project implementation (such as project management). Amendment not accepted Reasonable costs could also include feasibility and scoping.</p>
23.MK Culture Team	<p>Approach to Planning Obligations</p> <p>Viability</p> <p>Para 2.13 on p.7</p>	<p>Viability should be decided on a <u>% ratio agreed across the board</u>. All services that make up an SPD requirement are there through necessity and should be treated as equally important. Otherwise cultural and community facilities will always lose out to hospitals and schools and yet these services by and large are those that have small revenue budgets, use the funding to lever in external and third-party funding are</p>	<p>The breadth of potential planning obligations included in the SPD is not meant to imply that all obligations or infrastructure types will be required in all cases. Every scheme must be assessed on a case by case basis. If a scheme cannot meet policy requirements or sufficiently mitigate the its impact, then ultimately the</p>

Respondent	Section commented on	Summary of Representation	MKC Response
		consequently adversely more impacted by the removal process.	Council may need to refuse the application.
23.MK Culture Team 23.MK Culture Team	Approach to Planning Obligations Monitoring Triggers . Para 2.15 on p.7 Para 2.15 on p.7	Legal agreements around the provision itself should be issued by the service concerned and lodged with planning obligations to ensure that relevant Key Performance Indicators (KPIs) are included. An agreed legal framework with Planning Obligations based on size of funding therefore needs agreement.	The Council as Local Planning Authority needs to release monies to external bodies under a funding agreement for the purposes of monitoring. However, it is understood that any performance requirements needed by a particular service would need to be met. If these agreements can be easily combined, then this is supported.
23.MK Culture Team	Development Strategy Obligations Para 3.1-3.6 on p.8	Plan:MK should be backed up by a Local Investment Plan (LIP) which has formal status to act as the principle document for proposed infrastructure	MKC does not review the LIP annually and currently has no plans to update it. However, it is expecting to update its Infrastructure Delivery Plan (IDP)
23.MK Culture Team	Heritage Obligations Paras 9.1-9.2 on p.23	Comments Heritage covers Heritage in collection terms too. Seeks new wording added to Heads of Terms text on Heritage Obligations at 9.2.3 or a new paragraph at 9.2.4. <u>Including formal collection assets that MKC and others own or manage related to museum, archive, archaeological, art and/or public art asset</u>	Noted Add new text at 9.2.3. <u>Including formal collection assets that MKC and others own or manage related to museum, archive, archaeological, art and/or public art assets</u>

Respondent	Section commented on	Summary of Representation	MKC Response
23.MK Culture Team	Public Open Space, Leisure and Recreation Obligations Introduction Para 10.2 on p.24	Defining design characteristics which supports Milton Keynes international significance as a designated new town.	No change to para 10.2. This text on design characteristics supporting Milton Keynes international significance is unrelated to paragraph 10.2 which discusses parks and public open space.
23.MK Culture Team	Culture and Community Obligations Para 11.3 on p.29	Sentence does not make sense, word missing 11.3 MKC has statutory responsibilities and stated policies around archives, museums and public art and will provide the strategic lead in identifying planning obligations, with local stakeholders (like town and parish councils) and programming the use <u>of</u> developer contributions. MKC will also take the strategic lead in relation to public art commissioning.	Agreed, insert the word <u>“of”</u> between “use” and “developer” as shown opposite
23.MK Culture Team	Culture and Community Obligations Public Art, Para 11.10 on p.30	Seeks insertion of new paragraph to cover archives separately from museums after para 11.10: <u>MKC also has a statutory archive responsibility which it manages jointly with the Buckinghamshire Council through Buckinghamshire Archives. With MK City Discovery Centre, the Living Archive MK and the MK Heritage Association as significantly archive partners, a combined City Archive and Central Heritage</u>	Insertion of text after paragraph 11.10 accepted to cover archives as shown opposite.

