

WATCH LIVE
on MK Council's YouTube channel
www.youtube.com/MiltonKeynesCouncil



DELEGATED DECISIONS

When: Tuesday 8 June 2021 at 5.30 pm

Where: Council Chamber, Civic

A link will be made available to those entitled to participate by no later than noon the day before the meeting. Members of the public can observe proceedings at

<https://www.youtube.com/user/MiltonKeynesCouncil>

Public Questions

The deadline for the submission of public questions is 5:30 pm on Friday 4 June 2021 and should either be delivered to the address below or sent by email to meetings@milton-keynes.gov.uk (one question per questioner).

The Cabinet member has the discretion to extend the deadline if the matter is sufficiently urgent and relates to a matter that has arisen in the last 48 hours, subject to the question being submitted a minimum of 30 minutes before the start of the meeting.

Public Speaking

Persons wishing to speak on an agenda item must give notice by not later than 5.15 pm on the day of the meeting. Requests can be made by email to meetings@milton-keynes.gov.uk

Enquiries

Please contact Jane Crighton on 01908 252333 or jane.crighton@milton-keynes.gov.uk / meetings@milton-keynes.gov.uk

This agenda is available at <https://milton-keynes.cmis.uk.com/milton-keynes/Committees.aspx>

AGENDA

ITEM	SUBJECT	DECISION MAKER
1.	Additional Restrictions Grant	Councillor Middleton (Cabinet member for Resources) (Pages 3 to 21)
2.	Mellish Court, Bletchley, and The Gables, Wolverton	Councillor Darlington (Cabinet member for Adults, Housing and Health Communities) (Pages 22 to 27)
3.	Manor Road Relocations Capital Project	Councillor Nolan (Cabinet member for Children and Families) (Pages 28 to 31)
4.	Phase 3 of Capital works to The Walnuts School, Bletchley	Councillor Nolan (Cabinet member for Children and Families) (Pages 32 to 34)
5.	Schools Capital Maintenance Programme 2021/22 to 2022/27	Councillor Nolan (Cabinet member for Children and Families) (Pages 35 to 39)
6.	Biodiversity - Supplementary Planning Document	Councillor Wilson-Marklew (Cabinet member for Climate and Sustainability) (Pages 40 to 146)
7.	Response to East West Rail Public Consultation 2021	Councillor Wilson-Marklew (Cabinet member for Climate and Sustainability) (Pages 147 to 161)

Delegated Decision Report



8 June 2021

ADDITIONAL RESTRICTIONS GRANT SCHEME

Name of Cabinet Member	Councillor Robert Middleton Cabinet member for Resources
Report sponsor	Steve Richardson Director for Finance & Resources
Report author	Debra Collins Service Delivery Manager Revenues & Benefits 07881 035408 Debra.Collins@milton-keynes.gov.uk

Exempt / confidential / not for publication	No
Council Plan reference	Not in Council Plan
Wards affected	All wards

Executive summary

Through this decision, Milton Keynes Council plans to continue & expand its financial support scheme for small businesses across MK which was put in place on 1 April 2021. This expansion will mean the Council will continue to support MK's business community as we move out of restrictions and look to move to a post-pandemic world. This expansion will look to provide an additional circa £2million in support to safeguard businesses up and down MK.

To date, the Council has already provided business support grants totalling £30.935m during the periods of restrictions that started in November 2020. Of this circa £31million, circa £5.8m has been provided through this financial Support Scheme.

As set out in detail later (paragraph 2.4) this financial support scheme is targetting additional funding at hard-hit businesses in the leisure & hospitality sector which are central to the economic recovery of MK in the coming months. As an example:

- (i) local independent restaurants and cafes in a similar manner to the additional support already provided to local independent pubs and shops;

- (ii) businesses who were required to close during restrictions but are not ratepayers in order that the funding available to them is similar to that available to business ratepayers in similar circumstances;
- (iii) businesses who were able to remain open but have been severely impacted as they provide goods and services to the hospitality and leisure sectors which were forced to close during restrictions;
- (iv) local venues that promote arts and culture or tourism and offer a unique experience that draws in regional visitors to Milton Keynes; and
- (v) the charitable trusts that provide our local community leisure facilities.

Timeline of business support to date

On 2 November 2020 the Government issued guidance to Local Authorities on the operation of the Additional Restrictions Grant (ARG) Scheme. It provided local authorities with a one-off payment to be used during 2020/21 and 2021/22 to provide support to businesses affected by the COVID19 pandemic. Local authorities have been encouraged to provide support to businesses through wider support initiatives, although primarily the support is envisaged to take place in the form of discretionary grant payments.

Milton Keynes Council received a total allocation of £7.783m and put in place (based on decisions on 24 November 2020, 22 December 2020, 26 January 2021 and 23 March 2021) the Milton Keynes Discretionary Business Support Schemes to provide support for businesses who have either been required to close their business during national and local restriction or have been severely impacted financially whilst under the restrictions.

Given the ongoing changes to restrictions and their impact on businesses the scheme has been kept under continuous review to ensure that it continues to meet the needs of local businesses by providing targeted and meaningful financial support to those businesses when it is needed most.

In the Budget on 3 March 2021 the Chancellor announced that, in addition to Restart grants of up to £6,000 per premises for non-essential retail businesses and up to £18,000 per premises for hospitality, accommodation, leisure, personal care and gym businesses, it would also be providing additional ARG funding to local authorities for discretionary business grants.

The decision taken on 23 March 2021 put in place a discretionary business support scheme from 1 April 2021 to ensure that immediate needs of local businesses were met as the economy begins to recovery from the effects of the pandemic whilst ensuring that funding remained available to support businesses for the remainder of this financial year. The Department for Business, Energy & Industrial Strategy announced on 15 April 2021 that local authorities would only be able to access the additional funding if the full initial ARG allocation has been spent by 30 June 2021.

Milton Keynes Council is extending the existing scheme to ensure that all available funding can be accessed in order to continue to provide further support in 2021/22.

1. Decision/s to be made

- 1.1 That the updated Milton Keynes Discretionary Business Support Grant Schemes document (Annex A) be agreed and approved.
- 1.2 That the Director for Finance & Resources, in consultation with the Leader of the Council, retain the delegated authority to make minor amendments to the schemes to maintain alignment with possible future changes in tier restrictions and associated changes in government guidance and funding.
- 1.3 That given the short period of time in which to deliver these changes in order to be able to access the additional funding that call in of the decision be waived.

2. Why is the decision needed?

- 2.1 Milton Keynes Council has been allocated £7.783m by the Government to be used during 2020/21 and 2021/22 to provide support to businesses affected by the COVID19 pandemic.
- 2.2 The Milton Keynes Discretionary Business Support Scheme had been agreed to provide immediate financial assistance to those businesses who are not eligible for a grant under other mandatory grant schemes during the periods of national and local restrictions that have been in place since November 2020. As of 24 May 2021, grants totalling £5.801m had been paid under this scheme.
- 2.3 In the Budget on 3 March 2021 the Chancellor announced that additional funding for ARG schemes would be made available and Milton Keynes has been advised of an indicative top up allocation of £2.335m. However the Government has also advised that access to this top up is only available if the existing ARG allocation of £ 7.783m is fully allocated by 30 June 2021.
- 2.4 The Milton Keynes Discretionary Support Scheme introduced in April 2021 has already delivered business support grants of £0.825m but as at 24 May 2021 a further £1.982m will need to be allocated in order to access the additional funding. Whilst take up of the current scheme is being promoted it is unlikely to meet that target by 30 June 2021 deadline.
- 2.5 A review of support that has already been provided through the various grant schemes by business sector has been undertaken and the Council has identified the following businesses and business types that it wishes to extend support to through its discretionary scheme as the restrictions are eased:
 - i) Local Restart Plus - to provide additional support to businesses who have already received a Restart grant. Currently rural shops, independently run pubs, post offices and non-essential local shops receive a top up to their Restart Grant of between £2,500 and £7,500. This top up scheme is to be

extended to include additional grants for local independently run cafes and restaurants who were eligible for a Restart grant.

- (ii) Closed business that are not liable to Business Rates – To provide a top up to existing April ARG awards for businesses who were required to close during restrictions but are not ratepayers to match the grants given to under the Restart scheme. Throughout restrictions awards to non-ratepayers have been at a lower amount than those to ratepayers and this would address this imbalance.
- (iii) Open businesses who support the hospitality and leisure sector – to provide a top up to existing ARG awards for businesses who were able to remain open during restrictions but were severely impacted as they provide goods and services to the hospitality and leisure sectors which were required to close.
- (iv) Arts, Culture and Tourism Summer Restart Support Scheme - to provide additional funding for local venues that promote arts and culture or tourism by offering unique experiences that bring regional visitors to Milton Keynes.
- (v) Community Leisure Centres Summer Top Up - to provide additional funding to the charitable trusts that provide local community leisure facilities.

2.6 The previously agreed application and decision process remain unchanged.

2.7 Given the urgency in needing to provide support to business impacted by the current national restrictions as well as meet the 30 June deadline in order to secure the additional funding the Chair of Executive Scrutiny has agreed to waive call in.

3. Implications of the decision

Financial	Y	Human rights, equalities, diversity	N
Legal	Y	Policies or Council Plan	N
Communication	Y	Procurement	N
Energy Efficiency	N	Workforce	N

a) Financial implications

The scheme is fully funded by the Government. ARG is a one-off payment to provide support to businesses in 2020/21 and 2021/22. All grant awards will be kept under constant review to ensure that funding is not exceeded, and the scheme will close if funding is exhausted. A full review will be undertaken every 3 months whilst funding remains unallocated.

b) Legal implications

Section 1 of the Localism Act 2011 provides all local authorities with the vires to make these payments. The Council must have regard to any relevant guidance issued by the Secretary of State. The Secretary of State has provided guidance to local authorities on 4 November 2020, 10 December 2020, 13 January 2021 and A5 April 2020 on delivering the grant funding.

c) Communications

Feedback has been sought from business groups on the delivery of these schemes and discussions will be held with local business networks before wider support initiatives are considered that may support and promote local economic recovery in Milton Keynes.

4. Alternatives

The following options appraisal has been conducted:

- (a) Agree and approve the scheme and to agree that the delegated authority remains in place for the Director for Finance and Resources, in consultation with the Leader of the Council to make minor variations if needed to reflect changes in tier restrictions and government guidance. (Recommended).

The proposed content is considered to be in keeping with the ethos and finances of the Council. It allows the Council to deliver funding to those businesses that were required to close, or significantly impacted, by the national and local restrictions and provides support as restrictions are eased. By agreeing to continue to delegate authority for minor changes it will enable the council to deliver an immediate financial response should further national restrictions or local restrictions be imposed

- (b) Propose amendments to the proposed scheme.

Amendments can be proposed but must have due regard to the level of available funding and their administrative viability.

- (c) Not to adopt the scheme.

Without a local scheme the Council will be unable to provide financial support to businesses that have been adversely affected by Covid-19 and will not be able to access the additional funding.

List of Annexes

Annex A – Milton Keynes Discretionary Business Support scheme

Background papers

With reference to legislation and guidance from BEIS, including:

[Section 1 of The Localism Act 2011.](#)

Government guidance on LRSG & ARG:

<https://www.gov.uk/government/publications/local-restrictions-support-grants-lrsg-and-additional-restrictions-grant-arg-guidance-for-local-authorities>

Government's Roadmap out of Lockdown:

<https://www.gov.uk/government/publications/covid-19-response-spring-2021/covid-19-response-spring-2021-summary>

Milton Keynes Discretionary Business Support Schemes

June 2021



Version control

V1 December 2020	New overarching scheme to incorporate Additional Restrictions grant scheme, Local business support scheme and LRSG(Open) discretionary schemes	Agreed by delegated decision 22 December 2020
V2 January 2021	To include Local Business Top up Scheme	Agreed by delegated decision 26 January 2021
V3 February 2021	To include Taxi vehicle licence holder grant	Agreed by Leader of the Councillor and Director for Finance & Resources 15 February 2021
V4 March 2021	New schemes for 21/22	Agreed by delegated decision 23 March 2021
V5 June 2021	Extension of 21/22 scheme	Agreed by delegated decision 8 June 2021

Contents

Background	Page 3
Milton Keynes Local Scheme	Page 4
1. Introduction	Page 4
2. Application process	Page 5
3. Grant Payments	Page 6
4. Decisions	Page 6
5. Managing Fraud & error	Page 6
6. Discretionary Schemes	
6.1 ARG Local Business Support Scheme	Page 8
6.2 ARG Business Support Top Up scheme	Page 10
6.3 ARG Arts, Culture & Tourism scheme	Page 11
6.4 ARG Community Leisure Scheme	Page 12
6.5 ARG Business Support Exceptional payments	Page 13

Background

In response to the Coronavirus, COVID-19, the government announced that where local or national restrictions are applied there would be support available for businesses required to close or who were faced with a significant financial impact from the restrictions. This support is to be delivered through Local Restrictions Grant (LRSNG) schemes and Restart schemes and a discretionary Additional Restrictions Grant (ARG) scheme. The government guidance on each of the schemes can be found at (<https://www.gov.uk/government/publications/local-restrictions-support-grants-lrsg-and-additional-restrictions-grant-arg-guidance-for-local-authorities>)

National Scheme

In the Budget on 3 March 2021 the Chancellor announced a new grant scheme to replace the Local Restrictions Support grants and Restart grants are available from 1 April 2021 until 30 June 2021.

The rate of payment for eligible businesses will be:

Non-Essential retail:

- for properties with a rateable value of £15,000 or under, £2,667
- for properties with a rateable value of more than £15,000 and below £51,000, £4,000
- for properties with a rateable value of £51,000 or over, £6,000

Hospitality, Accommodation, Leisure, Personal Care & Gyms:

- for properties with a rateable value of £15,000 or under, £8,000
- for properties with a rateable value of more than £15,000 and below £51,000, £12,000
- for properties with a rateable value of £51,000 or over, £18,000

Discretionary Schemes

In addition to the above scheme the Government has provided funding to provide support to businesses under the Additional Restrictions Grant scheme (ARG).

ARG provides local authorities with a funding allocation to be used during 2020/21 and 2021/22 to provide support to businesses affected by the COVID19 pandemic. Local authorities have been encouraged to provide support to businesses through wider support initiatives, although primarily the support is envisaged to take place in the form of discretionary grant payments.

This document sets out how the discretionary funding provided by the Government will be delivered by Milton Keynes Council from 1 April 2021 to support businesses to recover from the impact of the Coronavirus pandemic.

The Government has provided guidance to local authorities on the operation and delivery of ARG schemes. (<https://www.gov.uk/government/publications/local-restrictions-support-grants-lrsg-and-additional-restrictions-grant-arg-guidance-for-local-authorities>)

Milton Keynes Scheme

1. Introduction

1.1. In order to provide timely and meaningful financial assistance to businesses that have been impacted by the restrictions support has been delivered in several tranches. Given the broad scope of the funding and the period that it is available schemes have been developed as priorities to support the local economy has changed during and post pandemic.

1.2. MKC recognises that the guidance issued by the Government on the delivery and funding of LRSG (closed) and Restart grants has meant that many businesses are excluded from these schemes and wants to provide meaningful support to those businesses that have fallen outside of the other grant schemes and that have had their income severely impacted by the national and local restrictions.

1.3. MKC also recognises those business who have received grants under national and local schemes are still suffering financial strain as they recover from the restrictions that have been in place since November and wishes to provide additional support above that already in place.

1.4. This policy covers schemes that will be provided from 1 April 2021 to 31 March 2022 although should all available funding be allocated or withdrawn by the Government the schemes will close before that date.

- ARG Milton Keynes Business Support Scheme
- ARG Milton Keynes Business Support Top Up Scheme

If additional funding is provided during 2021/22 further grants may be made to eligible businesses under these schemes.

Eligibility criteria, exclusions and amount of grants available can be found in later in this document at paragraph 6.

Details of discretionary schemes provided prior to 1 April 2021 are available on request.

- 1.5. This policy will be kept under review by the Director for Finance & Resources in consultation with the Leader of the Council to ensure that funding remains available and that support is provided to those businesses in most need as the recovery from national restrictions begins.
- 1.6. MKC reserves the right to vary the terms of the scheme at any time, and without notice, should it be necessary to do so, in particular with regard to the availability of funding and changes in government guidance and government restrictions.

2. Application Process

- 2.1. In order for the application to be considered, MKC require businesses to demonstrate that they meet the eligibility criteria for the scheme by completing an application form on their online portal available at <https://milton-keynes.grantapproval.co.uk/>.
- 2.2. Only online applications made through the MKC portal will be accepted.
- 2.3. As a minimum the following will usually be required:
 - Proof of identity of sole trader or limited company
 - Evidence of unavoidable fixed property costs incurred by the business such as rent, rates or mortgage payments, this does not include personal or household costs. This should take the form of leases/agreements showing an obligation to pay and bank statements showing that payments have actually been made.
 - Evidence that the business falls within the criteria of those businesses required to close or evidence to demonstrate a substantial loss in income as a result of the national or local restrictions.
 - Confirmation of Subsidy Allowance compliance (this replaces State Aid). There is a requirement for all grants made under this scheme to be compliant with the current rules under Subsidy Allowance.

3. Grant payments

- 3.1. Grants will be paid to the eligible applicant to cover the relevant period. Where grants are payable on a rolling basis the applicant may need to submit an application for a follow-on payment in order to confirm there has been no change in their circumstances.
- 3.2. Payments will be made directly to the approved recipients' bank accounts by electronic transfer.

4. Decision process

- 4.1. Each application will be considered and decided by a panel made up of the Director for Finance & Resources and Head of Revenues & Benefits or their nominated deputies.
- 4.2. The decision of the panel will be final and will be communicated to the business by email.
- 4.3. A business can only challenge the grant decision on a point of law through the court.

5. Managing the risk of fraud and error

- 5.1. The Council will not accept deliberate manipulation and fraud. Any business that dishonestly provides false or misleading information in communication with the Council, including verbal communication, will be committing a criminal offence contrary to the Fraud Act 2006 and will be subject to a criminal investigation and criminal proceedings may be taken against them.
- 5.2. Conditionality of funding will be dependent on the business agreeing to these conditions by confirmation when they complete their electronic application form.
- 5.3. Businesses will need to notify their Local Authority if they no longer meet the eligibility criteria for additional grants (for example, if they become insolvent).
- 5.4. All information is subject to internal and external audit checks.
- 5.5. By applying for a discretionary grant all applicants give authority to Milton Keynes Council to share data for efficient system administration and to protect the Public Purse, subject to the Data Protection legislation.

5.6. The Council's will be required to share data with Government Departments for monitoring and other reasons. By applying for a discretionary grant all applicants give authority for this.

6. Discretionary Schemes

6.1 ARG scheme – Milton Keynes Business Support Scheme

This scheme comes into effect on 1 April 2021 and aims to provide support to businesses who are not eligible for a grant under the Government's Restart Grant scheme.

6.1.1. Eligibility

To be eligible for a grant under the MKC Business Support scheme a business must

- not be eligible to receive a grant under the Restart scheme, and
- have ongoing fixed costs that the business is required to pay during the period of this scheme. These costs cannot be employee related e.g. wages/director remuneration or costs associated with maintaining a residential address, and.
- be continuing to trade after the end of national restrictions,
- demonstrate that the business income has been severely impacted by the ongoing national or local Tier restrictions
- operate within Milton Keynes

6.1.2. Exclusions

- Businesses that have already received grant payments that equal the maximum levels of Subsidy Allowance permitted under the principles set out in Article 3.4 of the Trade & Cooperation Agreement.
- Businesses that are in administration, insolvent or where a striking-off notice has been made, are not eligible for funding under this scheme.
- Businesses that were not trading prior to the first full day of national restrictions coming into effect on 5 January 2021, unless already mandated to close by government restrictions.

6.1.3. Grant awards

A one-off award to assist with the recovery of business as restrictions are lifted as part of the Government's Roadmap out of Lockdown.