Respondent	Section commented on	Summary of Representation	MKC Response
		<u>Showcase, within Central Milton Keynes is being sought, the preferred option being with the Central Library.</u>	
23.MK Culture Team	Culture and Community Obligations Para 11.11 on p.30	Seeks amendment to paragraph 11.11 as follows: 11.11 Improvements to key heritage assets such as at Bradwell Abbey and Bradwell Windmill also support the museum, archive, historic environment and wider heritage delivery. and it is anticipated that Further S106 obligations will be sought and required to continue and extend this network of delivery across Milton Keynes to the entire area and to delivery of public access and activity programmes, notably the annual Heritage Open Days, and flagship Festival of History biennial. flagship major heritage events and events which promote the international design significance of Milton Keynes.	Revised and updated text accepted as shown opposite.
23.MK Culture Team	Annex B: Overview of Legal Principles on p.36	Wish to make the point that proper training should be given to the planner leading on the negotiations and S106 agreement so that the planner and legal officer understand the service area need fully and consult with the appropriate service on any decision which deviates from that process (e.g. viability)	The Case Officer leads the process, but the subject matter expert can be part of the detailed negotiation. If there is a viability issue, then the strength of evidence supplied by consultees does need thoroughly testing.

Respondent	Section commented on	Summary of Representation	MKC Response
23.MK Culture Team	New Appendix	Propose contributions to Museums and Archives from different dwelling sizes, with a studio flat contributing £85, 1 bedroom £95, 2 bedrooms £145, 3 bedrooms £199, 4-4+ bedrooms £236	This SPD has been amended to reflect the NPPG. Use of formula for securing contributions not examined through the Local Plan process is inappropriate. However, if the Service area has a well-developed cost model, they can use to evidence a contribution then they are able to maintain this model outside of the SPD and refer to it.
24.Storey Homes	General Comments	<p>The draft Planning Obligations SPD represents a distinct change in MKC's approach compared to the five SPDs adopted between 2003-2007. Those adopted documents were very prescriptive regarding expected contributions. The draft Planning Obligations SPD is deliberately not exhaustive or prescriptive and aims to give an indication of the sorts of requirements that may be sought, with the obligations being sought on a site by site basis. Storey Homes support the Council's more proposed flexible approach.</p> <p>Storey Homes want the Council to ensure a proportionate approach to planning obligations is taken on a site by site basis by the Council</p> <ul style="list-style-type: none"> -Provide the necessary level of service for applicants/developers in the negotiation process. 	<p>Comments and support for Council's proposed approach noted.</p> <p>This is the Council's intention. The Council is undertaking a Service review as to how it can offer a better service to applicants.</p>

Respondent	Section commented on	Summary of Representation	MKC Response
24.Storey Homes	Figure 1 on p.5	Storey Homes are concerned that the Council’s intention to “utilise plans being drafted to be included in Neighbourhood Plans” within the identifying Need stage suggests too much weight could be placed upon early stage Neighbourhood Plans and their accompanying evidence base. Argues that the Council should only give any significant weight to the provisions of Neighbourhood Plans when they have concluded the statutory public consultation stage and are at examination stage. This is in accordance with the Council’s approach to Neighbourhood Plans in decision-making.	The weight to be afforded to an emerging Neighbourhood Plan needs to be considered in the s106 process in the same way as policies covering other matters (such as site allocations policies in emerging plans).
24.Storey Homes	Figure 1 on p.5	Storey Homes understand that the inclusion of local stakeholders (such as Parish Councillors) in s106 negotiations may assist in ensuring the community needs are met. However, company is concerned if stakeholders’ expectations are not effectively managed , this could slow down the negotiation process and cause planning permissions and housing delivery to unnecessarily delayed. MKC should consider how the role of local stakeholders is clear and adhered to, and if any training should be delivered to this end	MKC is open to involving Parish /Town Councils (and other stakeholders) in S106 negotiations at pre-application stage. This will be managed on a case by case basis according to the scheme and any other arrangements in place (like a Planning Performance Agreement).
24.Storey Homes	Identifying Need Para 2.6 on p.6	Calls for the Local Investment Plan (LIP) to be updated and be “a live and evolving plan” corresponding more accurately with The Infrastructure Delivery Plan (IDP) produced in June 2018 and keeping both documents up to date and regularly reviewed.	The Council does not propose to update the Local Investment Plan (LIP) but will be updating the Infrastructure Delivery Plan (IDP).

Respondent	Section commented on	Summary of Representation	MKC Response
24.Storey Homes	Para 2.6 on p.6	MKC needs to consider the Government's Planning for the Future White Paper and the proposed Infrastructure Levy charged as a fixed proportion of the development value above a threshold, with a mandatory set rate or area specific rate, may effectively abolishing the current planning obligations system and reverting to a prescriptive approach.	MKC will consider the implications of any changes to national policy to its planning obligations guidance when those changes occur.
24.Storey Homes	Transport and Connectivity Obligations Para 5.6 on p.11	The reference to the Oxford to Cambridge Expressway adds very little to the document and is currently on hold with no certainty as to how/when this may come forward. Until such time as the details of this scheme are known its potential development should not hinder development or impact upon s106 contributions.	The Council agrees paragraph 5.6 should be deleted as it adds little value to the SPD. MKC is not putting a moratorium on development that may be affected by the Expressway. It is progressing an SPD for the development of the site.
24.Storey Homes	Transport and Connectivity Obligations Para 5.18 on p.13	Provide further detail on Milton Keynes Redway Super Routes in SPD.	It is not necessary to further details about Milton Keynes Redway Super Routes in the SPD. Details can be found on the Council website. https://www.mkhighways.co.uk/case-studies/redway-super-routes-to-be-created-for-cyclists.html
24.Storey Homes	Education & Health Para 6.2-6.6 on p.15	MKC should consider the potential impact of CCG mergers on the Council's healthcare planning obligations. This is a reference to the possible merger of the MK Clinical Commissioning Group with Bedfordshire and Luton.	To allow for possible reorganisation of Clinical Commissioning Groups add the words " or successor bodies " after "(CCGs)" and before "are" in paragraph 6.3.

Respondent	Section commented on	Summary of Representation	MKC Response
24.Storey Homes	Culture & Community Obligations Paras 11.16-11.17 on p.31	Paragraphs 11.16 and 11.17 refer to the current capacity of burial grounds and the provision of burial space within the Western Expansion Area. Seeks clarity over if this burial capacity is enough or if there will be a need for obligations to support additional burial provision.	Answering this question depends on how quickly the supply of burial spaces is used up by the demand for burials. If monitoring indicates that the supply of burial space will be exhausted, then the Council will be seeking planning obligations to support additional provision. Any requirement for additional burial spaces may feature in a new Local Plan after Plan:MK.
25.Whaddon Parish Council	General comments	Whaddon Parish Council (WPC) thanks Milton Keynes Council for inviting it to comment on the SPD but do not comment on the SPD directly. WPC are concerned that the Planning White Paper proposes to remove the current 'Duty to Co-Operate'. WPC believes this to be an unfortunate and a retrograde step. WPC believe that close co-operation between adjoining districts is essential especially where new residents, living in one area are essentially dependent on the other for services and health/hospital care etc. It seems totally wrong that the new CIL method of raising infrastructure monies is retained by the district in which the development stands but the new residents will use services and facilities at the nearest location. WPC argue that careful consideration be given to how	Comments noted no need to change this SPD.

Respondent	Section commented on	Summary of Representation	MKC Response
25. Whaddon Parish Council		'adjoining 'and interdependent' urban extensions are handled when it comes to Planning Obligations and Health Care when collecting and distributing section 106 monies.	
26. Clive Faine	General comment	Publication of the Government's Planning Reform White paper suggesting a single National Infrastructure Levy has implications for this Planning Obligations SPD. Other aspects of the White Paper have implications MK2050 and the next Local Plan.	Comments noted Government legislation on planning obligation and the planning system will have implications for this SPD and future Development Plans depending on what the Government proposes.
27. Elizabeth Woodhouse Senior Landscape Architect, MKC	General comment	<p>Refers to Table 1 Open Space Standards in Milton Keynes in the 2004 SPG on Planning Obligations for Leisure, Recreation and Sport facilities and which is used to calculate proposed open space for land budgets and financial contributions based on land area.</p> <p>Comments that there are differences between the Council's current standards of provision for new public space and recreational facilities set out in Plan:MK Appendix C and the 2004 SPG,</p> <p>Compares and contrasts the differences of provision 11 types of open space or facility ranging from playing fields to allotments and including community centres /meeting halls, sports halls and swimming pools</p>	<p>Open space standards in the Leisure, Recreation and Sport Facilities SPG are based on standards within the Milton Keynes Local Plan (December 2005). That Local Plan and the Milton Keynes Core Strategy (July 2013) have been superseded by the Council's Local Plan, Plan:MK, adopted in March 2019.</p> <p>Appendix C in Plan:MK identifies the Council's current standards of provision for new public space and recreational facilities in new areas of development. It is acknowledged that there are differences in the standards of provision between Appendix C in</p>