Businesses that have been mandated to close during national restrictions and do not receive a rates bill for their business.

(Reference will be made to Government guidance on Restart grants to determine which sector a business will be eligible within)

<p>Eligible businesses that are unable to re-open due to national restrictions and that do not receive a rates bill but have annual rent/mortgage payment of more than £3,000 and up to and including £15,000.</p> <p>Sector 1- Non-essential retail Sector 2 - Hospitality, leisure, accommodation, gym, personal care</p>	<p>£3,500 £8,000</p>
<p>Eligible businesses that are unable to re-open due to national restrictions and that do not receive a rates bill but have annual rent/mortgage payment, of more than £15,000 but below £51,000.</p> <p>Sector 1- Non-essential retail Sector 2 - Hospitality, leisure, accommodation, gym, personal care</p>	<p>£6,000 £12,000</p>
<p>Eligible businesses that are unable to re-open due to national restrictions and that do not receive a rates bill but have annual rent/mortgage payment, of £51,000 and above</p> <p>Sector 1- Non-essential retail Sector 2 - Hospitality, leisure, accommodation, gym, personal care</p>	<p>£8,000 £18,000</p>
<p>Eligible businesses that are unable to re-open who do not receive a rates bill and do not have fixed property costs but do have other ongoing business-related fixed costs.</p> <p>Sector 1- Non-essential retail Sector 2 - Hospitality, leisure, accommodation, gym, personal care</p>	<p>£1,500 £3,000</p>

Open Businesses

For businesses that have been able to continue to trade during restrictions but have been severely impacted by the restrictions and face a period of recovery as restrictions are eased.

<p>Eligible businesses with a rateable value of £15,000 or less or for a business that does not receive a rates bill has annual rent/mortgage payment of more than £3,000 and up to and including £15,000.</p>	<p>£1,000 or £3,000 for supply chain for hospitality and leisure</p>
<p>Eligible businesses with a rateable value, or for a business that does not receive a rates bill has annual rent/mortgage payment, of more than £15,000 but below £51,000.</p>	<p>£2,000 or £5,000 for supply</p>

	chain for hospitality and leisure
Eligible businesses with a rateable value or for a business that does not receive a rates bill has annual rent/mortgage payment, of £51,000 and above	£4,000 or £8,000 for supply chain for hospitality and leisure
Eligible businesses who do not receive a rates bill and do not have fixed property costs but do have other ongoing business-related fixed costs.	£ 500 or £3,000 for supply chain for hospitality and leisure

6.2 ARG scheme – Milton Keynes Additional Support for Local Businesses

This scheme provides additional support to local independently run businesses who are business ratepayers and may be eligible for a Restart grant from 1 April 2021.

6.2.1 Eligibility

To be eligible for an additional support grant a business must

- Be in one of the business categories listed below, and
- Be trading on 1 April 2021, unless mandated to be closed by the Government on 5 January 2021, and
- Demonstrate that the business income has been severely impacted by the national or local Tier restrictions, and
- Operate within Milton Keynes

6.2.2 Eligible business categories

- A shop in a rural community as defined within The Local Government Finance Act 1988 where the person liable for business rates is a sole trader or locally based company with no more than 3 retail outlets
- A Public House where the person liable for business rates is a sole trader or a locally based company which operates no other public houses
- Post Office (or shop with Post Office counter) where the person liable for business rates is a sole trader or locally based company with no more than 3 retail outlets
- Independent non-essential retail where the ratepayer is a sole trader or locally based company with no more than 3 retail outlets

- Independent restaurant or café where the ratepayer is a sole trader or locally based company with no more than 3 retail outlets

6.2.3 Exclusions

- Businesses that have already received grant payments that equal the maximum levels of Subsidy Allowance permitted under the principles set out in Article 3.4 of the Trade & Cooperation Agreement.
- Businesses that are in administration, insolvent or where a striking-off notice has been made, are not eligible for funding under this scheme.
- Businesses that were not trading prior to the first full day of national restrictions coming into effect on 5 January 2021, unless already mandated to close by government restrictions.

This list of business categories will be kept under review and may be extended by the Director for Finance & Resources, in consultation with the Leader of the Council if other specific business types are recognised as needing additional financial support, subject to funding remaining available.

6.2.3 Grant award

Eligible businesses with a rateable value of £15,000 or less	A one-off payment of £2,500 per property
Eligible businesses with a rateable value of more than £15,000 but below £51,000.	A one-off payment of £5,000 per property
Eligible businesses with a rateable value of £51,000 and above	A one-off payment of £7,500 per property

6.3 ARG scheme – Arts, Culture & Tourism Summer Support

This scheme provides additional support as a Summer Support Scheme for local venues that promote arts and culture or tourism by offering a unique experience that brings regional visitors to Milton Keynes and that have had their income severely impacted by government restrictions. Arts & Culture sector would be defined as museums, art galleries and theatre. Tourism sector would be defined as a unique regional attraction which brings significant numbers of visitors to Milton Keynes .

6.3.1 Eligibility

To be eligible for an additional support grant a business must

- Demonstrate that the business offers a unique regional experience that brings a significant number of visitors to Milton Keynes
- Demonstrate that the business income had been severely impacted by the national or local Tier restrictions, and
- Within Arts & Culture category the businesses should be operating as a museum, art gallery, theatre or music venue
- Within Tourism category the business should operate no more than three venues nationally of which at least one must be based in Milton Keynes

6.3.1 Exclusions

- Businesses that have already received grant payments that equal the maximum levels of Subsidy Allowance permitted under the principles set out in Article 3.4 of the Trade & Cooperation Agreement.
- Businesses that are in administration, insolvent or where a striking-off notice has been made, are not eligible for funding under this scheme.
- Businesses that were not trading prior to the first full day of national restrictions coming into effect on 5 January 2021, unless already mandated to close by government restrictions.

6.3.3. Grant award

<p>Eligible businesses within Arts & Culture Sector:</p> <p>(1) rateable value of £51,000 or less</p> <p>(2) rateable value over £51,000</p>	<p>(1) one-off payment of £25,000 per business/organisation</p> <p>(2) one-off payment of £50,000 per business/organisation</p>
<p>Eligible businesses within Tourism sector</p>	<p>A one-off payment of £25,000 per business/organisation</p>

6.4 ARG scheme - Community Leisure Centres Summer Top Up

This scheme provides additional support as a Summer Top Up for Community Leisure Centres which have had their income severely impacted by government restrictions.

6.4.1 Eligibility

To be eligible for an additional support grant a business must

- Be established as a community leisure trust

- Demonstrate that the business income has been severely impacted by the national or local Tier restrictions

6.4.1 Exclusions

- Businesses that have already received grant payments that equal the maximum levels of Subsidy Allowance permitted under the principles set out in Article 3.4 of the Trade & Cooperation Agreement.
- Businesses that are in administration, insolvent or where a striking-off notice has been made, are not eligible for funding under this scheme.
- Businesses that were not trading prior to the first full day of national restrictions coming into effect on 5 January 2021, unless already mandated to close by government restrictions.

6.4.3. Grant award

Eligible organisations will receive a one-off payment of £25,000.

6.5 ARG scheme – Milton Keynes Business Support scheme -Exceptional Payments

6.5.1 In exceptional circumstances a discretionary award outside of the specified criteria and grant awards may be made to organisations who are considered a strategic partner to the council and who can demonstrate that an award would positively affect the continued sustainability of the organisation and would provide a significant positive economic impact to the area in which it is located. The Director for Finance & Resources, in consultation with the Leader of the Council, will be given delegated authority to determine the eligibility and level of award based on the individual circumstances of the organisation.

6.5.2 A one-off grant may be awarded where a business can demonstrate that

- it has been excluded from other government support and grants , and
- it was trading prior to the commencement of national restrictions on 5 January 2021 and
- was mandated to close during national restrictions or was able to continue to trade but was severely impacted by the restrictions, and
- that the award will have a positive impact on the sustainability of the businesses

A grant of up to £5,000 may be made at the discretion of the Director for Finance & Resources. The level of the award will be based on the individual circumstances of the applicant.

- 6.5.3 A one-off grant of £6,000 will be awarded to a business which is unable to re-open until 21 June 2021 at the earliest. The eligibility criteria will be based on eligibility under the Local Restrictions Support Grant (Sector) which provided for grants to nightclubs and sexual entertainment venues which have been required to be closed since 23 March 2020.

Delegated Decisions report



8 June 2021

MELLISH COURT, BLETCHLEY, AND THE GABLES, WOLVERTON - TO CONSIDER OFFERS TO RESIDENTS, SERVING NOTICE AND THE PURCHASE OF ADDITIONAL ASSETS TO SUPPORT THE DECANT OF BOTH BLOCKS

Name of Cabinet Member	Councillor Emily Darlington (Cabinet member for Adults, Housing and Healthy Communities)
Report sponsor	Stuart Proffitt Director - Environment and Property
Report author	Will Rysdale Head of Housing Delivery Will.Rysdale@milton-keynes.gov.uk 01908 254445
	Steve Young Head of Asset Management Stephen.Young@milton-keynes.gov.uk 01908 252272

Exempt / confidential / not for publication	No
Council Plan reference	N/A
Wards affected	Wolverton and Bletchley West

Executive Summary

Further to the Delegated Decision on 9 March 2020, where approval was given to demolish both Mellish Court and The Gables and then to redevelop both locations to replace lost council housing, work has been taking place to decant residents from both blocks. As mentioned in that report, the target date to rehouse all Council tenants and support the relocation of leaseholders is the start of October 2021.

This date has been agreed with Buckinghamshire Fire and Rescue Service due to the short-term fire mitigation measures which have been put in place to ensure the safety of residents whilst the decant process takes place.

At present, 63% of Mellish Court and 78% of The Gables is vacant. Many of the remaining tenants wish to remain in an MKC property and the decant process for these tenants is reliant on Council properties becoming void or increasing the number of available council homes.

As at 19 May 2021, there are small numbers of council tenants at both Mellish Court and The Gables who we are providing with additional support in order to facilitate their engagement with our allocations team. The majority of council tenants in both blocks are either under offer or waiting to move or view a property.

1. Decisions to be Made

- 1.1 That resource allocation and spend approval in the 2021/22 Capital Programme be approved at £6m for the purchase of up to 30 x 2 bed properties, or a mix of 1 and 2 beds if actual need requires them, funded from the Housing Revenue Account. These properties will be Council owned social rented housing to meet the needs of tower block tenants who have not been offered suitable accommodation within the current council stock, to help ensure the blocks are empty by October 2021.
- 1.2 That Notice be served to terminate all tenancy and leasehold agreements, and those of any other interested parties, immediately following approval and call in period. This Notice is contingent on a Demolition Notice being served to all remaining occupants/owners first, as well as this, a notice to the Regulator of Social Housing must also be issued.
- 1.3 The Council will decant the blocks by October as required for health and safety reasons working with Buckinghamshire Fire and Rescue Service and allow the demolition and rebuilding of the blocks to start. Most residents have already moved out or have offers for new homes. However, in order to ensure that both blocks are decanted by the date agreed with Buckinghamshire Fire and Rescue, offers after Monday 27 July 2021 to any tenants will be considered a final offer.

2. Why is the Decision Needed?

- 2.1 The Delegated Decision report of 1 December 2020, [Annex A](#), detailed the initial housing offer to tenants and Leaseholders of both Mellish Court and The Gables. However, with twenty-one weeks remaining until the blocks need to be vacant for demolition, there is now a need to further consider how we can increase the supply of council homes to ensure that tenants can move to a suitable accommodation before 1 October 2021.

- 2.2 The decant process has highlighted the issue of the need for additional council homes that meet the needs of tenants from Mellish and the Gables, in particular 2 bed properties of which the Council owns significantly fewer than it does 1 and 3 bed properties. 24% of Council stock, excluding shared ownership homes, is 2 bed rented accommodation whilst 31% is 1 bed and 39% is 3 bed. To meet the October target for decanting the tower blocks the Council wishes to look to purchase a limited number of suitable properties from the open market, where possible within the local areas of both blocks. However, good value properties may be targeted across the wider Milton Keynes footprint if there are insufficient on the market in Bletchley and Wolverton. The acquisitions will also in a small part make up for the loss of Council stock and will allow the needs of Milton Keynes residents on the housing list to be met more quickly.
- 2.3 The Council will investigate the possibility of buying off plan from local developers which will offer potential savings if we buy several properties and no refurbishment or repair works will be required.
- 2.4 The focus will be on 2 bed properties initially, however, should it become apparent that there are insufficient 1 bed voids becoming available to decant in good time for October the Council may also purchase 1 bed properties.
- 2.5 The acquired properties will be bought into the Housing Revenue Account and will be rented at social rent level to the decanted tenants. Should any tenants not housed in their local area request to move and return to the local area in the future, or the decanted tenants vacate for any other reason, these properties would at that stage be rented at affordable rent level (not exceeding the Local Housing Allowance). The acquired properties will be part funded by retained Right to Buy (“RtB”) receipts, with a recent change in legislation, allowing us to make use of an increased level of these receipts (40%). This will also help ensure that we reduce the likelihood of having to return any RtB receipts to central government.
- 2.6 Due to the Coronavirus Pandemic, the length of legal Notice periods have been significantly extended, grounds 10 or 10A would normally be 28 days (4 weeks) but have been extended to six months at point of writing, which is based on “The Coronavirus Act 2020 (Residential Tenancies: Protection from Eviction) (Amendment) (England) (No. 2) Regulations 2021. A House of Commons briefing note dated 19 May 2021 details this further, please refer to **Annexes B and C**.
- 2.7 As has been previously mentioned within this report it is essential that we continue to work towards ensuring that both Mellish Court and the Gables are decanted by the beginning of October 2021, in order to comply with the agreement reached with Bucks Fire and Rescue. With a small number of tenants who are yet to receive or accept an offer of housing from 27 July 2021

officers will begin to offer final offers (subject to any council tenants not already having received three offers) to any remaining council tenants. This will help ensure we are able to meet the decant deadline as required for health and safety reasons and to allow for the demolition and rebuilding of the blocks to start.

- 2.8 As stated in **Annex A**, referred to above, the Council will make the decision around the suitability of the new home and there will not be an opportunity to appeal. If a tenant or eligible leaseholder is required to move out of the local area but maintains a local link and wishes to move back, that household will be given priority to move back to the area when a property that meets their needs becomes available.

3. Implications of the Decision

Financial	Y	Human rights, equalities, diversity	Y
Legal	Y	Policies or Council Plan	N
Communication	N	Procurement	N
Energy Efficiency	N	Workforce	N

(a) Financial Implications

The estimated total capital investment required is £6m, made up of the cost of the property purchases at an average cost of £180k each and fees and refurbishment costs. This will be part-funded with up to 40% RtB receipts* with the balance from the Housing Revenue Account.

The balance of the £6m funding to be met from the Housing Revenue Account will reduce the level of capital investment available for other purposes within the HRA Borrowing Limit set in the [HRA Business Plan](#) and [Treasury Management Strategy](#).

The average cost provided for of £180k is expected to meet market prices for the 30 x 2-bed properties required, though properties will be acquired at lower cost where possible.

Because of the urgency of the need for these properties, and the adverse consequences of a delay to the decants if they are not speedily acquired, the average cost proposed is higher than would normally be considered value for money, and the social rents that will apply produce less income than the affordable rents what would be charged for properties acquired normally. The capital investment at the proposed level is unlikely therefore to be recovered for a period of up to 57 years.

Should the property be vacated in the future it would then become an affordable rent property, the payback period would reduce accordingly with the increased rental income.

*Since 1 April Homes England have increased the percentage cost of a new home that local authorities can fund using RtB receipts from 30% to 40%, though the higher contribution rate will mean that fewer new homes will be able to be so funded.

(b) Legal Implications

The Local Authority is under a legal duty when it issues a notice seeking possession under s83 Housing Act 1985 on the grounds of the demolition of a residential property, to offer alternative accommodation. Failure to offer alternative accommodation which is available to occupy may prevent the Local Authority from taking possession of residential properties through the courts. It is therefore paramount that alternative accommodation is available to all tenants whose tenancies will be affected by the demolition notice.

4. Alternatives

Housing

- 4.1 There are no alternatives to providing alternative accommodation for the tower block tenants. Registered housing providers have permanent accommodation available and it has been offered to tenants but not all tenants wish to give up their Council landlord. Council new build 2 bed properties will not be available in time, any new build that are finished prior to October will be large family accommodation. If too few appropriately sized Council properties become vacant the only alternative to decant the tower blocks would be to move residents to temporary accommodation until a suitable void property is available. This is not considered a suitable option for the residents.

5. Timetable for Implementation

- 5.1 Offers on properties are being made at risk currently. Following call in these properties will be followed up.
- 5.2 Final completions will be made in late July/ August dependent on the works required for each property with regards to safety checks and to be brought up to Council standard.
-

List of Annexes

- Annex A [Delegated Decision report - 1 December 2020, Annex C, Housing Offer](#)
- Annex B [HoC Briefing paper, Coronavirus: Support for landlords and tenants, 19 May 2021](#)
- Annex C [The Coronavirus Act 2020 \(Residential Tenancies: Protection from Eviction\) \(Amendment\)](#)

List of Background Papers

None.

Delegated Decisions report



8 June 2021

MANOR ROAD RELOCATIONS CAPITAL PROJECT

Name of Cabinet Member	Councillor Zoe Nolan (Cabinet member for Children and Families)
Report sponsor	Caroline Marriott Head of Delivery - SEN and Disability
Report author	Sarah Bayliss Project Leader, Capital Sarah.bayliss@milton-keynes.gov.uk 01908 252008

Exempt / confidential / not for publication	No
Council Plan reference	5.6 To increase the number of high-quality local placements for children and young people
Wards affected	Bletchley West

Executive Summary

This report is seeking resource and spend approval for a capital project at the Manor Road site in Bletchley to facilitate the relocation of The Bridge Academy (Medical and Primary PRU) as part of the Asset Rationalisation programme. This project will involve adaptations to the Manor Road buildings and external areas to make them fit for purpose. The purpose of these adaptations will allow the alternative provision system to be managed more efficiently overall, enabling additional places at Romans Field and The Walnuts Schools

1. Decision to be Made

- 1.1 That the resource allocation and spend approval in 2021/22 capital programme for £825,000, funded from the Special Provision Fund (Grant funding from Central Government), to undertake capital works at the Manor Road site in Bletchley, be approved.

1.2 That the capital project be managed by the school who have already taken the project to the procurement stage.

2. Why is the Decision Needed?

2.1 The purpose of this decision is to allow a capital project to commence to create suitable accommodation at the Manor Road site to house the relocated Bridge Academy (Medical and Primary PRU services). This proposed relocation forms part of the Council’s Asset Rationalisation programme. The relocation of these services allows the special schools which share their original sites (Romans Field and The Walnuts) to expand into the now vacant accommodation, thus providing additional special school places to meet the high demand for these places.

2.2 The capital works need to be complete asap to ensure the accommodation is fit for purpose to facilitate the relocation, and to assist with meeting the demand for special school places.

2.3 The need for this proposed project at Manor Road was set out in the paper entitled: *Short Term Place Planning Priorities for Pupils with EHCP’s* which has been approved at Children’s Services Infrastructure Board (CSIB), Strategic Property Board (SPB) and CLT and forms part of the overall Asset Rationalisation Programme.

3. Implications of the Decision

Financial	Y	Human rights, equalities, diversity	N
Legal	Y	Policies or Council Plan	Y
Communication	N	Procurement	Y
Energy Efficiency	N	Workforce	N

(a) Financial Implications

Resource and spend approval for £825k is being requested via this Delegated Decision. This budget resource is to cover the construction costs, contingency and all professional fees and surveys. The budget breakdown is £445k of unallocated grant funding and £380k of underspend from completed projects in the SEND Capital Programme. The funding source is the Special Provision Fund, which is grant funding allocated to the Council directly from Central Government.