Respondent	Section commented on	Summary of Representation	MKC Response
		Highlights the existing SPG provides additional details which are not replicated anywhere else. If the SPD does not include this detail, then the MK standards and clarity of understanding for negotiations will be lost.	Plan:MK and that shown in the 2004 SPG but as Plan:MK is the Council's adopted Development Plan the standards in Plan:MK are the ones the Council must follow until the policy is changed
27.Elizabeth Woodhouse Senior Landscape Architect, MKC		Landscape suggest the contents of the SPG on Planning Obligations for leisure , Recreation and Sports Facilities is excluded and updated separately so that the forthcoming reassessment of open space, policy standards and appendix and planning obligations can be dovetailed together.	The Council has decided to update and amalgamate its planning guidance into one document to reflect current national and local planning policies. An opportunity will arise for a review of open space and recreational facilities in the successor Local Plan to Plan:MK.
27. Elizabeth Woodhouse Senior Landscape Architect, MKC	Culture and Community Obligations Heads of Terms Para 11.24 on p.32	The following Head of Terms should be moved from the Culture and Community Obligation chapter and relocated to the Public Open Space, Leisure and Recreation Obligations chapter. <ul style="list-style-type: none"> • Financial contributions towards enhancing and / or extending existing community centres, leisure centres, community sports facilities, pavilions and sports grounds; • Creating new community centres, sports facilities, pavilions and sports grounds in partnership with local communities; 	To aid comprehension of the SPD it has been restructured so that it corresponds to Local Plan chapters. Relocation of these Heads of Terms from the Culture and Community Obligation chapter to the Public Open Space, Leisure and Recreation Obligations chapter not agreed.

Respondent	Section commented on	Summary of Representation	MKC Response
27. Elizabeth Woodhouse Senior Landscape Architect, MKC	Culture and Community Obligations Heads of Terms Para 11.24 on p.32	<ul style="list-style-type: none"> Contributions towards managing and maintaining existing leisure and community centres community sports facilities, pavilions and sports grounds; <p>The reason for this is the land allocation, creation, extension, management and upkeep for these facilities cannot be separated from the Public Open Space obligations or there is a risk that they only considered in part (buildings) rather than planned holistically with surrounding open space.</p>	
27.Elizabeth Woodhouse Senior Landscape Architect, MKC	Public Open Space, Leisure and Recreation Obligations Para 10.18 on p.28	<p>Renumber 1-5 instead of 10-14 of Heads of terms</p> <p>Amend wording of renumbered Heads of terms in paragraph 10.18.</p> <p>Planning Obligations might include:</p> <p>An update to point 10</p> <p><u>10. 1. Financial</u> contributions towards the creation of new or the improvement/enhancement of existing areas of open space, <u>parks, playing</u></p>	<p>Amend typo and renumber points on paragraph 10.18 1-5 rather than 10-15.</p> <p>Renumbered wording of 1 accepted with the inclusion of allotments. This is an expansion of the Heads of Terms list at paragraph 10.18. Agree that</p>

Respondent	Section commented on	Summary of Representation	MKC Response
<p>27.Elizabeth Woodhouse Senior Landscape Architect, MKC</p>	<p>Public Open Space, Leisure and Recreation Obligations</p> <p>Para 10.18 on p.28</p>	<p><u>fields, pitches, allotments</u> play areas and other forms of green infrastructure; (including allotments); Combine points 11 and 13</p> <p>11. <u>2. Financial</u> contributions towards the future management and maintenance in the long term of <u>new or improved</u> open space, parks, <u>playing fields, pitches, allotments</u> play areas and other forms of green infrastructure;</p> <p>Combine points 12 and 14</p> <p>12 <u>3.Financial contributions towards the creation of new or the improvement of</u> improving existing leisure, sports <u>and recreation</u> facilities, <u>including sports halls and associated facilities</u> <u>community centres or meeting halls</u></p> <p>Add in missing planning obligations</p> <p><u>Financial contributions towards the future management and maintenance in the long term of new or improved leisure, sports or recreation facilities</u></p>	<p>enhancement of existing provision can sometimes be an appropriate mitigation but only where the enhancement provides improved accessibility or capacity</p> <p>Unfortunately, renumbered 2 not accepted because playing fields ,pitches and allotments are expected to cover their own long-term maintenance costs this amendment cannot be accepted .</p> <p>Renumbered 3 agreed. This is an expansion of Heads of Terms listed in paragraph 11.24 where this text will be located.</p> <p>Changes not accepted raises concerns about the arrangements for long term management and maintenance, but you cannot require financial contributions for what should be self-sustaining facilities.</p>