The escalation of this project, which has come about due to the Asset Rationalisation Programme, means that the funding is not yet set aside in the 2021/22 capital programme. In light of this, budget approval is sought via this Delegated Decision to ensure the programme of delivery can be met.

(b) Legal Implications

This is a key decision which has been recorded on the Council's Forward Plan dated 7 May 2021 onwards, to be decided by way of Delegated Decision by Cabinet Member.

The Council has a statutory duty to ensure that there are sufficient school places in Milton Keynes. This report requests approval to use funding from the Special Provision (SP) Fund to undertake the capital works which shall ensure the Manor Road buildings and external areas are adapted to meet the needs of the Bridge Academy (Medical and Primary PRU) upon its relocation to that site. The capital works shall also enable the provision of additional special school places at Romans Field and The Walnuts Schools

The Department for Education's (DfE's) Special Provision Capital Fund guidance confirms local authorities are permitted to use the SP funding for capital transactions which create new additional places at a good or outstanding provision and/or improves facilities or develops new facilities. Local authorities are also permitted to combine the SP funding with other capital funding. The Bridge Academy has a good Ofsted rating.

In contrast, Local authorities are not permitted to use the SP funding:

- to expand provision to create additional places for pupils who do not have education, health and care plans;
- to make reasonable adjustments that schools are required to fund as part of accessibility requirements (e.g. ramps or widening doorways);
- for revenue expenditure such as training or staff costs; and / or
- for maintenance work.

The DfE's Special Provision Capital Fund guidance also stipulates local authorities are required to plan how they invest their allocation of the SP funding which includes consulting with parents and carers, schools, FE colleges and other institutions which offer special educational provision.

Any contracts for completion of the capital works shall need to be procured in compliance with procurement rules and legislation. This project will be a school managed project and the Academy will be required to comply with their relevant procurement regulations.

4. Alternatives

- 4.1 **Do Nothing** - there will not be sufficient special school places available to meet the increasing need for specialist school provision in Milton Keynes.
- 4.2 **Approval at Cabinet** - there will not be sufficient time to procure and undertake the works to meet the demand for pupil places.

5. Timetable for Implementation

- 5.1 Budget Approval - June 2021
 - 5.2 Contract awarded - July 2021
 - 5.3 Works undertaken - July 2021 - February 2022
 - 5.4 Operational - February / March 2022
-

List of Annexes

None.

List of Background Papers

None.

Delegated Decisions report



8 June 2021

PHASE THREE OF CAPITAL WORKS TO THE WALNUTS SCHOOL, BLETCHLEY

Name of Cabinet Member **Councillor Zoe Nolan**
(Cabinet member for Children and Families)

Report sponsor **Caroline Marriott**
Head of Delivery - SEN and Disability

Report author **Sarah Bayliss**
Project Leader, Capital
Sarah.bayliss@milton-keynes.gov.uk
01908 252008

Exempt / confidential / not for publication	No
Council Plan reference	5.6 To increase the number of high-quality local placements for children and young people
Wards affected	Bletchley West

Executive Summary

This report is seeking resource and spend approval for a capital project at The Walnuts School, Bletchley. This project will involve adaptations to the now vacant Bridge side of the site, allowing The Walnuts to expand and increase their intake to assist with meeting the high demand for special school places in Milton Keynes.

1. Decision to be Made

- 1.1 That the resource allocation and spend approval in 2021/22 capital programme for £150,000, funded from the Special Provision Fund (Grant funding from Central Government), to undertake capital works at The Walnuts School, Bletchley, be approved.

2. Why is the Decision Needed?

- 2.1 The purpose of this decision is to allow a capital project to commence to create additional accommodation The Walnuts School, Bletchley. This will allow them to increase their intake to assist with a high demand for special school places.
- 2.2 The capital works need to be complete for September 2021 to meet the demand for pupil places by providing an additional 8 places.
- 2.3 These additional places will be created by expansion into the now vacant part of the school site, previously occupied by The Bridge Academy. This part of the site requires external adaptations to meet the needs of The Walnuts pupils.
- 2.4 The need for this proposed project at The Walnuts (Bletchley) was set out in the paper entitled: *Short Term Place Planning Priorities for Pupils with EHCP's* which has been approved at Children's Services Infrastructure Board (CSIB), Strategic Property Board (SPB) and CLT and forms part of the overall Asset Rationalisation Programme.

3. Implications of the Decision

Financial	Y	Human rights, equalities, diversity	N
Legal	Y	Policies or Council Plan	Y
Communication	N	Procurement	Y
Energy Efficiency	N	Workforce	N

(a) Financial Implications

Resource and spend approval for £150k is being requested via this Delegated Decision. This budget resource is to cover the construction costs, contingency and all professional fees and surveys. The funding source is the Special Provision Fund, which is grant funding allocated to the Council directly from Central Government.

The escalation of this project, which has come about due to the Asset Rationalisation Programme, means that the funding is not yet set aside in the 2021/22 capital programme. In light of this, budget approval is sought via this Delegated Decision to ensure the programme of delivery can be met and the additional pupil places can be made available for September 2021.

(b) Legal Implications

The Council has a statutory duty to ensure that there are sufficient school places in Milton Keynes. This report requests approval to use funding from the Special Provision (SP) Fund to undertake the capital works which shall enable the provision of additional special school places at The Walnuts School.

The Department for Education's (DfE's) Special Provision Capital Fund guidance confirms local authorities are permitted to use the SP funding for capital transactions which create new additional places at a good or outstanding provision and/or improves facilities or develops new facilities. Local authorities are also permitted to combine the SP funding with other capital funding. The Walnut School has a good Ofsted rating.

In contrast, Local authorities are not permitted to use the SP funding:

- to expand provision to create additional places for pupils who do not have education, health and care plans;
- to make reasonable adjustments that schools are required to fund as part of accessibility requirements (e.g. ramps or widening doorways);
- for revenue expenditure such as training or staff costs; and / or
- for maintenance work.

The DfE's Special Provision Capital Fund guidance also stipulates local authorities are required to plan how they invest their allocation of the SP funding which includes consulting with parents and carers, schools, FE colleges and other institutions which offer special educational provision.

Any contracts for completion of the capital works shall need to be procured in compliance with procurement rules and legislation.

4. Alternatives

- 4.1 **Do Nothing** - there will not be sufficient special school places available to meet the increasing need for specialist school provision in Milton Keynes.
- 4.2 **Approval at Cabinet** - there will not be sufficient time to procure and undertake the works ready for pupil intake in September 2021.

5. Timetable for Implementation

- 5.1 Budget Approval - June 2021
- 5.2 Contract awarded and works undertaken - July - August 2021
- 5.3 Operational - September 2021

List of Annexes and Background Papers

None.

Delegate Decision Report



8 June 2021

Capital Maintenance Programme 2022-2027

Name of Cabinet Member **Councillor Zoe Nolan**
Cabinet member for Children and Families

Report sponsor **Stuart Proffitt**
Director Environment and Property

Report author **Mark McKinlay**
Project Lead (Capital)
mark.mckinlay@milton-keynes.gov.uk
01908 254138

Exempt / confidential / not for publication	No
Council Plan reference	8.3 - Increase the number of high-quality local placements for children and young people
Wards affected	Various

Executive summary

This report is seeking approval to commence the tender and award process for the capital projects included within the 2022/27 Schools Capital Maintenance Programme. Delegation of authority to award contracts following tender is being sought at the same time to ensure we meet schedules to appoint contractors to commence works from April 2022.

Each year investigations in to grouping projects will take place in order to drive best value. This may help drive potential cost savings through consolidated contracts and through reduced external consultant costs and reduced internal officer time. The projects will be clustered locally and be of a similar nature, so they can be managed by a single contractor.

The projects will enhance school buildings by upgrading elements in poor condition, which, consequently, will improve energy efficiency and reduce carbon emissions in the schools involved with the programme.

1. Decision/s to be made

- 1.1 This report requests approval to obtain tenders, through the open market via an open tender or appropriate frameworks, for the provision of professional services for the 5-year programme to help develop the detailed annual programmes to then tender for works required.
- 1.2 This report requests approval to obtain tenders, through the open market via an open tender or appropriate frameworks, following approval for the Capital Maintenance programme through relevant boards (Children's Services Infrastructure, Strategic Property and Corporate Portfolio).
- 1.3 That the authority to award the contracts for all schemes following a tender process be delegated to the Director Environment and Property or Head of Property & Facilities following the submission of Report of officers' decision.

2. Why is the decision needed?

- 2.1 The Schools Capital Maintenance Programme is primarily used to improve the condition of existing school stock of local authority-maintained schools. To also improve the efficiency of the stock and to bring it in line with modern legislation regarding Equality, Building Regulations, Health and Safety, curriculum requirements, etc.
- 2.2 The procurement is needed in order to address highest priority building condition items in Milton Keynes Council's maintained schools identified from the most recent survey data held by Capital Development within Corporate Property & Development.
- 2.3 A five (5) year Capital Maintenance Programme has been prioritised and agreed at the Education Management Board, with the inclusion of the schemes below with budgets split evenly throughout the 5 years:
 - Boiler & Distribution Replacements & Enhancements (£4,690K)
 - Fire Protection Improvements (£1,140K)
 - Roofs, windows and doors replacement (£3,040K)
 - Emergency/reactive health and safety improvements (£1,250K)
- 2.4 The above list is subject to change due to the urgency of works required in each scheme element and will be reviewed after any surveys are undertaken each year. This will then be notified at director level to ensure finance are aware of allocations required.

3. Implications of the decision

Policy

- 3.1 The contracts will contribute to the delivery of the strategic theme of the Council's Corporate Plan 2016-20 Education and skills - supporting improvement in our education and skills sector, ensuring a good local school place for every child and a non-selective model of education.

Resources and Risk

- 1.2 Resource allocation and spend approval for the 2022/27 Schools Capital Maintenance Programme will seek approval in December with the final budget being approved by Cabinet in February 2022. The projects identified will be funded from the Schools Condition Allocation Grant received from the Government no date has been set for the award of future funding from the DfE, but previous allocations have not “dipped” below £2,200,000.
- 1.3 Currently there is funding that is unallocated from previous years Asset Management Programme which can be used to fund the projects below until the final budget is approved.
- 1.4 The individual budgets for the projects subject to this approval will include the works, professional fees, surveys and a project contingency.
- 1.5 Each school will be asked to provide a financial contribution to its respective project equivalent to the annual capital allocation it receives from the Department for Education.
- 1.6 The key opportunity secured by these contracts is to address identified condition issues within school buildings ensuring access to safe and suitable teaching and learning accommodation.

Financial	Y	Human rights, equalities, diversity	N
Legal	Y	Policies or Council Plan	N
Communication	Y	Procurement	Y
Energy Efficiency	Y	Workforce	N

a) Financial implications

The Head Teachers of the schools have all agreed to the respective schemes and as such have agreed to the contribution of one years devolved capital budget. A nominated representative from the senior leadership team of each school will be involved throughout the lifecycles of the projects to develop programmes and designs that best suit each school building, whilst minimising disruption to the schools’ operations and keeping the overall costs within budget.

Year	22-23	23-24	24-25	25-26	26-27	Total
Spend & Resource	£000	£000	£000	£ 000	£000	£000
Boiler & Distribution Replacement & Enhancement	940	940	940	940	930	4,690
Fire Protection Improvement	230	230	230	230	220	1,140
Roofs, windows and doors Replacement	610	610	610	610	600	3,040
Emergency/reactive improvements in H & S	250	250	250	250	250	1,250
Total Programme Allocation	2,030	2,030	2,030	2,030	2,000	10,120

The above table is subject to change due to the urgency of works required in each scheme element and will be reviewed after any surveys are undertaken each year. This will then be notified at director level to ensure finance are aware of allocations required.

b) Legal implications

The Council has a legal obligation under the Education and Inspections Act 2006 to provide sufficient, high quality school places.

The Council also has various health & safety obligations under the Health & Safety at Work etc.1974 Act.

This report requests approval to commence tender process through via an open tender or available frameworks where appropriate. The Council must adhere to procurement rules and legislation despite the method of procurement used.

The use of frameworks is recognised as a legitimate route to market. The Council can utilise frameworks provided that they cover the scope of the works required, they have been procured in compliance with the law and are open to the Council to use as one of the organisations intended to benefit from such frameworks. Basic due diligence of any frameworks identified will need to be conducted before the Council can use them. In order to remain compliant with procurement law, the Council shall need to adhere to the terms of any framework used.

c) Other implications

Procurement

- (i) Each scheme will be assessed whether to use a framework or go to open market.
- (ii) The procurement will be carried out in compliance with the Council's Constitution, Contract Procedure Rules, Financial Regulations and applicable UK Procurement Regulations. Legal Services and Corporate Procurement will continue to provide support and guidance.

Evaluation Criteria and Panel

- (iii) The MEAT evaluation of all tenders will be evaluated by quality and price, dependant on each project the weighting may vary, the criteria for each tender will be specific to the requirement.
- (iv) All tenders submitted will be evaluated by a panel comprising the Project Leader (Capital) and technical specialist(s) appointed. The commissioner of the project will also be invited to evaluate the quality elements of the tender returns. Colleagues within Finance, Legal and Corporate Procurement will be engaged to support the tender process.

Carbon and Energy Management

- (v) The heating works include the upgrade of the distribution pipework, emitters (radiators/fan convectors), plant, controls and sensors, which will allow the new systems to operate more efficiently, reducing carbon emissions and future energy costs.
- (vi) The MEAT document for the open tenders is to include criteria to evaluate the contractors' environmental consideration and to confirm their compliance with the relevant environmental legislation.

3. Alternatives

a) **Do nothing**: This will result in the condition works not taking place.

- i. Pros - Capital funding could be reallocated within the capital programme to address other priority issues.
- ii. Cons - this would result in worsening building issues, leading to larger, more costly schemes in the future to rectify the faults. This may also have an implication on the safety and suitability of each identified site with potential closure of elements, or all, of the buildings.

The Schools Condition Allocation Grant is allocated by the Education Funding Agency to enable local authorities to address high priority condition items. Funding allocations are likely to reduce in the future meaning the Council will need to fund capital maintenance works from an alternative source.

b) **Restricted Tender**: This form of tendering isn't required given the nature of the works for these projects, compounded by the fact that there is insufficient time in the programme to undertake a Restricted Tender process.

4. Timetable for implementation

Approval to proceed with procurement: June 2021

Procurement process for Design Team: August 2021 / September 2021

Approval to award: September 2021

Design Development: October – November 2021

Procurement process for Construction: December 2021

Construction: April – October 2022

Operational: October 2022

List of annexes and background papers

None

Delegated Decisions report



8 June 2021

ADOPTION OF BIODIVERSITY: SUPPLEMENTARY PLANNING DOCUMENT

Name of Cabinet Member	Councillor Jenny Wilson-Marklew (Cabinet member for Climate and Sustainability)
Report sponsor	Paul Thomas Interim Director - Planning, Strategic Transport and Placemaking
Report author	Philip Snell Project Manager - Landscape Services Phillip.Snell@milton-keynes.gov.uk 01908 253606

Exempt / confidential / not for publication	No
Council Plan reference	Not in Council Plan
Wards affected	All wards

Executive Summary

This report details the public consultation responses received on the draft Biodiversity: Supplementary Planning Document (SPD) consultation held for eight weeks between 28 September 2020 - 23 November 2020. It recommends the document be amended in the light of the responses received and adopted.

Once adopted, the SPD will support the implementation of Policies NE2 and NE3 and expand upon other policies of our Local Plan (Plan:MK). It provides:

- A guide for working with protected and priority species and habitats which are likely to be impacted upon by proposed developments.
- Detail of our requirements for applicants to build nature conservation features into developments, ensuring that a measurable net-gain to biodiversity is achieved in accordance with Plan:MK and national planning policies.

- Guidance for the construction phase, monitoring and future management of the development sites.

1. Decisions to be Made

- 1.1 That the amended Biodiversity: Supplementary Planning Document, attached at **Annex B**, be approved, in the light of changes set out in **Annex A**.
- 1.2 That the Interim Director - Planning, Strategic Transport and Placemaking, in consultation with the Portfolio Holder for planning, be given delegated authority to make any necessary minor corrections to the Biodiversity: Supplementary Planning Document prior to its publication.

2. Why is the Decision Needed?

- 2.1 The SPD will support the implementation of Policies NE2 and NE3 in Plan:MK; and provides guidance on biodiversity and nature conservation within new development. Policy NE2 of Plan:MK underlines the importance of protecting species and habitats. It states that, where a “site contains priority species or habitats, development should wherever possible promote their preservation, restoration, expansion and/or re-creation in line with Policy NE3.” Policy NE3 addresses biodiversity and geological enhancement matters. It requires development proposals to maintain and protect biodiversity and geological resources. This includes, where possible, delivering a measurable net gain in biodiversity. If significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or, as a last resort, compensated for then planning permission should be refused.
- 2.2 The SPD highlights the importance of protecting and enhancing existing nature conservation features within proposed developments, following best practice guidance and the mitigation hierarchy¹. Where this is not possible the SPD details requirements for a developer to consider incorporating ecological compensation (including Biodiversity Offsets). This is in accordance with one of the actions from Bucks and Milton Keynes Biodiversity Action Plan (2018) which mentions that Local Authorities should seek to manage their land in a sustainable way, with biodiversity given priority where appropriate.
- 2.3 A Delegated Decision to approve an eight-week consultation on a draft SPD took place on 8 September 2020. We then undertook the public consultation between 28 September 2020 - 23 November 2020.

¹ Mitigation consists of measures taken to avoid or reduce negative impacts on species or habitats

Public Consultation on the Biodiversity: Supplementary Planning Document

- 2.4 We publicised the Biodiversity Supplementary Planning Document, including details of the consultation, a consultation response form, consultation statement, guidance notes for respondents and a Strategic Environment Assessment (SEA) screening statement, on our website. The SPD was also publicised via our consultation finder page.
- 2.5 Over 1,000 emails were sent, and 300 letters posted to those individuals, companies and organisations on our consultation database.

Responses to the Biodiversity: Supplementary Planning Document consultation

- 2.6 A total of 24 responses were received, as detailed in **Annex A** to the report. The greatest number of responses (nine) came from organisations including Natural England, Buckinghamshire and Milton Keynes Natural Environment Partnership, Canal and River Trust and Berks, Bucks and Oxon Wildlife Trust. In addition:
- four representations were made by members of the public;
 - one representation was received from a parish councillor and two representations from Parish and Town Councils;
 - eight representations from Developers or Agents; and
 - two representations from utilities/infrastructure providers (SGN Gas Networks and British Pipeline Agency Limited).
- 2.7 The representations focused around the following points:
- Respondents generally supported the need for the SPD and a few of them considered that the minimum 10% target was not ambitious enough. However, the SPD cannot set new targets/standards, but only expand upon the existing local plan policies and reference national targets. The SPD makes reference to the minimum of 10% increase over the predevelopment condition proposed in the draft Environment Bill.
 - Some respondents raised concerns over the transitional arrangements before the Environmental Bill becomes law. Clarification has been provided in the SPD that, at present, any requirements for biodiversity net gain are set by negotiation with the Local Planning Authority. This will be assessed in accordance with Plan:MK policies, the National Planning Policy Framework (NPPF) and other material considerations and will continue to take place in the transitional period.

- Several respondents proposed amendments to Maps and Tables. This was to add clarity and further reference. The majority of these comments were accepted. Additional references were added including link to the GIS database My Milton Keynes and My Maps (<https://mapping.milton-keynes.gov.uk/mymiltonkeynes.aspx>).
- Various paragraphs were revised following comments to remove any duplications.
- Where appropriate, in response to comments, additional clarification for some terms and guidance has been included.
- Several responses highlighted the need to expand the SPD to cover other matters, such as creating a database for MK environmental assets. However, these would fall outside the scope of the SPD.
- A number of responses alluded to the inclusion of on-site enhancement features. This has been included and references to supporting sources made.

2.8 Following consideration of the consultation responses, the SPD has been revised and is set out in **Annex B**.

3. Implications of the Decision

Financial	Yes	Human rights, equalities, diversity	No
Legal	Yes	Policies or Council Plan	Yes
Communication	No	Procurement	No
Energy Efficiency	No	Workforce	No

(a) Financial Implications

The SPD provides information on calculating compensation that, in a measurable way, can be used to demonstrate a net-gain to biodiversity value is likely to be achieved by a development. The SPD follows the use of the metric developed by Government (Defra) through Natural England which measures the biodiversity impacts of a development.

At present the level of net gain to be achieved is negotiated on a site-by-site basis, in accordance to Plan:MK policies, the NPPF and other material considerations.

The draft Environment Bill would require a minimum net gain of 10% increase over the predevelopment condition. This would become compulsory and is expected to come into effect during a two-year transition period which begins when the Environment Bill receives Royal Assent. The SPD provides clarification and guidance on how the metric should be used and applied.

Where development would result in significant harm to a protected/priority species/habitat appropriate planning conditions or obligations will be required to adequately mitigate and/or compensate for the harm.

(b) Legal Implications

The Town and Country Planning (Local Planning) (England) Regulations 2012 set out the statutory requirements for the consultation and adoption of Supplementary Planning Documents. Under section 19(3) of the Planning and Compulsory Purchase Act 2004, we must prepare SPDs in accordance with our Statement of Community Involvement. If adopted, in line with statutory requirements, the SPD will be a material consideration in the determination of planning applications. Once adopted, the SPD will apply to all planning applications not yet determined.

The Environmental Assessment of Plans and Programmes Regulations 2004 require a formal environmental assessment of certain plans and programmes which are likely to have significant effects on the environment. If a proposed plan or project is considered likely to have a significant effect on a protected habitat or site, then an appropriate assessment of the implications, in view of any conservation objectives, must be undertaken under Part 6 of the Conservation of Habitats and Species Regulations 2017.

The draft SPD was screened in relation to the need for a Strategic Environmental Assessment (SEA) and/or a Habitats Regulations Assessment (HRA). It was determined that neither were required, as the document does not create new policy and does not propose new areas of land use.

(c) Policies or Council Plan

The SPD refers to the relevant planning policy, legislation and best practice guidance. It sets out what information should be provided with planning applications, how it should be evaluated, and how the final form of development should respond to that aspect of the natural environment. This will be implemented through the determination of planning applications to deliver high quality design where biodiversity net gains are achieved across future proposed developments in Milton Keynes.

4. Alternatives

4.1 Do-Nothing

The 'do nothing' option is not considered appropriate. Plan:MK (Para 12.24) states that a SPD will be compiled to set out how the biodiversity metric should be applied to measure biodiversity losses or gains from proposed developments.

4.2 The 'Preferred Option' is to adopt the Biodiversity: Supplementary Planning Document which will reflect current national and local planning policy, including Plan:MK.

5. Timetable for Implementation

5.1 The SPD will be adopted at 5pm, 18 June 2021, unless subject to a call-in. Who and when can call-in a decision is defined in Milton Keynes Council Constitution.

List of Annexes

- | | |
|---------|--|
| Annex A | Representations received on the draft Biodiversity: Supplementary Planning Document consultation |
| Annex B | Milton Keynes Council, Biodiversity: Supplementary Planning Document, June 2021 |

List of background papers

None.

SUMMARY OF RESPONSES ON THE DRAFT BIODIVERSITY: SUPPLEMENTARY PLANNING DOCUMENT

Response ID	Respondent	Section of SPD	Comment	Council response and proposed changes to SPD
B1	Lynne Simons (Aspley Guise Parish Clerk & Responsible Financial Officer) Aspley Guise Parish Council	whole document	After consideration they agreed they had no comment to make, but are interested in seeing the final report once it is available.	Noted
B2	Nicki Farenden (Lands Administration Assistant) British Pipeline Agency Limited	whole document	Guidance note in relation to location of high-pressure petroleum pipeline system and a request that any works in the vicinity of the pipeline are carried out in accordance with our safety requirements. GIS pipeline map attached. Details of what information would be required if works were to involve crossing or working within the easement of the pipeline	Noted
B3	Tracey Jones (Community Officer/Committee Clerk Campbell Park Parish Council) Campbell Park Parish Council	whole document	The Planning, Infrastructure and Transport Committee of Campbell Park Parish Council considered this consultation at its meeting on 5th October 2020. The Committee resolved to support the Milton Keynes Biodiversity Supplementary Planning Document (SPD).	Noted

B4	Marie Battell (Individual)	Part 1 Map 2	<p>Since 1990 about 1 Hectare adjacent to Pineham House (MK19 7DP) has been run for wildlife conservation with 700 tree, a meadow area and 700 metres of hedge, and 3 ponds.</p> <p>In 1998 RSPB's Ivan Whitmore described it as a breeding centre. Since then it has become a regular hunting area for Tawny Owl, Kestrel and Sparrowhawk with occasional hunting visits by Barn Owl, Buzzard, Hobby and Red Kite. Polecats appear to be resident and Roe Deer are seen during parts of the year. Badger and Foxes feed here and in season Bats hunt over the ponds which also attract Dragonflies which formed part of a Swansea University research in 2008. More details if required.</p> <p>Index to species photographed is at http://www.moorhen.me.uk/iodsubject/iodsubject.htm</p> <p>We think it would be useful to add this area to the map.</p> <p>Aerial photo attached for 2015</p>	<p>MKC welcomes the commitment shown to biodiversity however the SPD is not the intended document to include the detail provided. Consideration will be given to how this can be recognised and mapped outside of the SPD.</p>
B5	Chris Fry (Senior Planner, Barratt David Wilson Homes Northampton Division) Barratt David Wilson Homes	Part 1	<p>The flow chart reads as though only sites that have an impact on protected species and priority habitats have to deliver Bio-diversity. The flow chart should not have a NO arrow from stage 1.</p>	<p>Flow chart amended with arrow moved to make it clearer that biodiversity needs to be considered on all developments.</p>
B6	Chris Fry (Senior Planner, Barratt David Wilson Homes Northampton Division) Barratt David Wilson Homes	Part 1 Para 6.5	<p>Paragraph 6.5 does not correspond with the flow chart, hence there should be not be a NO arrow from stage 1. Additionally, the paragraph gives no upper limit on the amount of bio-diversity net gain is required. Whilst a flexible approach to bio-diversity is welcomed, there needs to be outlined what the maximum amount of bio-diversity net gain is being sought.</p>	<p>Flow chart amended. There is no reason to cap the level of biodiversity enhancements that an applicant would like to deliver.</p>

B7	Chris Fry (Senior Planner , Barratt David Wilson Homes Northampton Division) Barratt David Wilson Homes	Part1 Para 6.21	Paragraph 6.21 identifies 6 distinct steps as part of calculating biodiversity. I believe that step 1 should be at step 4. The application of step 1 “avoid, mitigate, compensate” to understand the residual loss can only be done post steps 2,3,4.	Steps had been revised in light of the comments received.
B8	Chris Fry (Senior Planner , Barratt David Wilson Homes Northampton Division) Barratt David Wilson Homes	Part 1 Para 6.22	Please can significant harm be defined? Will mitigation for significant harm be counted towards the net gain calculator, which would reduce could have the ability to remove the “significant” harm.	Significant harm is related to the size and scale of the proposed development and the rarity/scarcity of the habitat or species under threat. The hierarchy is to avoid as a first measure thus avoiding significant harm, some habitats cannot be replaced i.e. ancient woodlands
B9	Chris Fry (Senior Planner , Barratt David Wilson Homes Northampton Division) Barratt David Wilson Homes	Part 1 Para 6.23	Compensation, should really only be considered when all efforts to avoid, minimise and mitigate have been exhausted.	6.23 states: <i>It should not be regarded as an alternative to avoidance and should only be considered if avoidance is unachievable</i>
B10	Chris Fry (Senior Planner , Barratt David Wilson Homes Northampton Division) Barratt David Wilson Homes	Part 1 Para 6.30	This is great. I would suggest that this is our preferred option at present. In future it may be that BDWH could provide land to offset the loss of habitat on development sites.	Noted - Offsetting should always be the last option, on site gains are preferred wherever possible
B11	Chris Fry (Senior Planner , Barratt David Wilson Homes Northampton Division) Barratt David Wilson Homes	Part 1 Para 6.31	The proposals for off-site compensatory measures a-d is only relevant if 3rd parties are to provide the offset. If Milton Keynes are to provide the offset then a-d are not relevant.	Regardless of who provides the off - setting the steps will be followed

B12	Chris Fry (Senior Planner , Barratt David Wilson Homes Northampton Division) Barratt David Wilson Homes	Part 1 Para 6.32	The paragraph refers to the need to assess the appropriateness of all biodiversity offsetting schemes shall be assessed by the Ecology Team. However, if Milton Keynes are to identify the biodiversity offsetting schemes then this statement is not relevant. It is suggested that the paragraph be amended to align with paragraph 6.30 and encourage developers to ask Milton Keynes Council what current bio-diversity offsetting sites there are available.	Regardless of who provides the off - setting scheme it will either have been assessed by MKC Ecologists if it is an MKC proposal or will be passed by MKC ecologists if it is provided by another. Text amended toto improve coherence with para 6.30.
B13	Chris Fry (Senior Planner , Barratt David Wilson Homes Northampton Division) Barratt David Wilson Homes	Part 1 Para 6.33	It further follows that the SPD must be explicit that bio-diversity net gain should not be left to Reserved Matters stage. Like protected species, bio-diversity net gain should be calculated as part of the outline submission. Bio-diversity does not fall within the definition of reserved matters. Presume modelling, akin to a Site Wide FRA, would need to be submitted with outline applications that can demonstrate the ability to achieve net gain. Barratt Homes have sought QC opinion on the ability for Local Authorities to impose conditions requesting net gain that conclude that the principle of achieving net gain needs to be demonstrated as part of the outline approval. We would be more than willing to share this information with the Council.	Correct - biodiversity is not a Reserved matter, however it may be necessary on large developments to have a principle BIA followed by multiple phases. Paragraph 5.6 added to reflect that
B14	Chris Fry (Senior Planner , Barratt David Wilson Homes Northampton Division) Barratt David Wilson Homes	Part 1 Para 6.34	Inconsistencies with the paragraph 6.30. The applicant is now required to locate and secure an appropriate site. Notwithstanding that, why would the applicant need to provide a financial payment if they have secured land that can accommodate such a loss? The land can be secured to deliver the biodiversity net gain as part of a schedule within the S106 "biodiversity offsetting".	6.3 states either MKC or the applicant can source a scheme. Wording changed to make this clearer.
B15	Chris Fry (Senior Planner , Barratt David Wilson Homes Northampton Division) Barratt David Wilson Homes	Part 1 Para 6.36	Whilst akin to the Warwickshire Bio-diversity Impact Assessment, at 20% Management cost, the 20% formula shown in paragraph 6.36 would read as though the 20% is a year on year incremental % applied to derive at the management cost. Is this correct?	Para 6.36 was removed .

B16	Virginia Bell (MK Laudato Si Group)	Part 1 Para 4.4	<p>Add to 4.4 or have as a separate item between 4.6 and 4.7:- “Development practices help or hinder wildlife. For example, developers can help by planting native species of plants which are low maintenance, rather than grass which needs mowing, and by not storing topsoil by piling it in such a way that all life in the soil dies. Buildings could be made rat proof (e.g. cables protected from rodent damage) to avoid the use of poisons. Construction materials should be non-polluting in their manufacture and use.”</p> <p>Reason for addition:- To let developers know what is expected of them regarding good practice.</p>	More detail had been added on onsite improvements.
B17	Virginia Bell (MK Laudato Si Group)	Part 1 Para 6.1	<p>Concerning:- “Stage 6: Planning application granted – Construction phase: Ensure good practise is followed during construction” ... Add “ ...and that consideration is shown to animal wildlife.” The Reason for the change:- Developers should be made aware that consideration for fauna is expected of them throughout the development process. Developers should avoid/mitigate harm to any animal species.</p>	The matter is covered by term good practice.
B18	Virginia Bell (MK Laudato Si Group)	Part 1 Para 6.17	<p>Can this section read as follows:- “Increased permeability across gardens by the means of hedgehog tunnels, spaces under fencing and other features should be included where appropriate. Advice on good practice should be given to householders, for instance on how to avoid garden chemicals and how to discourage cats. Also, householders should be made aware of the risks posed by exotic pets and should be deterred from owning them. If temporary features such as log piles are included, it must be demonstrated through the management plan how this will be sustained. If such features are included the new owners of the properties must be informed as to the purpose of the features and the requirement to maintain them.” The Reason for the change:- Gardens are very important areas for wildlife. Wildlife will not thrive unless we look after this essential wildlife corridor. Gardens will be viable habitats only if good practice is used in looking after them, which means no cats, organic cultivation, native plants. The RSPCA is overwhelmed by unwanted or discarded exotic pets. These are alien species which can and do escape into the wild or are deliberately released when owners realise how difficult they are to look after. At the same time the Government kills numbers of alien species which now inhabit our countryside. The added words would</p>	Information to householders had been incorporated. Other information such as exotic pets and cats is outside the scope of this SPD.

B19	Virginia Bell (MK Laudato Si Group)	Part 1 Para 6.21	<p>back up page 23 Section 3.1h "The identification of risks. E.g. spread of pathogens or invasive non-native species."</p> <p>Concerning:- "The council requires all development proposals of 5 or more dwellings or non-residential floorspace in excess of 1,000m2 losses/gains to the biodiversity value occurring to a site through development to be measured (Policy NE3)."</p> <p>Comment:- All planning applications, however small, should have some sort of initial screening for an assessment before being allowed. And all species, whether protected or not, should be taken into account.</p>	All applications have a level of screening, this paragraph refers to Policy NE3 of the Plan:MK specifically.
B20	Virginia Bell (MK Laudato Si Group)	Part 1 Para 6.24	<p>. The 2nd sentence to contain the word 'far', 4th word from the end:- "Applications involving proposals to compensate for loss or damage to the following nature conservation features will be refused unless the need for, and benefits of, the development in that location has been demonstrated to far outweigh their loss." The reason for change:- This emphasises the weight this Local Authority gives to biodiversity. Developments can look for suitable sites; our vulnerable natural resources should be protected before there's nothing left.</p>	The word "far" does not add anything substantive.

B21	Virginia Bell (MK Laudato Si Group)	Part 1 Para 6.25	<p>Include the words "if they are viable" as follows:- "Compensation must be measurable and can take the form of:</p> <ul style="list-style-type: none"> • The creation of new nature conservation features/habitats; if they are viable, within the development site to replace those lost or damaged." <p>The reason for change:- Integrating environmental features in a housing area can sometimes be detrimental to the welfare of wild animal and plant species, and offsetting schemes can therefore be environmentally desirable. You should weigh up which species will be ok with people around and which won't. A pond with frogs and spawn will be raided by children, for example.</p>	<p>The compensation would be assessed in the planning application process and appropriate consideration would be given to viability through the process.</p>
B22	Virginia Bell (MK Laudato Si Group)	Part 1 Para 6.40	<p>Concerning:- "Procedures for dealing with unexpected discoveries, such as previously undetected protected species or injured wildlife. If a protected species is found, even after planning permission has been granted, the developer should stop work immediately and contact Natural England for further advice."</p> <p>Add "if an injured or vulnerable (young) animal is found, they should be protected from disturbance and a vet or the RSPCA should be contacted immediately."</p> <p>The reason for change:- Such action would be expected of anyone at any time. Developers should not be excluded from responsible behaviour.</p>	<p>Noted. This is covered by best practice.</p>
B23	Virginia Bell (MK Laudato Si Group)	Part 2 Para 3.1	<p>Concerning:- "The identification of risks, e.g. spread of pathogens or invasive non-native species."</p> <p>Comment:- Exotic pets are a risk to wildlife. The RSPCA can testify as to the difficulty of looking after them and how they can escape or be released into the wild. People should be deterred from owning them, as part of advice given by developers to householders.</p>	<p>Noted. This falls outside the scope of this SPD.</p>

B24	Virginia Bell (MK Laudato Si Group)	Annex B	<p>Concerning:- "Are any habitats/species of principal importance identified?" ...</p> <p>Add "...or any habitats/species which could contribute to the enhancement of those of principal importance?"</p> <p>The reason for change:- The viable ecology of an area depends on the interaction of all established species present.</p>	Noted. Text amended accordingly.
B25	Nalinin Wilkins (Environment Manager) SGN	Section 3 and 6	<p>It is not clear how the proposed Preliminary Ecological Appraisal meets the requirements of the Habitats Regulations Assessment (HRA) in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).</p> <p>It is to be expected that many large development projects may trigger the requirements for a HRA; therefore, it would be beneficial to developers to understand how the two processes are aligned.</p>	<p>The SPD does not change the requirements around the Environmental Impact Assessments (EIA) and requirements of the Habitats Regulation Assessments. The Screening process for the needs of EIA/HRA remains the same and falls outside of scope of this SPD. Adopted local validation list provides guidance on environmental statements and states that applicants should provide a Preliminary Ecological Appraisal (PEA) (Phase 1 Survey) and any necessary Protected Species or Habitat Surveys (Phase 2 Surveys) as identified in the PEA.</p>

B26	Nalinin Wilkins (Environment Manager) SGN	Part 1 Para 6.19	<p>Given the potential cost to developers with regards to fulfilling the minimum requirements of a 10% biodiversity net gain, further guidance is required under this section, for example, but not limited to:</p> <ul style="list-style-type: none"> • What is meant by “10% increase over the predevelopment condition”? • What is Council’s expectation over the two year transition period? Does this include development where planning application has been made but not yet decided? When does the transition period start and end? • Is the objective to use Defra’s Natural Capital Tool to measure biodiversity? • Is the net gain limited to biodiversity or can this include net increase in natural capital? 	<p>At present, any requirements for biodiversity offsetting increase or ‘replacement percentage’ are set by negotiation with the Local Planning Authority and in accordance to Plan:MK policies, NPPF and other material considerations. The draft Environment Bill is setting the minimum increased amount or ‘replacement percentage’ to be set at 10% above the biodiversity unit value of the habitats lost. This likely will become compulsory with any off-site biodiversity enhancement to be registered and maintained for at least 30 years. Net gain is already a requirement under Plan:MK. It is expected the DEFRA Biodiversity Metric will become the national standard. Defra has developed a set of measures to help developers and others work out how many biodiversity units a site includes before and after development. The net gain refers to biodiversity, improvements to biodiversity / habitats are also going to contribute to natural capital.</p>
B27	Suze Miller (Individual)	Part 1 Para 2.2	<p>Respondent notes poor local level of biodiversity is and that in order or become the world’s “greenest and most sustainable” city (2.3) whilst we have a planning document that offers the possibility of destroying biodiverse habitats as long as there is compensation. If we are really genuinely aiming to be the greenest and most sustainable city SPD is not ambitious enough.</p>	<p>Noted. The SPD cannot set new targets or policies but expands upon the existing local and national targets.</p>
B28	Suze Miller (Individual)	Part 1 Para 4.8	<p>4.8 (p7) to protect and enhance biodiversity text should read “if significant harm to biodiversity resulting from a development cannot be avoided or adequately mitigated, then planning permission should be refused.”</p>	<p>This paragraph references part B of the existing Policy NE3 of Plan:MK therefore cannot be changed.</p>
B29	Suze Miller (Individual)	Part 1 Para 4.16	<p>It is suggested to apply for the Flood Plain Nature Reserve to receive LNR status with Natural England to protect it for long into the future, and ensure we are evaluating our work to make sure we are using it to maximum biodiversity outcomes.</p>	<p>MKC does not own the land in question. The site is owned by Parks Trust.</p>
B29	Suze Miller (Individual)	Part 1 Para 5.1	<p>Respondent notes some valuable points are made in section 5.1 and suggests that MKC actively supports proposals where developers go beyond what is required. More weight to be given into sustainable design with biodiversity enhancing features through planning application process</p>	<p>Noted</p>