Respondent	Section commented on	Summary of Representation	MKC Response
<p>27.Elizabeth Woodhouse Senior Landscape Architect, MKC</p>	<p>Public Open Space, Leisure and Recreation Obligations</p> <p>Para 10.18 on p.28</p>	<p><u>including sports halls and associated facilities , community centres and meeting halls.</u></p> <p><u>Provide a long -term management and maintenance strategy (in perpetuity) for proposed open space, parks, playing fields, pitches, allotments, play areas and new or extended green infrastructure outlining details of future ownership and the responsible maintenance body. (As per policy L4. D)</u></p> <p><u>Contributions towards the creation, future management and maintenance in the long term of appropriate additional facilities for any open space provision that will be distinctive in terms of its scale or facilities, in order to meet the needs of those visitors and avoid adverse impact on the amenity of nearby residents. (As per policy L4. E)</u></p> <p><u>Enhancements of open space under policy L2 resulting from the development of open space and existing facilities provided at nearby locations offsite, for instance replacing an amenity on one site with one nearby on the same linear park (enhancements should still be in the same catchment areas) (Policy L2.2)</u></p>	<p>See comments above changes not accepted playing fields, allotments and pitches need to cover their long-term maintenance requirements from user charges not from S106 contributions.</p> <p>Duplication of SPD paragraph 10.14 which refers to a management strategy and maintenance plan for open space , play areas and green infrastructure.</p> <p>The following four paragraphs duplicate aspects of planning policies L2 and L3 and it is not necessary to reproduce them in the SPD.</p>

Respondent	Section commented on	Summary of Representation	MKC Response
		<p><u>Replacement of open space under policy L2 resulting from the development of open space and existing facilities with equivalent or better provision in terms of quantity and quality in a suitable location that is clearly and demonstrably acceptable to the local community or main users of the existing space (Policy L2.3)</u></p> <p><u>Replacements of open space resulting from change of use of amenity open space, including the incorporation of such areas into private garden land, by land of equivalent size or greater following an assessment justifying this need (Policy L3.A.6)</u></p> <p><u>Compensatory proposals for improvement to the quality of green infrastructure and appearance of amenity space elsewhere in the locality or the wider open space network as a result of the loss of amenity open space to development (Policy L3.C)</u></p>	
27.Elizabeth Woodhouse Senior Landscape Architect, MKC	Public Open Space, Leisure and Recreation Obligations	Swimming pools: Currently swimming pools are included under the Leisure SPG but not mentioned anywhere in the proposed SPD. A lot of focus is given to the provision of sports halls, sports grounds and sports facilities which generally only make provision for	MKC is not seeking s106 contributions for the provision of maintenance of swimming pools; this should be secured through revenue streams associated with swimming facilities.

Respondent	Section commented on	Summary of Representation	MKC Response
	Para 10.18 on p.28	hard or soft surfaced sports areas, not public swimming pools. This could potentially result in a future under provision for public swimming strategically and is a missed opportunity to secure financial contributions to improve or extend existing provision or contributions towards their future management and maintenance.	
27.Elizabeth Woodhouse Senior Landscape Architect, MKC	Public Open Space, Leisure and Recreation Obligations Para 10.16 on p.27	The Sports Facility calculator (available online) referred to in paragraph 10.16 requires login details. MKC already have standards of provision so it is confusing and unnecessary to refer to alternative standards of provision. This link should be removed from the text.	The Sports Facilities Calculator details of how much new development will generate additional demand for specific sports facilities
27.Elizabeth Woodhouse Senior Landscape Architect, MKC	Public Open Space, Leisure and Recreation Obligations Para 10.14 on p.25	Proposes that Table 2 should also cover the following, which are requested as standard by Landscape when approving Landscape Management and Maintenance Strategies <u>a) Landscape by design and management plans to support a written document</u> <u>b) A conveyance style plan showing the division of responsibility for the areas of public amenity space, areas to be privately managed as communal amenity or incidental space, areas proposed to be adopted by highways as street landscaping and those areas of private garden amenity space.</u>	Proposed wording accepted and will appear in Table 2 in the Public Open Space , Leisure and Recreation Obligations chapter.

Respondent	Section commented on	Summary of Representation	MKC Response
		<p><u>c) The open space specification of maintenance and management operations appropriate over the short, medium and long-term in perpetuity.</u></p>	
<p>27.Elizabeth Woodhouse Senior Landscape Architect, MKC</p>	<p>Strategic Site Allocations Para 4.1 on p.10</p>	<p>The draft SPD does not set out any guidance for the application of the Green Infrastructure policy NE4. This is a new policy area, but it will not be applied if there is not more guidance on how it could be applied and required through planning obligations.</p> <p>Policy NE4 is separate but closely related to policy L4 plus Appendix C and biodiversity policies.</p> <p>Unfortunately, site specific SPDs for key sites do not provide detailed requirements in terms of leisure, recreation and sports provision (open space) as they focus on urban design principles and if they did they need to refer to the detailed guidance contained in the current SPG to ensure that standards are applied consistently and correctly.</p>	<p>Policy SD10 on the delivery of Strategic Urban Extensions refers to planning permission only being granted for Strategic Urban Extensions, following the approval by the Council of a comprehensive development framework, <i>'incorporating any necessary design codes, or phasing of development and infrastructure delivery, including green infrastructure delivery, for the strategic Urban Extension as a whole.</i> The Development Framework should set out what leisure recreation and sport development is being made in the urban extension.</p>
<p>27.Elizabeth Woodhouse Senior Landscape Architect, MKC</p>	<p>Approach to Planning Obligations</p>	<p>Comments that Landscape DM advise case officers on the application of the current SPG on Planning Obligations for Leisure, Recreation and Sports facilities so in addition to statutory service providers there are</p>	<p>The absence of non-statutory providers in paragraph 2.10 does not indicate that they will not be consulted by DM Officers on planning applications.</p>

Respondent	Section commented on	Summary of Representation	MKC Response
27.Elizabeth Woodhouse Senior Landscape Architect, MKC	Negotiation Process Para 2.10 on p.6 Para 2.10 on p.6	also non -statutory service providers which are not mentioned in the text below. 2.10 The expert advice of statutory service providers (like those within Milton Keynes Council, or outside bodies like the NHS) are critical to this process, together with local knowledge from Ward Councillors, and Town and Parish Councils. The expectation is that the negotiation process will begin at pre-application stage. Draft Section 106 and Section 278 agreements will be published to help the process to be open and transparent.	Figure 1 the Planning Obligations Process Flow diagram indicates consultation with MKC Services, other delivery bodies and consultees.
27.Elizabeth Woodhouse Senior Landscape Architect, MKC	Approach to Planning Obligations Negotiation Process Para 2.10 on p.6	There are two sections of the report numbered 2.1	Noted the Introduction will be renumbered and start from 1.1

Respondent	Section commented on	Summary of Representation	MKC Response
27.Elizabeth Woodhouse Senior Landscape Architect	Approach to Planning Obligations Negotiation Process Para 2.11 on p.6	<p>Comments that the only threshold mentioned in Plan:MK is reference under Appendix C paragraph 20.5 (1) and refers to development of between 11-50 homes.</p> <p>Refers to the thresholds set out in Table 2: Scale of New Development and On-Site /Off-Site Provision in old Leisure SPG. Regards retention of Table 2 thresholds as essential so that its contents remain a material consideration.</p> <p>Figure of 11 in Plan:MK is misquoted it should be 10 or more</p>	<p>Thresholds for planning obligations are also mentioned in Plan:MK policies and summarised in paragraph 2.11 of the SPD.</p> <p>Inclusion of a similar table 2 not supported would duplicate Appendix C of Local Plan.</p> <p>The thresholds for planning contributions for open space provision from housing schemes is 11 dwellings or more.</p>