B30	Suze Miller (Individual)	Part 1 Table 1	Stage 3 – if the answer to the question “Will the development result in biodiversity net gain” is “no”, planning permission really shouldn’t be granted. Offsets, commissions to achieve other net gains, or purchase credits just shouldn’t be options if we are seriously prioritising biodiversity. Either the development proposal does not cause significant harm, or it can be mitigated, or it just shouldn’t go ahead.	It is not always possible to get a net gain on site, particularly for warehouse or industrial development - Local Authorities have to provide a set allocation of land for this type of development.
B31	Suze Miller (Individual)	Part 1 Para 6.13	given all we know about connectivity and the wider landscape, should the “need to assess the effects of proposed habitat beyond the site boundary” be made a compulsory assessment?	Added in Annex B or any habitats/species which could contribute to the enhancement of those of principal importance
B32	Suze Miller (Individual)	Part 1 Para 6.16	really important point – could this go as far as stipulating that the exact means of integrating into the wider environment should be determined and agreed in collaboration with an ecologist/biodiversity officer (i.e. some sort of professional expertise) to maximise the benefits to biodiversity in the wider area?	MKC ecologists will work with applicants to maximise the benefits.
B33	Suze Miller (Individual)	Part 1 Para 6.19	10% target not ambitious enough. MKC should be aiming for higher e.g. 20%	The SPD cannot set new targets/standards but only expand upon the existing local plan policies and reference national targets.
B34	Suze Miller (Individual)	Part 1 Para 6.22	if we are truly committed to improving biodiversity, this ought to read “where development would result in significant harm to a protected/priority species/habitat appropriate planning conditions or obligations will be required to adequately mitigate for the harm” (i.e. delete “or compensate”)	The SPD needs to be in line with the local plan and national planning policy and those allow for the compensation to take place.
B35	Suze Miller (Individual)	Part 1 Para 6.24	Para should read: read “applications involving proposals to compensate for loss or damage to the following nature conservation features will be refused.” If we are insistent on accepting compensation as a viable option (which I don’t think we should be), it absolutely shouldn’t be acceptable in the case of ancient woodland, veteran trees or ancient hedgerows – it is well known and well documented not just that these offer unrivalled benefits to biodiversity, but it is also well understood that nothing effectively compensates for their loss. There should be no circumstances where it is acceptable to cause harm to any of these features of the natural environment.	Ancient woodlands, veteran trees, wood pasture and hedgerows are given protection through the National Planning Policy Framework (NPPF), which states that ‘development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists’. Ancient woodlands that are listed in the Ancient Woodland Inventory (AWI) have been deemed to be irreplaceable habitats and some will also have legal protection through other designations such as SSSIs. Other irreplaceable habitats include blanket bogs, limestone pavement, sand dunes, salt marsh and lowland fen. Specific trees and Groups can also be covered by Tree Preservation orders.

B36	Suze Miller (Individual)	Part 1 Para 6.33	Information in this paragraph is important and it is suggested to move it earlier in the document. ? At the point at which a developer is considering the impact on biodiversity locally, they ought to be considering the wider local natural environment, rather than it being treated as an afterthought.	The SPD cannot set new targets/standards but only expand upon the existing local plan policies and reference national targets.
B37	Suze Miller (Individual)	Part 1 Para 6.36	Respondent suggests creating a biodiversity action fund, into which ALL developments, on top of any mitigating costs they might incur, should pay a small fee. The fund could be used to pay for other biodiversity-enhancing projects in and around MK.	Development will need to demonstrate a net gain. An additional fund scheme will be given consideration outside of the works of this SPD.
B38	Ellen Satchwell (Sustainable Development Lead Advisor) Natural England	whole document	Supportive of the content and layout of the SPD which is easy to follow and understand. The SPD reflects a commitment to deliver the Government's 25 Year Environment Plan to create ecological links, networks and green corridors for nature and people to enjoy. Biodiversity enhancement The SPD signposts the reader to incorporate features which are beneficial to wildlife within development, in line with paragraph 118 of the National Planning Policy Framework (NPPF). You may wish to consider providing guidance on, for example, the level of bat roost or bird box provision within the built structure, or other measures to enhance biodiversity in the urban environment. (examples provided) Green Infrastructure Natural England welcome the reference to the importance of Green Infrastructure (GI) within development. The SPD could make reference to the significant opportunities to retrofit green infrastructure in urban environments (examples provided) and consider issues relating to the protection of natural resources, including air quality, ground and surface water and soils within urban design plans. Landscape enhancement The SPD may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green infrastructure provision and access to and contact with nature.	Noted and incorporated - para 6.35

B39	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	whole document	<p>BBOWT welcomes the SPD on Biodiversity and supports the overarching aims and objectives</p> <p>The SPD has in places confused the requirements for protected species, habitats and designated sites with the Biodiversity Accounting Scheme and more broadly the principles for achieving biodiversity net gain and for building biodiversity into the built environment.</p> <p>Information provided regarding requirements for protected species and level of legislative protection. Clarification regarding what is to be understood by regarding Priority Species & Habitats and the need to include assumption against the loss or harm to these within the SPD. Details on designated sites, local wildlife sites and their importance. It was noted that the SPD should expand on the importance of these sites to MK and set out specific measures that MK would expect a development proposal to incorporate (examples were provided for those measures. Reference made to CIEEM and its 10 principles which must be applied to achieve biodiversity net gain (see Biodiversity Net Gain: Good practice principles for development). Respondent noted that NEP's Buckinghamshire & Milton Keynes Biodiversity Accounting Scheme - One of the principles of achieving biodiversity net gain is 'make a measurable net gain contribution'. This is where tools such as the Defra Biodiversity Metric have been produced to help provide a quantitative assessment of the changes in biodiversity value of a site. Notes about the use of DEFRA metrics were provide where the respondent considered that DEFRA metrics only considers general habitats and so should be used in addition to all of the above (species, priority habitats and designated sites need separate consideration first). It should be used after the mitigation hierarchy has been applied to answer the question 'is the proposed avoidance, mitigation and compensation provided for general habitats sufficient for this development proposal?'. For development sites which don't have unresolved impacts on protected or priority species & habitats, irreplaceable habitats or designated sites and which despite applying the mitigation hierarchy and the best practice principles for achieving biodiversity net gain, still result in a measured loss of biodiversity, there is the option of compensating for this net loss via an offsite habitat compensation scheme. The NEP's Biodiversity Accounting Scheme sets out a locally agreed way to achieve this whilst best benefitting local nature conservation objectives. Building biodiversity into the built environment – there is no specific definition, but this most often refers to ways to incorporate biodiversity features in more urban settings. For example, green roofs, street trees, SUDs, bird and bat boxes.</p> <p>respondent suggested making reference to the Nature Accreditation</p>	<p>Noted. The NEP scheme was in its draft form at the time of writing. Making reference to private companies and their standards is not appropriate. It is not the intention of the SPD to be a database for MK sites, or protected species and habitats.</p>
-----	---	----------------	--	---

			<p>Scheme which MK within the SPD (https://www.buildingwithnature.org.uk/about) The respondent proposed restructured headings for the SPD.</p>	
B40	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1	Suggests amending the title of Part 1 to 'Principles for achieving biodiversity net gain in MK' since the part incorporates a much wider scope than it is referring to.	Noted. Title amended.

B41	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Para 1.2	This SPD covers all ecological considerations not just protected and priority species and habitats.	Noted and text added to reflect that.
B42	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Para 1.3	Biodiversity Offsets are one of many topics covered by this SPD. Proposed to delete: On occasions where it is not possible the SPD details what the Council requires a developer to consider when incorporating ecological compensation (including Biodiversity Offsets) within their development scheme.	Text amended to say: 'The SPD details what the Council requires a developer to consider when incorporating ecological compensation (including Biodiversity Offsets) within their development scheme'.
B43	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Para 1.4	Proposes change to say: Biodiversity should be seen as a way to add value to a well-conceived design.	Noted and mended.
B44	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Para 2.2	Suggests amending the section to make more reference to MK area. Last sentence amend to say (...) 13 out of 52 (...)	Noted and amended.
B45	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Para 3.1	Suggesting adding reference to full para 174 of the NPPF rather than selected bullet points.	Noted reader signposted to full details in NPPF.
B46	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part1 Para 4.7	Proposed change to say: Policy NE3 requires development proposals to maintain and protect biodiversity and geological resources, and where possible deliver a measurable net gain in biodiversity.	Noted and included.
B47	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Para 4.9	Proposed change to say: . These priority habitats include ancient semi-natural woodland and grasslands, along with rivers and ponds which support a wide range of flora and fauna including many different mammals, birds, insects and plants.	Noted and amended (Semi improved removed to grassland).

B48	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Para 4.10	Proposed change to say: Legal protection for the natural conservation varies, but all are protected through the planning system. Reason for change: The paragraph is about designated sites, not all natural features - which are not always protected.	Line added to 4.9 to say all wildlife is considered within the planning process, not necessarily protected.
B49	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Para 4.11	Respondent recommends that this SPD sets out for each SSSI the risks to the site and expectations for avoidance/mitigation measures if development is nearby. For example requiring specific buffers, alternative provision of land for recreation or contributions towards any increase in management of the sites.	The SPD cannot set new targets/standards but only expand upon the existing local plan policies and reference national targets.
B50	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Para 4.12	NIAs are not so relevant to MK - of greater significance is the proposal for Local Nature Recovery Strategies which LPAs will need to produce and will likely replace BOAs as the vision for how to put nature into recovery.	Noted. Upcoming government guidance is likely to clarify the matter.
B51	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Map 1	Respondent recommends that Rail and Wet need wildlife corridor legend is swapped, and the colour scheme of this map could be clearer. As there is a lot on there and some designations overlap, I suggest layering the map with the 'highest' designations on the top layer so question whether the MK Wildlife Sites not the same thing as LWSs but just within MK? If yes to be coloured same on the map to avoid confusion.	Map revised to reflect the change needed. Link to My Milton Keynes and My Maps added to access GIS layers.
B52	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Para 4.14	Proposed change to say: Those are sites within the borough which are important at a county wide level and are presently under review and where appropriate will be subsumed into the Wildlife sites designation.	Noted.
B53	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Para 4.19	To add 'which' between developments and impacts.	Noted and added.
B54	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Section 5	Respondent suggests content of section 5 is a repeat of that in section 6 but section 6 provides a more comprehensive description of what is required. Suggests merging these sections to avoid confusion from conflicting statements.	Text revised to clarify the process.

B55	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Para 5.1	Respondent suggests deleting last sentence of Para 5.1 and suggests alternative text should be provided to avoid repetition of later chapters and to prevent the SPD jumping straight to the topic of offsetting before the mitigation hierarchy has been described/ followed.	Noted . The paragraph outlines MKC's approach.
B56	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Para 5.2	It is suggested that an example is provided such as BS42020 or best practice guidance such as Bat Surveys for Professional Ecologists: Good Practice Guidelines. Last sentence add 'date' after 'up-to'. All proposed development which affects the natural environment should submit at least a preliminary ecological appraisal. Not just those impacting designated sites and priority habitats and species. The PEA will then recommend the necessary further surveys that are required to identify likely impacts on designated sites, priority habitats and species, protected species and/or notable species and habitats	Noted and amended.
B57	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Para 5.4	proposed in the last sentence to delete 'collation' and replace with 'collection'.	Noted - reference to collation is to make sense of data over a period, added collection.
B58	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Para 6.1 Stage 2	Comment: Following best practice guidelines	Best practice referred to in introducing paragraph.
B59	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Para 6.1 Stage 3	Respondent suggests that CIEEM's 10 principles for achieving net gain to be applied. Suggests adding 'net' after biodiversity and adding 'Undertake' before pre-development (to separate the text to make a new sentence.	Noted sentence split, guidance mentioned in introduction paragraph to table.
B60	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Para 6.1 Stage 4	Respondent adding a step between 3 and 4 about reconsidering the site design to increase the on-site avoidance, mitigation and compensation. Then ask if the project still results in a net loss of biodiversity. It should be made clear in this diagram that where harm to certain sites, habitats or species has not been adequately avoided planning permission may be refused.	Noted and check point added.

B61	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Para 6.2	Respondent suggest that to add clarity it should be added that it would be anticipated that all major developments will submit a PEA and are likely to require further surveys. Minor developments which include the removal of vegetation would be anticipated to submit a PEA or if they impact any feature listed in the Planning Application Validation: Milton Keynes Requirements for Biodiversity (Part 2), a survey report for the relevant species.	The local list of validation requirements highlights that applicants should provide a Preliminary Ecological Appraisal (PEA) (Phase 1 Survey) and any necessary Protected Species or Habitat Surveys (Phase 2 Surveys) as identified in the PEA.
B62	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Para 6.5	Respondent suggests setting a what level of gain will be expected. BBOWT suggests a 20% gain to help achieve the ambitions of the Local Biodiversity Action Plan.	The SPD cannot set new targets/standards but only expand upon the existing local plan policies and reference national targets.
B63	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Para 6.6	Respondent suggests that a Green Infrastructure Map should be provided within this SPD or a link to a 'live' map which shows the existing network of sites and habitats as well as the vision and opportunities for enhancing it are.	Link to My Milton Keynes provided.
B64	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Para 6.9	Respondent suggests adherence to CIEEM's Biodiversity Net Gain: Good practice principles for development.	Guidance is reference in the document and can be referred to and considered best practice, but it is not obligatory.
B65	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 between 6.9 and 6.10	Respondent suggests amending 'Mitigation' to 'Mitigation Hierarchy' so that it doesn't appear that the first step of 'avoid' has been missed.	Noted.
B66	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Para 6.19	Respondent states that it is not clear what the requirement for MK will be and it suggests that the national minimum is 10% and MK desires to be the 'world's greenest and most sustainable city' that MK adopts a 20% biodiversity net gain as the requirement for developments within MK.	The SPD cannot set new targets/standards but only expand upon the existing local plan policies and reference national targets.

B67	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Para 6.20	Respondent states that this paragraph is misleading. The metric tool measures changes in habitat value only and doesn't include specific mitigation features for individual species such as bat and bird boxes as the biodiversity value of these is not quantified. Biodiversity Accounting sits alongside but separately to assessing, avoiding and mitigating impacts on species and sites. Respondent suggests deleting 'bird nesting and bat roosting opportunities' and replacing it with Street trees and areas of species rich grassland. Suggested to add ' or subsequently in the local Nature Recovery Strategy' after '(...) Biodiversity Opportunity Map'.	Mitigation measures removed from this section to remove potential confusion.
B68	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Para 6.21	Respondent suggests that it is confusing having 6 steps within step 4 - especially as there is some overlap. It is recommended that the two are separated; with a later chapter providing the detail on Biodiversity Accounting, preferably using the wording provided by the NEP in their draft Biodiversity Accounting SPD. This section is best limited to explaining how using a biodiversity metric tool can be part of the process of achieving biodiversity net gain.	Sections revised to reflect the comment.
B69	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Para 6.23	Second sentence after 'unachievable' add 'and the value of the proposed scheme is deemed to outweigh the value of the environmental impact'.	Noted and included.
B70	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Para 6.24	Respondent states that para does not follow NPPF. Proposals resulting in harm to irreplaceable habitats will be refused unless there are wholly exceptional reasons (for example NSIP and TWAO projects). We recommend that this paragraph is reworded to reflect this. Using the phrase 'irreplaceable habitats' is important as while the 3 types lists (ancient woodland, veteran trees and ancient hedgerow) are the most likely in MK, there are other habitats which may meet the definition, such as certain meadow grassland and fens. It should be made clear that Biodiversity Net Gain does not apply for impacts on irreplaceable habitats (and statutory designated sites) as it is not possible to achieve a net gain if these are harmed.	Noted and reference to NPPF glossary added.

B71	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Para 6.25	Comment regarding 4th bullet point suggests stating that the offsets should be 'ideally within or close to MK' as without MK having identified opportunities for locations for habitat creation and enhancement sites it may not always be possible to find sites within the council boundary. Sites in other districts but close to MK could be considered in these instances.	Noted but that is why the phrase ideally has been used.
B72	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Para 6.27	respondent recommends that MK uses this SPD to set a specific expectation of the % gain you wish to see - we recommend 20% to be above the national minimum and in line with the local BAP	The SPD cannot set new targets/standards but only expand upon the existing local plan policies and reference national targets.
B73	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Para 6.28	The Defra metric tool (aka BIAs) incorporate a spatial factor (along with distinctiveness, condition, connectivity, time to create, difficulty of creation) - it is not in addition. Respondent believes that the error is due potentially duplicating information from paragraph from the NEP SPD which has referenced earlier sections of that SPD does not form part of this MK version.	Noted It is correct to say that special factor is one of many but was used to link sections. Has been removed to avoid confusion.
B74	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 2 Section 2	Is this a repeat of Part 1 section 5?	It is considered that part 2 may be read separately from section 1
B75	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 2 Para 2.2	Respondent suggests adding another bullet point: And, species and habitats listed under section 41 of the Natural Environment and Rural Communities Act (2006) and species identified within the Buckinghamshire and Milton Keynes Biodiversity Action Plan	Noted and included.

B76	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 2 Para 2.3	<p>Respondent suggests deleting this paragraph and adding: '2.3 Ecological Information is anticipated to be required to support all major development applications. Minor developments which include the removal of vegetation or that have the potential to impact a feature used by a protected or priority species will also be anticipated to submit ecological information in support of the planning application (see Table 1). Ecological information will normally take the form of a Preliminary Ecological Appraisal (PEA) with additional surveys for individual species undertaken as recommended by the findings within the PEA. A Protected Species Survey and Assessment should be provided for each species. An Ecological Impact Assessment is a useful way to demonstrate how a development scheme accords with relevant planning policy and legislation as well as being a required component for development requiring an Environmental Impact Assessment.' Respondent states that There are many scenarios (not just 2) where additional ecological information may be required. There are both nationally identified species and habitats that are of priority for nature conservation - and those identified as locally important within the BAP. I am not sure why the last sentence states BAP habitats for Geological conservation as they do not always have a biodiversity value but should be considered for there geological value. Thus far geological value has not formed a part of this SPD.</p>	Noted. Paragraph revised.
B77	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 2 Para 3.3	At point e) respondent suggests deleting 'national or local'	Species can be National rare even if locally abundant.
B78	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 2 Section 4	Respondent suggests amending the title to say: "Protected, priority and notable species" There may be protected species which are not listed within the BAP and the legal protection trumps the BAP status.	Noted and included.

B79	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 2 Para 4.3	delete 'may' replace with 'should'	Term advised to be used, however second sentences states <i>The survey must be to an appropriate level of scope and detail and must:</i> <ul style="list-style-type: none"> • Record which species are present and identify their numbers (may be approximate); • Map their distribution and use of the area, site, structure or feature (e.g. for feeding, shelter, breeding).
B80	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 2 Para 4.5	As 'net gain' is used to described the quantifiable change in biodiversity value of habitats, I recommend a different phrase is used for species. I suggest 'whether favourable conservation status will be maintained'	Para states - The Assessment should also give an indication of how species numbers are likely to change,
B81	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 2 Section 2	Respondent proposes to amend the title to say: 'Local Requirements for Designated Sites, Priority (BAP) Habitats, Habitats'	This is included in the text.
B82	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 2 Para 7.5	Respondent proposes to delete: 'e.g. whether there will be a net loss or gain' and recommends recommend only using the phrase 'net gain' to refer to the measurable net gain in biodiversity value as measured by the metric approach. This is not the same as area.	Noted - paragraph refers to net gain or loss and area is an important component of the metric.
B83	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 2 Table 3	Respondent proposes to delete the following text - starting from section ' Exposure of extensive Sites 'up to the end of the table. Reason: As this SPD is predominately about biodiversity (not geology)the list of geological features is not necessary. The important point is those designated as a LGS can be included in the same way that LWSs are. Respondent suggest that Local Wildlife Site (LWS) [Or Milton Keynes Wildlife Site if you prefer this terminology - mean the same]	Included as Plan MK policy NE1 refers to geological sites so there is some potential overlap.

B84	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Annex A	Respondent Proposes to add at the end of Note B text: or via checking Google maps aerial imagery.	Noted. Milton Keynes Council has access to several databases including virtual maps.
B85	Sarah Evans (Individual)	whole document	The lack of s.106 monies being used for nature and wildlife. The draft SPD is complex and difficult to navigate. The document is a list of what developers have to take account of when applying for planning permission. It is encouraging to see consideration of fauna, flora and wildlife. The SPD does not mention s.106 which appears to only be used for provision for younger members for communities and not older population. Section 106 monies could be used to purchase parcels of land for biodiversity enhancement. It would be welcomed in the overdeveloped Hanslope. Trees and plants planted by developers often die and are not being replaced. The areas planted by developers are often neat and organised and not very diverse. Respondent suggest that developers should consider swift bricks, hedgehog fencing etc. Respondents notes issues around light pollution, wildlife corridors along the roads in Hanslope and notes that more needs to be done. Comments are made in relation to design across the city, lack of open spaces. Comment made in relation MK being 39 out of 52 areas which is lower than London. No information around how SSSI areas is likely to be increased.	The SPD aim is to achieve net gain in biodiversity, not generate funds. However, where it is not possible to have net gain then increases in biodiversity will be required elsewhere - potentially through s106 arrangements. Developers are normally required to provide management plans for their landscape schemes.
B86	Neil Cottrell (Senior Planning Manager) CALA Homes (Chiltern) Ltd	Part 1 Para 3.1	This paragraph will need to reference the Environment Bill (2020) when it receives Royal Assent. In the interim, it should refer to the draft.	Noted.
B87	Neil Cottrell (Senior Planning Manager) CALA Homes (Chiltern) Ltd	Part 1 Para 6.4	Responded notes that this paragraph states that predevelopment biodiversity value is that on the date on which the application is submitted. If activities are carried out on the land after 30/01/20 which would lower biodiversity value then the pre development biodiversity value immediately before the activities took place will be taken. In response, the latter is well intentioned but make no allowance for works and operations which are required in the interests of husbandry and management of land, including agricultural production. It needs to allow flexibility accordingly.	Noted - Consideration would be given but it would be unlikely that genuine agricultural activity would have little or no effect on biodiversity if it was within the remit of the farm's everyday practices.

B88	Neil Cottrell (Senior Planning Manager) CALA Homes (Chiltern) Ltd	Part 1 Para 6.6	Para 6.6 states that ecological surveys older than 18 months are likely to require updating. 24 months provides a more reasonable time frame and is consistent with historic advice from Natural England.	The paragraph suggests that they will be likely to require updating, not that they will.
B89	Neil Cottrell (Senior Planning Manager) CALA Homes (Chiltern) Ltd	Part 1 Para 6.19	Para 6.19 refers to the draft Environment Bill. The anticipated 10% Biodiversity net gain requirements are currently expected to come into effect during a two year transition which begins when the Environment Bill receives Royal Assent. In the interim and given that the 10% does not have policy support in the adopted Development Plan, it is important that the implementation of the SPD follows the transitional arrangements of the Bill. Attention is drawn to a recent appeal decision dated 14/10/20 (referenced 3251121) relating to a site at Brickhill Street, South Caldecotte to demonstrate the correct application of policy under at the present time.	The SPD cannot set new targets/standards but only expand upon the existing local plan policies and reference national targets.
B90	Neil Cottrell (Senior Planning Manager) CALA Homes (Chiltern) Ltd	Part 1 Para 6.30	Para 6.30 states that the preference is that Milton Keynes Council arranges offsetting schemes, directed by its Ecology Team. However, the South Caldecotte appeal decision confirms that off site delivery can be satisfactorily delivered by other capable bodies, including the Environment Bank. The 'preference' needs more detailed justification, as does the likely scale and nature of the reporting fee. On the latter point, Officers will be aware of, for example, the pitfalls of imposing Monitoring Fees on Planning Obligations.	It is not denied that others can provide off setting, however in the case referenced it would still be subject to the detail which was not wholly forth coming due to "commercial sensitivity" - More importantly it is important to understand that off setting is not desired, all gains should be made on site where ever possible.
B91	Neil Cottrell (Senior Planning Manager) CALA Homes (Chiltern) Ltd	Part 1 Para 6.36	Para 6.36 sets out the methodology for the Biodiversity Financial Contribution in the event that the applicant is unable to locate and secure an appropriate site on which and approved biodiversity offset scheme can be created. The commuted sum is to be determined by the ecology team on a case by case basis with reference to the formula set out. Greater transparency is required in the draft SPD via, at the very least, the provision of worked examples which provide an actual indication of monetary costs, even in terms of likely parameters. In addition, the inclusion in the formula of substantial indexation and contingency elements requires detailed justification.	The calculation of commuted sums will be removed from the SPD and additional guidance will be prepared in due course.
B92	Neil Cottrell (Senior Planning Manager) CALA Homes (Chiltern) Ltd	Part 1 Para 6.38	Para 6.38 sets out application submission and validation requirements which cross reference with the Environment Bill. It is important that these requirements closely adhere to transition arrangements provided by the Bill when it achieves Royal Assent.	Noted.

B93	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	whole document	<p>Members of Milton Keynes Natural History Society (MKNHS) are deeply concerned about the national decline in habitats and species abundance and distribution. They have expressed this through recent discussions and in responses to a survey of members in 2019. Headline provided from UK 'State of Nature report' for 2019 ,13% decline in average species abundance (indicator of 696 terrestrial & freshwater species), 5% decline in average species distribution (indicator of 6,654 terrestrial & freshwater species) , 41% of species have decreased in abundance, 26% have increased in abundance, 53% of species show strong changes in abundance 15% of species are threatened with extinction (indicator of 8,431 species assessed using Red List criteria) Respondent notes that that most of the UK's Aichi targets for the 2020 Convention on Biodiversity (CBD) will not be met respondent notes that they are not aware of any overview of the state of nature in Milton Keynes produced, which would enable a better understanding of how well or not wildlife is being sustained in our area, or an overarching strategy for biodiversity affecting all aspects of the Council's responsibilities The development of Milton Keynes has probably been more sensitive to wildlife than in many other places because of our linear parklands and landscapes within and around housing and along parkway corridors. There are also good examples in MK of site management for wildlife and features on some new developments to benefit biodiversity. But more recent developments in MK have tended to provide much less habitat for wildlife, and major road corridors with little landscape of benefit to wildlife, so we are less confident that wildlife will be well protected and provided for in the future. Respondent supports the overall aim of this draft Biodiversity Supplementary Planning Document (SPD) to achieve biodiversity gains, but we have general and specific comments to make, and significant concerns, which we set out below.</p>	Noted.
-----	---	----------------	--	--------

B94	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 1	<p>The scope of this draft SPD is too limited. It should apply to all aspects of biodiversity policy within Plan:MK. As it stands, it is largely about Protected and Priority Species & Habitats, and Biodiversity Accounting, followed by procedures to provide information for planning applications. In the absence of a wider explanation of Plan:MK policy for biodiversity it could give the impression that conserving biodiversity is a relatively mechanical process of complying with minimum legal requirements for Protected Sites and Species, then assessing the extent to which Priority Species & Habitats can be provided for, before deciding what biodiversity to lose, then generating financial contributions to re-establish biodiversity somewhere else. We believe that more can and should be done to ensure provision in situ for the wide range of wildlife that can co-exist within development areas. This will require a much stronger commitment to retention and enhancement of inter-connected green spaces within and between developments. A serious omission is a document to provide the essential context for this SPD, with principles and publicly-accountable procedures to oversee the process of: Biodiversity Accounting, Biodiversity Offsetting, Translocation, sourcing of appropriate Offset Sites, management of a Biodiversity Offsetting Fund, and objective monitoring, assessment and reporting on the success or otherwise of receptor sites. SPD does not place enough emphasis on developments achieving the highest possible level in the Mitigation Hierarchy of: 'avoid, minimize, restore, offset'. proposed changes to SPD structure: structure should be changed in the following way to achieve a more coherent document:</p> <ul style="list-style-type: none"> • Part 1 should contain existing sections 1 to 5 and be re-named 'Biodiversity and Development' as these sections are not adequately described under the current title of 'Biodiversity Accounting'. • A new Part 2 should carry the title 'Biodiversity Accounting' and contain the seven steps currently in Section 6 of Part 1. We have a further suggestion below in relation to the Buckinghamshire & Milton Keynes Natural Environment Partnership's 'Biodiversity Accounting Supplementary Planning Document' which we suggest should be incorporated in Part 2. • We suggest that the existing Part 2 should become Part 3, with the title: 'Biodiversity and Geology: Requirements for Planning Applications'. Respondent questions why MKC did not incorporate NEP's Biodiversity SPD. 6. The SPD expands only on parts of Plan:MK Policies NE1 and NE2 and not on NE3 at all. We suggest that this SPD should cover all biodiversity policies in Plan:MK. 7. The draft SPD creates an unintentional ambiguity about what biodiversity is to be conserved. In its explanations of the term 'biodiversity' it is all encompassing, as well as emphasising the ecosystem services this provides (examples provided). But the draft SPD narrows its focus 	<p>Noted. The SPD cannot set new targets/standards but only expand upon the existing local plan policies and reference national targets. Steps had been revised. Studies around declines in species and habitats fall outside of scope of this SPD.</p>
-----	---	--------	---	---

			<p>mainly to Protected Species and Protected Sites with various designations, plus Priority Habitats and Priority Species, without explanation about how to conserve other habitats and species that have no specific designation or defined priority but contribute to overall ecosystems and connectedness. Respondent states that MK Council should carry out strategic studies to make clear what declines in species and habitats are occurring within Milton Keynes to establish the context within which it applies its planning policies in relation to development, through this SPD. Notes f MK Council's pledge to become the 'greenest city' and will be most interested to hear how this will be applied to biodiversity and whether this will lead to a review of the state of nature in Milton Keynes and production of an overarching biodiversity strategy.</p>	
--	--	--	--	--

B95	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 1 Para 1.1	Sets out a broad aim that it “expands upon policies of the Milton Keynes Local Plan, Plan:MK” but there are some of these policies that it does not expand on and it should. We suggest that text should be added to Section 4 so that, as well as covering NE1 A & B, it covers NE1 C, and NE4 (which refers to biodiversity in the context of green infrastructure). We suggest appropriate wording within our comments below on Section 4.	Noted. The SPD addresses matters around how biodiversity losses or gains should be measured due to proposed development ,how the metric should be applied.
B96	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 1 Para 1.2	This section narrows the scope to ‘protected and priority species and habitats’ but Plan:MK and the NPPF set out a wider scope of biodiversity, irrespective of whether or not species and habitats have Protected status or are on Priority lists. We suggest the text should be changed to make this consistent with Section 2.1 below which has the wider aim of ensuring that ‘biodiversity is adequately protected and enhanced ...’. Our suggested alternative wording within 1.2 is: ... step-by-step guide to ensure that biodiversity is adequately protected and enhanced through the development process and that statutory requirements for Protected Species are met, requirements for Priority Habitats and Priority Species compiled with, and other aspects of protection of habitats and species provided for.	Noted and scope widened to all species and habitats.
B97	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 1 Para 1.3	nature conservation’ rather than nature conversation.	Noted and changed.

B98	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 1 Para 2.5	<p>The draft Sustainable Construction SPD, currently is out for consultation and respondent that this does not intend to cover biodiversity, which we consider a serious omission, as several species depend on buildings for nesting and roosting habitats. We therefore consider it important for the Biodiversity SPD to have an added section about biodiversity in relation to buildings and 'sustainable construction' including the biodiversity potential of landscaped areas around new buildings. Respondent suggests We that the Biodiversity SPD should provide outline guidance on provision for biodiversity on buildings that goes beyond a mere mention of attaching bird-boxes and should propose more permanent provision. It is advised that permanent provision for colonial groups of Swifts is needed in new developments and the SPD provides an appropriate means to communicate this. This would be best achieved through simple structural solutions such as swift bricks at appropriate heights in locations protected from extreme temperatures. This needs to be planned as an integral aspect of building design.</p>	Noted and more detail added.
B99	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 1 Para 3.1	<p>It would be helpful to add the title for Government Circular 06/2005, which is 'Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System'. UK Biodiversity Action Plan'. The correct title and date is: 'Biodiversity: The UK Action Plan' 1994.</p> <p>Buckinghamshire & Milton Keynes Local Nature Partnership Biodiversity Opportunity Areas and Biodiversity Action Plan. The correct title for the 'Buckinghamshire & Milton Keynes Nature Partnership' is Buckinghamshire & Milton Keynes Natural Environment Partnership.</p> <p>We suggest adding the full titles here of three of its relevant documents: Forward to 2020: Biodiversity Action Plan Biodiversity Opportunity Areas Green Infrastructure Opportunities Mapping.</p>	Noted.
B100	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 1 Para 4.3	<p>'The benefits to local people provided by ... can be far ranging.' Missing word needs to be inserted.</p>	Noted and 'natural environment added'. Wider explanation of the benefits of biodiversity to the community included

B101	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 1 Para 4.6	<p>As the statement about Policy NE2 is a direct quote of most of the wording of NE2 B we suggest this would be better presented as a quotation of the whole of this policy rather than a partial paraphrase of it. This should include at least a statement from NE2 A about what is required in relation to statutorily protected species and habitats. However, we suggest that it would be clearer and simpler to present the full wording of each of policies NE1 to NE6 at this point rather than present selections from them or paraphrases, as their wording is precise and it is these policy wordings to which planning applications must conform.</p>	<p>THE SPD add to policy does not repeat it, it needs to be read alongside with Plan:MK and other evidence base documents.</p>
B102	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 1 Para 4.7	<p>This seems to narrow the application of Net-Gain to enhancing only two biodiversity aspects: ecological networks and ecological status of water bodies. These are both important objectives, but Net-Gain has application to a wider range of habitats than these, which should be made clear in the text. We suggest that this paragraph should also address Plan:MK Policies NE1 C and NE4 by adding the following kind of text: Careful consideration should be given to how to retain features of the existing site that have benefits for wildlife in general, not only for Protected Species and Priority Species (Plan:MK Policy NE1 C). These will include as much as possible of existing hedges, mature trees and shrubs, unimproved grasslands, and natural water-courses, as naturalistic and inter-connected features to be retained and enhanced for wildlife and as part of natural landscapes for people to enjoy. Their presence should affect how the development is designed, and not treated as left-overs to be considered after layouts have already been planned.</p> <p>Green Infrastructure (GI) is multi-functional open spaces, usually an inter-connected network. A key aspect of GI is biodiversity (Plan:MK Policy NE4). Developments should incorporate as much as possible of existing GI and ensure that adaptations of it for its other purposes, such as flood management or recreation, are as compatible as possible with its use by a wide range of wildlife.</p>	<p>Noted and additions made.</p>

B103	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 1 Para 4.7	<p>The final sentence of this section says: ‘... in accordance with the vision and principles set out by the Buckinghamshire and Milton Keynes Natural Environment Partnerships’. [Its name ends in ‘Partnership’, singular]. We suggest that the documents that contain these visions and principles should be referenced here, preferably with an outline of them. The two most relevant NEP documents are: Forward to 2020: Buckinghamshire and Milton Keynes Biodiversity Action Plan and Vision and Principles for the Improvement of Green Infrastructure in Buckinghamshire and Milton Keynes (September 2016). https://bucksmknep.co.uk/projects/vision-and-principles-for-the-improvement-of-green-infrastructure/</p>	Noted and reference added.
B104	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 1 Para 4.10	<p>Respondent notes that not all ‘natural conservation features’ are ‘protected through the planning system’ to the same degree despite the wording that ‘... all are protected through the planning system’. For example, SSSIs have full protection under the NPPF (NPPF 2019 paragraphs: 175b, 176), but neither Local Wildlife Sites (described here as Milton Keynes Wildlife Sites) nor Biological Notification Sites, nor MK Wildlife Corridors have the same level of protection. We suggest the following wording be included (Defra Circular 06/2005) in relation to sites not referred to specifically in the NPPF 2019:</p> <p>The Government’s guidance is that ‘Locally designated Local Wildlife Sites and Local Geological Sites are areas of substantive nature conservation value and make an important contribution to ecological networks and nature’s recovery.’ (https://www.gov.uk/guidance/natural-environment#biodiversity-geodiversity-and-ecosystems). Every effort should be made, not only to avoid Local Wildlife Sites and Local Geological Sites, but applications will also be expected to avoid potential detrimental effects on any of these from the wider area.</p>	Noted.

B105	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 1 Map 1	<p>For greater clarity, we suggest that two maps be provided: one with Wildlife Corridors, the other with Wildlife Sites. The latter could be simplified by:</p> <ul style="list-style-type: none"> • Combining Local Wildlife Sites and Milton Keynes Wildlife Sites because they are all Local Wildlife Sites • Adding to the map and the key what are currently called Biological Notification Sites • Marking the Local Nature Reserve with the letters LNR, as there is only one statutory LNR in MK, Blue Lagoon, and colouring this in whatever category this is now in, such as Biological Notification Site or Local Wildlife Site. • Marking the three SSSI in yellow, ensuring that Oxley Mead SSSI and Howe Park Wood SSSI are shown in yellow rather than the green they are currently shown in • Changing Little Linford Wood from orange to blue to indicate that it is a Local Wildlife Site • Changing Gayhurst, Bunsty & Longland's Woods to a more appropriate colour (they are currently in a colour for a wet wildlife corridor, which is not right). <p>The Wildlife Corridors also needs some corrections:</p> <ul style="list-style-type: none"> • Changing the red of various roads to purple • Changing the colour of the railway to a more appropriate colour. 	Noted new maps to be produced, consideration of legibility and scale.
B106	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 1 Para 4.12	<p>There are no indications from the Government that the pilot Nature Improvement Areas scheme will be rolled out more fully, as funding for this ended in 2015. We suggest reference to a more recent planned approach by the Government of the proposed new duty on local authorities to develop Local Nature Recovery Networks (LNRN). It seems likely that LNRN will become central to the strengthening and creation of ecological networks, which has been the concept behind BOAs. It would also be helpful to explain LNRN at this point.</p>	Noted and reference to LNRN added

B107	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 1 Para 4.13	<p>13 Developers need to know where to find a comprehensive account of Milton Keynes Wildlife Corridors and the policy for them, their locations and their definitive boundaries. It would help also to have an explanation of the significance in planning terms of the Local and Major Wildlife Corridors. Do they each have the same level of protection? The 1996 report 'The Wildlife Corridors of Milton Keynes' was based on extensive survey evidence and was produced by a collaboration of five organisations: Milton Keynes Council, English Nature, Buckinghamshire County Council, The Commission for New Towns, and Milton Keynes Parks Trust. We suggest that 'The Wildlife Corridors of Milton Keynes' should be referred to in the SPD and a copy of it should be made readily available online so developers and their ecologists can consult it. We also suggest that the boundaries of Milton Keynes Wildlife Corridors be made available through MK Council online mapping. We appreciate that this work was completed over 25 years, but it is well-researched, still highly relevant and we know of nothing that has replaced it. We understand that Milton Keynes Wildlife Corridors are treated as equivalent to Local Wildlife Sites. If that is correct it would be helpful to say and explain this here in the following kind of way:</p> <p>Designated Wildlife Corridors have the same status as Local Wildlife Sites. Developers should access information on these and their boundaries. It would be appropriate to add the following to clarify principles and expectations of how Wildlife Corridors will be protected, strengthened and extended:</p> <p>Wildlife Corridors should be identified, protected and enhanced, to achieve:</p> <ul style="list-style-type: none"> • habitats for a wide range of species to feed, nest, find security, move along and disperse • a wide variety of plant species, trees, shrubs, ground, river and wetland flora • buffer zones of useful habitat alongside them • as few and as short gaps as possible between sections of them • increases in breadth and length of isolated sections • re-connection where they have been fragmented • restoration of habitats of brooks and rivers • connections to the wider landscape. 	In Plan MK wildlife corridors are afforded protection under NE1 and their location on the Plan MK policy maps - additional detail added
------	---	------------------	--	---