Respondent	Section commented on	Summary of Representation	MKC Response
<p>27.Elizabeth Woodhouse Senior Landscape Architect</p>	<p>Public Open Space, Leisure and Recreation Obligations</p> <p>Open space, leisure and recreation facilities (Policies L2-L4)</p>	<p>Comments on paragraph 10.8, this paragraph makes no reference to policy L8 (Milton Keynes Bowl) or to policy NE4. Green Infrastructure which is quoted 61 times in Plan:MK but there is no guidance as to how it can/should be applied and required through planning obligations.</p> <p>Policies in Plan:MK detail the expectations of development in terms of mitigating any loss of facilities and providing new facilities. These are mainly contained in Chapter 14 and Appendix C of the Plan, but specific requirements are also included in Chapters 4 (Development Strategy, DS6 – Linear Parks) and 5 (Strategic Site Allocations). This provision must be designed to be resilient and sustainable and considered as an integral part of new development from the beginning of the planning process.</p>	<p>It is not necessary to refer to the MK Bowl in paragraph 10.8</p> <p>Amend text at paragraph 10.8 to mention policy NE4 Green infrastructure and policy NE5 Conserving and Enhancing Landscape Character.</p> <p><u>Chapter 12 in Plan:MK contains policies for the provision of Green Infrastructure (NE4) and also Conserving and Enhancing Landscape Character (NE5).</u></p> <p>Changes to this SPD are proposed to reflect these concerns and improve the document.</p> <p>This SPD is about planning obligations for the provision of infrastructure and facilities including green infrastructure, which is defined in the glossary of Plan:MK as</p>

Respondent	Section commented on	Summary of Representation	MKC Response
27.Elizabeth Woodhouse Senior Landscape Architect, MKC	Public Open Space, Leisure and Recreation Obligations	<p>Reiterates that section 10 lacks the detail currently found in the SPG on Planning Obligations for Leisure, Recreation and Sports Facilities. For good reasons these details are not included in the policy text and if not included in the revised SPD then applying policy would not be fair, open and transparent. This would introduce too much flexibility into the process and will be exploited by applicants , developers or their agents</p> <p>Wishes to be notified when SPD adopted by MKC</p>	<p><i>Green infrastructure the planned network of multi-functional and inter-connecting links of green open space, woodlands, wildlife habitats parks and other natural areas that contribute to the high quality natural and built environment.</i></p> <p>Changes to SPD are proposed to reflect these concerns.</p> <p>Comments noted</p>
28.Phil Caves, Team Leader, MKC Highways	Transport & Connectivity Obligations p.11-14	<p>An additional paragraph should be added to the SPD to briefly describe commuted sums, when they are likely to be required and their collection within the legal framework of a section 38 and section 278 agreement under the 1980 Highways Act.</p> <p><u>-Commuted sums are financial contributions made by third parties to Highway Authorities as compensation</u></p>	Add new paragraphs after paragraph 5.14.

Respondent	Section commented on	Summary of Representation	MKC Response
28.Phil Caves, Team Leader, MKC Highways	New text after para 5.14 on p.13	<p><u>for taking on the maintenance responsibility for newly created highways or highway improvements.</u></p> <p><u>-Under section 38 (sub-section 6) of the 1980 Highways Act the Council as a Local Highway Authority has the power to seek commuted payments for the maintenance of any highway, road, bridge or viaduct covered by an agreement made under this section. Payment can be for maintenance prior to adoption but also for other relevant matters as the authority making the agreement sees fit. This can include commuted sums for future maintenance following adoption and for Sustainable Urban Drainage (SUDs) maintenance.</u></p>	
28.Phil Caves, Team Leader, MKC Highways	<p>Transport & Connectivity Obligations p.11-14</p> <p>New text after para 5.14 on p.13</p>	<p><u>-Section 278 of the 1980 Highways Act allows the Council, as a Local Highway Authority, if it satisfied it would be of benefit to the public to enter into an agreement under this section with any person. The agreement would be for the carrying out on the existing public highway works that would be of benefit to the public, with the cost of such works being borne by the developer. A provision also allows the highway authority to seek maintenance payments for these works if it chooses to do so.</u></p> <p>Wishes to be notified when SPD adopted by MKC</p>	Add new paragraphs after paragraph 5.14.

Respondent	Section commented on	Summary of Representation	MKC Response
	Para 5.20 on p. 13-14	Includes the following in example heads of terms: 6. Creation of new Redways, Footways or other routes (if not part of s278 works); 7. Extending and/or upgrading existing Redways, Footways and other routes (if not part of s278 works), including enhancement of signage, lighting, and safety measures for cyclists and pedestrians.	This wording appears in the SPD and there is no need to change anything.

Version as at 22.1.2021 incorporating SE revisions