B108	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 1 Para 4.14	As Biological Notification Sites will eventually be subsumed into the category of Local Wildlife Sites (LWS) if they meet the LWS criteria, we suggest that these should be presented alongside what is currently called Milton Keynes Wildlife Sites, which is what they would become.	For clarity and to show the current state text not amended.
B109	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 1 Para 4.15	We recognise that the term Milton Keynes Wildlife Sites is used in Plan:MK, but it causes confusion because they are nothing more nor less than Local Wildlife Sites (previously known as County Wildlife Sites). They are assessed by the same standards as Local Wildlife Sites elsewhere in Buckinghamshire and the term is widely understood across England. We suggest that 4.14 and 4.15 be re-drafted to clarify this.	Noted and status and process added.
B110	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 1 Para 5.2	'... should be up-to- ...' Missing word, 'date': should be up-to-date.	Noted and added.
B111	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 1 Para 6.10	The mitigation hierarchy (avoid, minimize, restore, offset) is shown much more clearly in the NEP 'Biodiversity Accounting Supplementary Planning' document'. Their diagram of this at Figure 7 (page 16) makes clear the process of thought for a developer to work through, with priority to the higher levels of the hierarchy, so we suggest that this diagram could be incorporated in the text of MK Council's SPD. Better still would be incorporation of the entire NEP document within this section.	The NEP document was produced by Dave Lowe of Warwickshire CC to cover biodiversity off setting only. Both the hierarchy pyramid and a process flow chart have been included and reference to guidance. The SPD states that offsetting is a last resort and that it is not suitable for some hard to establish habitats.
B112	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 1 Para 6.5	We are not aware that this consultancy report has any formal status. Has it been considered and adopted formally by The Council? We are aware of a consultation response to it which raises many issues that do not seem to have been adequately addressed so we are not convinced that it will assist those preparing planning applications: http://www.miltonkeynesforum.org/uploads/7/5/5/2/75526607/1gr_een_infrastructure_strategy_-_mk_forum_response.pdf . MKC is part of NEP and it suggested that it would be appropriate to refer to the NEP's Green Infrastructure documents here: Vision and Principles for the Improvement of Green Infrastructure in Buckinghamshire & Milton Keynes (September 2016) and Green Infrastructure Opportunities Mapping.	NE4 details NEP's Green Infrastructure document and it is referred to in the Biodiversity SPD

B113	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 1 Para 6.7	<p>We suggest that this section should also refer to protection of specific types of habitat with higher level of protection through legislation and Government guidance: https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences</p> <p>These are mentioned later only under the section on Compensation (6.23-6.26) where it contemplates potential loss or damage of them through proposed development. These are:</p> <ul style="list-style-type: none"> • Ancient Woodlands • Ancient and Veteran trees • Ancient hedgerows. <p>Few hedges in this part of the UK are ancient because most were the result of more Enclosure Acts, though many are more than 200 years old. These form one of the most important kinds of connectivity in the Milton Keynes area and should be regarded as 'Historic Hedgerows'. Some have been identified as MK Wildlife Corridors but we suggest that many have not and it is important for wildlife to maintain these linkages. We suggest:</p> <p>There are also Government requirements to avoid damage to: Ancient Woodlands, Ancient and Veteran Trees, and Ancient Hedgerows. In addition to these, damage to Historic Hedgerows will also be resisted and protection of buffer zones will also be required.</p>	<p>NPPF guidance has been included which provides a more encompassing approach to irreplaceable habitats- <i>Habitats which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, taking into account their age, uniqueness, species diversity or rarity. They include ancient woodland, ancient and veteran trees, blanket bog, limestone pavement, sand dunes, salt marsh and lowland fen</i></p>
B114	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 1 Para 6.20	<p>The draft says 'Developments should enhance, restore or add to biodiversity'. Biodiversity is a collective description for the range of species, their habitats and their interactions. If a specific species or habitat faces removal or adverse conditions from a development, it would usually be inappropriate to replace these by an offset of other habitat types or different species. Too often, developments make an area inhospitable for some species so the developer pledges to install bird boxes. Nice as these are, they mostly attract common bird species already well-provided for. We suggest that this statement should be replaced by: Developments should enhance, restore and add to habitats and species already present on the site.</p>	<p>Birdboxes and other such features are not interchangeable with habitat loss .</p>

B115	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 1 Para 6.24	<p>'It is not practically possible to compensate for some nature conservation features.'</p> <p>We consider this is too ready to invite a developer to avoid retaining nature conservation features. We suggest:</p> <p>Where there is irrefutable evidence that it is not practically possible to compensate for some nature conservation features, evidence for this must be provided.'</p> <ul style="list-style-type: none"> • 'ancient woodland • veteran trees • ancient hedgerows.' <p>We suggest this should read:</p> <ul style="list-style-type: none"> • ancient woodland • ancient and veteran trees • ancient hedgerows. <p>Historic hedgerows should also be retained and enhanced wherever possible.</p>	Noted and ancient added - it is policy to retain hedgerows.
B116	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 1 Para 6.25	<p>This would read more clearly if the wording of the third bullet point 'Applicants should ensure that ...' was placed below the other three bullet points and as a separate sentence so it applies to all the other bullet points. This is how this would read:</p> <p>6.25 Compensation must be measurable and can take the form of:</p> <ul style="list-style-type: none"> • The creation of new nature conservation features/habitats within the development site to replace those lost or damaged. • Improvement to the condition of existing habitats on site. • The creation of new nature conservation features/habitats in the Borough of Milton Keynes to replace those lost or damaged i.e. biodiversity offsetting scheme. <p>Applicants should ensure that new biodiversity benefits are fully integrated through the development scheme, and not fragmented into isolated pockets or restricted to peripheral parts of the development site.</p>	Noted and revised.

B117	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 1 Para 6.26	<p>All developments in Milton Keynes should result in a net gain for biodiversity (Policy SD1), this must be demonstrated when a planning application is submitted'</p> <p>Unfortunately, Plan:MK policies did not set what percentage of net-gain should be achieved. This issue was addressed by the Planning Inspector for the South Caldecotte planning appeal: 14th October 2020 Appeal Decision paragraph 42. The Environment Bill sets a 10% net-gain though it may be possible for MK Council to make a case for a higher figure. We suggest that the sentence should be revised to say:</p> <p>All developments in Milton Keynes should result in a net gain for biodiversity (Policy SD1) of at least 10% [subject to specific requirements of the Environment Act and the Local Plan for MK]. This must be demonstrated when a planning application is submitted.</p>	Noted and added.
B118	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 1 Map 2	<p>Map 2. Biodiversity Opportunity Areas. Unfortunately, an error in this map in Plan:MK has been perpetuated in this edition. The green cross-hatched, interlocking circles south-west of MK are not Tingewick Meadows and Woods but North Bucks Fens, as is clear from the older version of the map on the link below. This shows that they should be cross-hatched in blue not green and the name Tingewick Meadows and Woods added to the key: http://www.buckinghamshirepartnership.gov.uk/media/2294854/bucks_bioandplanning_section4.pdf</p>	<p>The text with map has been updated as it is subject to change checks should be made with BMERC</p>

B119	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 1 Para 6.32	<p>The appropriateness of all biodiversity offsetting schemes shall be assessed by the Ecology Team’.</p> <p>Clearly such assessments are necessary, but they will be far from sufficient. In addition to this there needs to be a separate document setting out MK Council’s principles and publicly-accountable procedures to oversee the processes of: Biodiversity Accounting, Biodiversity Offsetting, Translocation, sourcing of appropriate Offset Sites, management of a Biodiversity Offsetting Fund, and objective monitoring, assessment and reporting on the success or otherwise of receptor sites. These principles and procedures should be summarised within this SPD. They should establish the overall vision for nature recovery. As this requires a separate paper for the consideration of members, we are not suggesting more about the content of this here, but would welcome the opportunity to contribute to what this should cover. We are not clear what methodology and process will be used to identify the most appropriate Compensation Sites to receive offsets. It is important for the credibility of this scheme that this is and is seen to be an objective and publicly-accountable process.</p>	<p>The SPD’s main role is to guide developer and ensure that it is explain how the metric is to be applied. In the absence of the SPD till date the Ecology team continues to provide professional advice on various development schemes .</p>
B120	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 1 Para 6.35	<p>Respondent disagrees, t the purpose of biodiversity offset commuted sums should be spent entirely on biodiversity in ways that compensate for the specific habitats and species that the development would diminish. These are not ‘environment offsets’ or ‘sustainable development offsets’ but biodiversity offsets. For example, a Lowland Meadow of unimproved grassland on a development site must not be replaced by a woodland plantation. Nor should other aspects of wider sustainable development objectives, such as flood management or carbon sequestration be provided for though these funds, unless they also replicate the habitat type to be lost to development. We suggest the wording: ‘The purpose of such a payment would be to pay for the council to secure adequate compensatory measures and to ensure that the biodiversity objectives of local planning policy are achieved’.</p>	<p>Like for like habitats is the method the biodiversity metrics work and forms a legally binding s106.</p>

B121	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Whole document	<p>Respondent raises a series of questions: 1) What strategic basis will support the Ecology Team's assessment of the appropriateness of biodiversity offsetting schemes submitted for approval? In the absence of a specific MK Biodiversity Strategy setting out the biodiversity of the borough and priorities for its enhancement, what objective sources of information will be applied to make judgements about proposed biodiversity offsetting schemes? We suggest that other strategic sources should inform these decisions such as:</p> <ul style="list-style-type: none"> • Nature's Arc principles, from: the two local Wildlife Trusts (BBOWT & WTBCN), RSPB & The Woodland Trust https://www.rspb.org.uk/get-involved/campaigning/OxCam-Arc/ • Local Nature Recovery Networks proposed by the Wildlife Trusts, including Berks, Bucks & Oxon Wildlife Trust (BBOWT). <p>2) Has MK Council made a formal Cabinet decision whether to go it alone or to use the Buckinghamshire & Milton Keynes Natural Environment Partnership's (NEP) Biodiversity Accounting Tool, and whether to participate in the NEP's Biodiversity Accounting Fund and its systems for registration and assessment of Compensation Sites?</p> <p>3) New biodiversity duties are emerging through the Environment Bill, each of which should contribute to a biodiversity framework against which it should be possible to determine what proposed biodiversity offsets are appropriate. These will include: Species Conservation Strategies and Local Nature Recovery Networks, which we assume will contribute to what is already available through the current Bucks & MK NEP's 'Forward to 2020: Biodiversity Action Plan' and its replacement, and Biodiversity Opportunity Areas information. What priority will MK Council give to each of these?</p> <p>4) What plan for the management of commuted sums has been approved by MK Council's Cabinet? And have the Cabinet considered using the Buckinghamshire and Milton Keynes Natural Environment Partnership's planned Biodiversity Accounting Fund and the NEP's expertise in providing connections with land-owners and biodiversity conservation bodies as explained in their document 'Biodiversity Accounting Supplementary Planning Document'? https://bucks.mknep.co.uk/biodiversityaccounting/#:~:text=The%20Buckinghamshire%20and%20Milton%20Keynes,the%20Bucks%20and%20MK%20area.</p> <p>5) What resources will MK Council provide and what methods will it apply to monitor the success or otherwise of biodiversity offset sites?</p> <p>6) Will MK Council establish a register of Biodiversity Offset Sites for public access so that organisations and individuals who contribute to the management of sites for wildlife and study of biodiversity can be aware of localities of increasing biodiversity value?</p>	<p>As noted, MKC is a member of the NEP and works with it at all levels. The Environment Bill is likely to mandate the use of the DEFRA metric and a LNRS at the Local Authority level. Commuted sums are the responsibility of the Local Authority, the NEP is not structured to take these sums. The environment bill sets out the need for a register, but the detail is yet to emerge as who will hold and manage this. MKC has a GIS system that includes BMERC records and is adding to this with Ecosystem Services data, woody linear features (CEH) GCN and Canopy cover data.</p>
------	---	----------------	---	---

B122	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 1 Para 8.41	8.41 '...when dealing with any protected species ...' Should that include reference to protected sites? '... when dealing with any protected species or protected site ...'	The reference is to be made to protected species.
B123	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 2 Para 3.8	<p>Should this be 'Local Requirements for Protected Sites, Protected Species, UK Priority Species and Priority Habitats'?</p> <p>We welcome the evident intention to add a section here about local requirements for species and habitats on the Biodiversity Action Plan lists published by the JNCC (Joint Nature Conservation Committee) and about Protected Sites. Inclusion of these will assist developers to focus on species and habitats most relevant to their site assessments.</p> <p>This would be an appropriate place to add an explanation about the South Midlands Newt Conservation Partnership (SMNCP) and its Defra-approved District Level Licensing (DLL) scheme. This is based on a reliable methodology, providing scientific evidence of the local distribution of Great-Crested Newt (G-CN) and other newts. The Partnership is already experienced at identifying and negotiating suitable sites to be created for new ponds for G-CN displaced by development; and managing the payments required to achieve this. Defra has indicated that the Government has decided not to mandate district level licensing of G-CN as the voluntary scheme is considered to be working effectively, though we are yet to see evidence from monitoring of G-CN using the new ponds. It would be helpful to developers to add a section here about the SMNCP and how this voluntary scheme will sit alongside Biodiversity Net-Gain methodology. No doubt the MK Council member of staff leading this work could suggest appropriate wording. An amendment to the Environment Bill, currently progressing through its Parliamentary stages, would provide for potential extension of District Level Licensing for other species, such as Hazel Dormouse. Another outcome of the Environment Bill is likely to be that local authorities will be involved in drawing up Species Conservation Strategies (SCS) which developers will also need to be aware of. The SPD would benefit from a reference to DLL and SCS so it remains up-to-date.</p>	Noted and GCN licence scheme detailed

B124	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 2 Para 5.3	<p>'Competent ecologists should carry out any surveys.' We suggest that this should say Qualified ecologists, perhaps indicating that they should be members of a relevant professional body such as CIEMM (Chartered Institute of Ecology and Environmental Management) or have other relevant and defined professional qualifications.</p>	An ecologist would need to demonstrate competency, membership would be one method but should not preclude other evidence .
B125	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 2 Section 7	<p>Perhaps this should be headed: Listed in the 'Milton Keynes and Buckinghamshire Bedfordshire Biodiversity Action Plan', and Geological Conservation.</p> <p>Although Milton Keynes has none of Buckinghamshire's nine Geological SSSI, there are seven Local Geological Sites (LGS) in Milton Keynes. We suggest that these should be listed in the SPD (list and where to find details were provided)</p>	Noted.
B126	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 2 Table 3	Shouldn't Local Wildlife Sites (LWS), Biological Notification Sites and MK Wildlife Corridors be added to this list?	Noted and added.
B127	Peter Brown (Parish Councillor) Broughton and Milton Keynes Parish Council	Part 1 Part 6:3	<p>Compensation is the process of providing species or habitat benefits specifically to make up for the loss of, or permanent damage to, biodiversity through the provision of replacement habitats. It should not be regarded as an alternative to avoidance and should only be considered if avoidance is unachievable. The integrity of a nature conservation site as a whole can be adversely affected by a damaging development affecting a proportion of it, even if compensatory measures are carried out elsewhere, see Stage 4 Biodiversity Offsetting . For compensation to be acceptable, the importance of the development must also clearly outweigh the harm caused. Compensation should also factor in the type of habitat to be replaced, and the composition of soil bio availability. At a minimum transporting top soil from the habitat to be lost, along with any vegetation should be seen as a mandatory step, as Biodiversity does not stop at the surface, it penetrates deeply to support a wider ecosystem. Time to stabilise should also be factored in, its impossible to instantly replace the habitats of so many animals, plants or microbes instantly so a realistic timeframe should go alongside any approval to planning where compensation is selected.</p>	<p>Noted - The mitigation hierarchy as detailed describes off setting as the last option - the preference is to avoid first and foremost offsetting will require a detail plan that may include top soil translocation</p>

B128	Peter Brown (Parish Councillor) Broughton and Milton Keynes Parish Council	Part 1 Para 5.1	BIA and Para 5.1 Not enough detail is mentioned in around the implementation of these assessments. They should enforce a mandatory survey time limit and season limit as part for the planning conditions, to account for any delay in the original planning being granted and the building work being started. 5.1, uses words like “may be” and “may not” and should instead be firm, and be “will not be valid” and “will be unreliable “A recent example would be the planning permission at Furzton Lake, 2 years since it was granted the site works are being started but that area is now a hot bed for Bat roosts and feeding. Had the BIA have been done this year, its likely it would not be granted without further stipulations	Surveys cannot be conditioned. The local validation list sets what is required with any planning application.
B129	Peter Brown (Parish Councillor) Broughton and Milton Keynes Parish Council	whole document	MK already has Policies NE2 and NE3 as a part of Plan MK which underline the importance of protecting species and in addition promotes preservation, restoration and importantly re-creation. These policies should form a further part of the BIA and where development has any form of adverse effect on biodiversity a part of that assessment should cover how restoration and re-creation are to be achieved. In essence what it should be requesting is that the balance and equilibrium of the local biodiversity is maintained within the locale and protected for the future. Policy NE3 makes it clear that where biodiversity cannot be maintained then planning should be refused. It is important that, bearing in mind some of the current issues we have with planning consent, that this policy overrides any other planning related policy or method of gaining planning consent. Section 5 does cover this but requires further clarity and explanation.	Noted.
B130	Peter Brown (Parish Councillor) Broughton and Milton Keynes Parish Council	Part 1 Para 4.2	Wildlife corridors as mentioned under 4.12 are designed to interact and connect to form a network of interconnecting habitats as well as to link people and wildlife. What this needs to take into account going forward is: <ul style="list-style-type: none"> • The continued growth in traffic and congestion on the grid roads and others as the volume of housing in MK increases. • The effect that social and community provision through S106 spend has on the natural habitat and the corridors. • The increase in foot traffic that will occur as a direct result of the points above. • The effect on the overall balance and equilibrium of the ecosystem and biodiversity caused by all of the above. 	Noted.

B131	Peter Brown (Parish Councillor) Broughton and Milton Keynes Parish Council	Part 1 Para 4.16	MKC should positively seek to establish additional such facilities within the authority. Potentially this should look at those areas which are likely to be developed from currently undeveloped land where the biodiversity is a greatest risk from development. Current land that is owned by MK Community Foundation that has been earmarked for sale due to the unsuitability should be the first to be bought, and converted. The conversion of the mature woodlands in MK to wildlife reserves should also be prioritised, with continued management work converted to protecting the species present and not the suitability of use by residents.	Noted. Requiring additional Local Nature Reserves status falls outside of the scope of this SPD.
B132	Nicola Thomas (Partnership Manager) Buckinghamshire and Milton Keynes Natural Environment Partnership	whole document	Please note that on this occasion the NEP has chosen to support BBOWT's comments on the SPD.	Noted.
B133	Nicola Thomas (Partnership Manager) Buckinghamshire and Milton Keynes Natural Environment Partnership	Part 1 Map 2	NB – it is BMERC, rather than the NEP, that has mapped the BOAs and holds the very latest version of this map so we would suggest contacting them for the latest version and referencing them accordingly. In particular, the map in the draft appears to be an old map showing two layers of BOAs, whereas only one should appear, as on our NEP website https://bucksmknep.co.uk/biodiversity-opportunity-areas/ . Respondent suggests that MKC considers other strategic areas of conservation preference to align with the existing Bucks & MK BAP such as NEP's current "Forward to 2020" Biodiversity Action Plan. Proposed changes to Map 2: To further assist applicants with any biodiversity offsetting scheme Milton Keynes Council, through the Natural Environment Partnership, has identified Biodiversity Opportunity Areas. The map, produced by the Buckinghamshire and Milton Keynes Environmental Records Centre (BMERC), highlights areas within the district where habitat creation would produce the greatest strategic gains to conservation and so also suggested reference to the NEP's BAP at this point in identifying biodiversity priorities for the area, with a focus, but not exclusively, on BOAs.	Noted. MKC received half yearly updates from BMERC, this error has been noted and will be corrected.

B134	Nicola Thomas (Partnership Manager) Buckinghamshire and Milton Keynes Natural Environment Partnership	Part 1 6.2-6.4	<p>The NEP's current "Forward to 2020" Biodiversity Action Plan, for example, places importance on BOAs for prioritising conservation action, particularly for priority habitats, but also recognises the need to habitat creation and improvement outside the BOAs – see Section 6.2, 6.3 and 6.4, from page 23, Forward to 2020, which references work needed outside the BOAs, the importance of Local Wildlife Sites and species-specific work. It is suggested to consider more recent NEP's work and partners around to identify the priority board locations for biodiversity offsetting. This has identified BOAs, buffers around BOAs and linkages between them, based on woodland and grassland coverage mapping, with an emphasis on creating a habitat network. We would urge MKC to take this mapping work into account if suggesting its priority locations for conservation activity within the SPD.</p>	Reference to data set will be made available.
B135	Jane Hennell MRTPI (Area Planner) Canal and River Trust	Part 1 Section 4	<p>The Canal & River Trust welcome the additional advice provided in this SPD. It may be possible for offsetting or species relocation to take part on Trust owned land. If the Council or a developer wish to discuss this at any time, they should contact The Trusts' Heritage and Environment Team Manager for this area.</p>	Noted.
B136	George Paton One behalf of TM Paton and Son	Part 1 Map 1	<p>Respondent commented on land ownership of area within Map 1. Certain part of the area is shown as a County Wildlife site and respondent states that this is not the case. Respondent provided an ownership map.</p>	Noted, map reviewed.

B137	Tom Hutchinson BA MA MRTPI(Director) Providence Land Ltd	Part 1 Section 6	<p>We support the measures within the document which will assist in implementing the Plan:MK policies on biodiversity and nature conservation. In particular, we support off-site provision where on-site is not practical as this enables housing to be optimised in the most sustainable locations for movement and then biodiversity gains to be optimised in the wider countryside rather than trying to cram it all within an allocation. We are aware of the growing involvement of Natural England in creating strategic offsetting area, which can pool the mitigation from several developments. One of the benefits of this is that it can serve multiple green infrastructure functions and really make a difference to wildlife populations, rather than just seeking to meet the bare minimum benefits driven by a spreadsheet checklist. We support Milton Keynes Council taking the lead on Biodiversity Offsetting and we see this role as increasingly important in the coming years, in terms of managing mitigation sites. In the south coast Solent area, nutrient neutrality mitigation arrangements sprang up very quickly in response to the identified problem with housing delivery. The lessons of that experience are that it is often better for public sector organisations to take the lead on this and consider the local-plan wide mitigation needed, rather than individual developers having to make their own arrangements. In practice, it means that there can be multiple benefits for the same area of mitigation, for example, enhancing habitats for Bechsteins bats can complement the benefits of taking land out of agriculture to reduce the nitrogen load.</p>	Noted.
B138	Graham Robinson-Hodges MRTPI (Associate Director of DLP Planning) on behalf of Bloor Homes	Part 1 Section 5	<p>There appears to be no consideration within the document of how the requirements of the SPD will impact development viability. You will note that the National Planning Policy Guidance note (008 Reference ID: 61-008-20190315) states in relation to Supplementary Planning Documents that 'They should not add unnecessarily to the financial burdens on development'. An assessment of the impact that the SPD will have on development viability is required in order to ensure that it does not have a negative impact on development viability. The SPD as well as any requirements within should be updated to reflect this.</p>	All attempts should be made to incorporate biodiversity on site and in turn improve the quality of development and in turn its remuneration .

B139	Ben Kite (Managing Director of Ecological Planning & Research Ltd) on behalf of L&Q Estates Ltd	whole document	<p>The responses provided below in this form should be read with reference to the attached response note (EPR, 19 Nov 2020) which includes additional details. The production of the draft Biodiversity SPD is welcomed as a positive attempt to assist applicants for planning permission to understand the Council's expectations and meet their obligations with respect to ecology and nature conservation. However, there are a number of areas where we believe that the SPD requires improvement if it is to be an effective aid to environmental decision-making.</p>	Noted.
B140	Ben Kite (Managing Director of Ecological Planning & Research Ltd) on behalf of L&Q Estates Ltd	Part 1 Para 3.1	<p>The relevant legislation, policy and guidance is set out in the SPD. A change is required because the wrong legislation or details relating thereto is cited. This should be:</p> <ul style="list-style-type: none"> • The Conservation of Habitats and Species Regulations 2017 (as amended). • The Wildlife and Countryside Act 1981 (as amended) (...) • Government circular: Biodiversity and Geological Conservation 06/2005 (...) <p>It is also important to include the following reference (see further related comments below):</p> <ul style="list-style-type: none"> • Chartered Institute of Ecology and Environmental Management (CIEEM's) Ecological Impact Assessment (EiA) guidelines. 	Noted and updated.

B141	Ben Kite (Managing Director of Ecological Planning & Research Ltd) on behalf of L&Q Estates Ltd	Part 1 Para 4.10	<p>“Legal protection for the natural conservation features varies, but all are protected through the planning system”.</p> <p>A change to the above is required because, as currently written, the statement conflates policy and legislative protection (which operate very differently) and includes the erroneous statement that ‘all’ features are protected with no parameters given. Planning policy in fact accords varying levels of consideration or ‘weight’ to different Important Ecological Features (IEFs) (which can be populations of an individual species, assemblages of different species, habitats or even whole sites), that operates differently depending on the specifics of the policy in question and the nature conservation importance of the subject feature. The effect of this can range from creating a strong presumption against most types of development that would cause a negative effect (e.g. in the case of ancient or irreplaceable habitats) to having no discernible influence on a planning determination (in the case of losses of widespread and abundant features of no nature conservation importance). Whilst the forthcoming Environment Act will introduce the requirement for even low value habitats to be offset through the ‘Biodiversity Net Gain’ regime, this is not in our view helpfully described as ‘protection’, which usually implies in situ preservation deriving from legislation.</p> <p>We would recommend that this statement is altered to read: “Legal protection for Important Ecological Features (IEFs) varies and National and Local Planning Policy may also apply additional requirements that must be adhered to unless material considerations in the planning balance indicate otherwise</p>	Noted and changed.
------	---	------------------	---	--------------------

B142	Ben Kite (Managing Director of Ecological Planning & Research Ltd) on behalf of L&Q Estates Ltd	Part 1 Para 4.17-4.19	<p>A series of statements are made in these paragraphs in connection with habitats that are listed as being 'Priority' Habitats for nature conservation under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. A change is required to communicate an accurate understanding of what a 'Priority Habitat'. Specifically, paragraph 4.19 of the SPD asserts that an impact upon a 'Priority' habitat will necessarily represent a 'material consideration' in the determination of a planning application and prays in aid Paragraph 175 of the National Planning Policy Framework (NPPF) in support of this statement. Paragraph 175 of the NPPF does not however refer to Priority Habitats at all, and instead contains a series of provisions that broadly detail how development negatively impacting on features of biodiversity value should be refused except in certain specific circumstances. Paragraph 4.19 of the SPD therefore wrongly creates the presumption that all examples of Priority Habitats are of biodiversity importance. It is important to recognise that not all habitats which fall into 'Section 41 Priority Habitat' categories necessarily have any significant existing ecological value. This is because the 'recognition' or 'designation' of extant ecological value is not the objective for which these categories were originally created, nor the purpose for which they are supposed to be used. As an example, the "Lowland Mixed Deciduous Woodland" Priority Habitat Category includes both ancient species-rich woodland of high ecological value, and recent species-poor planted or self-sown woodlands of comparatively low ecological value. Similarly, the "Hedgerows" Section 41 Priority Habitat Category includes the majority of all (c84%) of hedgerows in the British countryside, including species-rich ancient hedgerows, and more newly planted hedgerows with very little in the way of ecological diversity or interest. Other Priority Habitat categories which may or may not support significant existing ecological value and/or biodiversity (for example) include Arable Field Margins and Ponds. The above is because the function of the 'Priority Habitat' categories is simply to trigger the consideration of measures that can reasonably be taken to improve the conservation status and biodiversity of habitats that meet the description; both in a planning context, and for general conservation and land management purposes outside of planning (i.e. to encourage the enhancement of habitats that have the potential to be valuable to wildlife, but currently are not of significant value). These habitats are of 'principal importance' for biodiversity simply because they are the focus of National action to improve biodiversity. It is important therefore not to create a false presumption against development in all cases where Priority Habitats occur, as to do so would sterilise large areas of land to development that might actually be biodiversity poor, when alternative provision to deliver biodiversity might be a more</p>	<p>Noted - The paragraph states it would be a material condition not that an application would be refused, however the suggested amendment is agreed as it states what would be required to ascertain the status of the designation.</p>
------	---	-----------------------	---	--

	<p>effective way to proceed. Insofar as planning applications are concerned therefore, Section 41 of the 2006 NERC Act requires the Secretary of State to promote steps that are reasonably practicable to further the conservation of the listed habitats, and in relation to this, Section 40 requires Local Planning Authorities to “have regard” to the purpose of conserving biodiversity, in particular in relation to the habitats and species listed under Section 41. The NPPF similarly advises local authorities to promote the preservation, restoration and re-creation of priority habitats. In view of the above, it is important to recognise that there is no “default” planning response to habitats that fall into any ‘Priority’ category. Each example of a Priority Habitat type is different and must be addressed according to its actual ecological value and sensitivity. The appropriate response to impacts upon a Priority Habitat will be different in each case. Where extant ecological value is sufficiently high, or the potential for restoration sufficiently good, in-situ preservation and enhancement may be justified. In other cases where the example habitat in question is of low value and where restoration potential is poor (e.g. due to isolated location or small overall area), then loss of the habitat and provision of compensatory habitat elsewhere may be more appropriate and effective means both to deliver Biodiversity Net Gain and better development design. Recommend wording: “Where proposed developments impact upon a Priority Habitat the Council will expect the ecological importance of that habitat to be fully assessed and reported. Where those impacts would lead to significant harm to biodiversity, the mitigation hierarchy set out in paragraph 175 a) of the NPPF should demonstrably have been applied and an overall Biodiversity Net Gain delivered in accordance with paragraph 170(d) of the NPPF”.</p>			
--	--	--	--	--

B143	Ben Kite (Managing Director of Ecological Planning & Research Ltd) on behalf of L&Q Estates Ltd	Part 1 Para 6.1	<p>A change is required for the following reason. A PEA should not normally be submitted with an application. CIEEM's PEA (2018) guidance states:</p> <p>"The results of a PEA can be presented in a Preliminary Ecological Appraisal Report (PEAR). The primary audience for a PEAR is the client or developer and relevant members of the project team, such as the architect, planning consultant, and landscape architect. It is normally produced to inform a developer (or other client), and their design team, about the key ecological constraints and opportunities associated with a project, possible mitigation requirements and any detailed further surveys required to inform an Ecological Impact Assessment (EclA). Under normal circumstances it is not appropriate to submit a Preliminary Ecological Appraisal Report (PEAR) in support of a planning application because the scope of a PEAR is unlikely to fully meet planning authority requirements in respect of biodiversity policy and implications for protected species."</p>	<p>PEA is requested in the first step, then additional species surveys and actual submission at step 5 - To clarify this step 5 now include specific mention of EclA</p>
------	---	-----------------	---	--

B144	Ben Kite (Managing Director of Ecological Planning & Research Ltd) on behalf of L&Q Estates Ltd	Part 1 Table 1	<p>Whether an EIA is needed or not, the information to inform a planning application should normally be provided as part of an Ecological Impact Assessment (EclA), the findings of which should be based upon the results of any necessary surveys, included within the EclA Report. The survey results/reports themselves, submitted in conjunction with a Preliminary Ecological Appraisal Report do not comprise an adequate assessment of impacts as CIEEM make clear in their own guidance. The flowchart (Table 1 on page 11) in our view has the potential to cause confusion when communicating to developers what information should be submitted with a planning application, since neither PEA Reports nor separate species or habitats surveys should under normal circumstances be submitted separately, instead, they should inform an EclA (which can be proportionate to the size and complexity of the development in question).</p> <p>The text under Stage 3 ('Biodiversity Gain Plan') refers to certain elements of an Ecological Impact Assessment (e.g. determining impact avoidance) and conflates these with the requirement for providing Biodiversity Net Gain, which Defra have made clear applies in addition to the normal requirements of EclA.</p> <p>Our view is that Table 1 on page 11 should be re-worked to make it clear that the current Stage 1, and any elements of Stage 2 needed to inform the development in question should normally be incorporated into an EclA Report, which should include a thorough but proportionate assessment of impacts upon Important Ecological Features (IEFs) in accordance with CIEEM Guidelines (i.e. not all features as presently implied). This EclA report should apply the 'mitigation hierarchy' to these impacts in accordance with paragraph 175 a) of the NPPF and establish the extent to which the development complies with applicable nature conservation related legislation and policy. Stages 3 and 4 should then be revised to address separately the requirement for a 'Biodiversity Gain Plan' (which could form a section or appendix to an EclA Report) that employs Defra's Biodiversity Metric to detail how the proposed development will provide the required net gain in biodiversity. The above recommendations also apply to para 6.38.</p>	The table shows the steps to be undertaken before submission which is step 5.
------	---	----------------	---	---

B145	Ben Kite (Managing Director of Ecological Planning & Research Ltd) on behalf of L&Q Estates Ltd	Part 1 Para 6.4	<p>This states: “ ... if activities are carried out on the land after 30th January 2020 which would lower the biodiversity value then the pre-development biodiversity value immediately before the activities took place will be taken”</p> <p>Although not clear from the text, this sentence appears to refer to the application of the Defra Metric to determine whether or not a development will result in the required level of Biodiversity Net Gain. Whilst a precaution along these lines is understandable and in our view justified to prevent deliberate frustration of the Biodiversity Net Gain requirement, in our view this sentence should be amended to clarify that this provision only applies to suspected deliberate attempts to destroy or diminish existing biodiversity for the purposes of achieving planning consent (for example premature site clearance), and not due to the incidental results of legitimate pre-development land use (for example carrying out of farming activity). If this caveat is not applied, then developers who have taken a responsible approach to delivering Biodiversity Net Gain, and who do so on sites that are ecologically poor as a result of their existing lawful use (and which are therefore suitable for development) might be unfairly penalised.</p>	<p>The text does refer to the Governments White paper and its inclusion is reasonable.</p>
B146	Ben Kite (Managing Director of Ecological Planning & Research Ltd) on behalf of L&Q Estates Ltd	Part 1 Para 6.5	<p>This states that the: “the level of [biodiversity] gain will be set by negotiation with the LPA”.</p> <p>Our view is that this statement leaves a lack of clarity over what will be expected from developers, and will make it difficult for them to plan in advance what their sites should make provision for – potentially creating a situation where there is inconsistency across applications and circumstances in which biodiversity gains have been poorly retrofitted into development layouts if the need to provide them was not foreseen. Whilst we appreciate that, in lieu of the Environment Bill being passed (which as currently written requires a 10% gain on the pre-development baseline), there is presently something of a policy vacuum, we would urge the Council to make a more explicit statement of their expectations for Biodiversity Net Gain. This should be achievable given the timescales for adopting the SPD and the likely convergence with the passing of the Environment Bill.</p>	<p>Added: should result in a net gain for biodiversity (Policy SD1) of at least 10% [subject to specific requirements of the Environment Act and the Local Plan for MK].</p>

B147	Ben Kite (Managing Director of Ecological Planning & Research Ltd) on behalf of L&Q Estates Ltd	Part 1 Para 6.6	<p>A statement is made that: “...surveys older than 18 months are likely to require updating and those 3 years or more will be invalid”.</p> <p>A change is required for the following reason. It should not be the case that all surveys in all circumstances are invalid after 3 years, as this depends on the species or feature in question (i.e. its mobility) and whether or not the relevant habitats are changing. For example, a large expanse of tarmac in an urban setting will probably have the same supporting value for the faunal species that use it for longer than 3 years (e.g. it is unlikely that its value as foraging habitat for bats would have changed significantly if the habitat itself remained the same for longer than this period). In such circumstances it may be necessary to carry out certain checks to provide evidence that old surveys are likely to hold good, but it may not be necessary to slavishly repeat the full suite of all ecological surveys (in the example given above, this could for example involve updating the habitat survey to demonstrate that the tarmac and its surrounds remain unchanged, but it may not be necessary to repeat all of the bat surveys, unless there is a reason to suspect a change in baseline). We would advise the Council to replace the text at paragraph 6.6 with a more generalised statement about the need to ensure that surveys remain adequately up-to-date for the purposes of informing the decision that is to be made, and refer applicants to CIEEM’s guidance on this: https://cieem.net/wp-content/uploads/2019/04/Advice-Note.pdf . In our view the Box on Page 23 of the SPD deals with the issue of survey lifespan much better in this respect.</p>	<p>CIEEM guidance says more than 3 years “The report is unlikely to still be valid and most, if not all, of the surveys are likely to need to be updated (subject to an assessment by a professional ecologist, as described above). Added “unlikely to the text and reference to CIEEM as suggested.</p>
------	---	-----------------	--	---

B148	Ben Kite (Managing Director of Ecological Planning & Research Ltd) on behalf of L&Q Estates Ltd	Part 1 Para 6.36	<p>Comment are made on the formulae. Respondent stated that it may be a reasonable reflection of the true costs of each outlined element (habitat creation, management, monitoring etc), it is not at all clear how it has been derived as no information or evidence appears to have been provided to underpin the proportionate relationship between each. Therefore, it is not possible to determine whether or not the amount that is sought is actually justified.</p> <p>The formulae appears to presume that creating a new habitat will always be much more expensive than subsequently having to manage and monitor it. Whilst in the majority of cases this may be true, in theory, there could be many instances where the reverse is true – for example, where habitat creation costs are low because a suitable site and soils already exist for grassland creation (requiring seed sowing only), but where long-term careful management and monitoring is then required to ensure that the correct habitat type then develops (for example creating grasslands with swards referable to National Vegetation Classification MG5 subcommunities).</p> <p>Our recommendation is therefore that adequate evidence is provided to demonstrate that this proposed tariff is both fit for purpose and justified.</p>	The formulae had been removed from the SPD.
B149	Ben Kite (Managing Director of Ecological Planning & Research Ltd) on behalf of L&Q Estates Ltd	Part 2 Para 2.2	<p>The relevant legislation for protected species is set out at Para 2.2. A change is required because the wrong legislation is cited. This should be:</p> <ul style="list-style-type: none"> • The Conservation of Habitats and Species Regulations 2017 (as amended), • The Wildlife and Countryside Act 1981 (as amended), or • The Protection of Badgers Act 1992. 	Noted and changed.

B150	Ben Kite (Managing Director of Ecological Planning & Research Ltd) on behalf of L&Q Estates Ltd	Part 2 Para 2.3	<p>A statement is made as to where additional ecological information is required, proposing two scenarios.</p> <p>A change is required for the following reasons.</p> <p>These two scenarios are very poorly considered. Firstly, some Biodiversity Action Plan (BAP) Priority Habitats are not of any significant existing ecological importance (see response above to Part 1 Section 4 Page 9, para 4.17 et seq). Secondly, the Bucks and Milton Keynes BAP will also not cover many rare invertebrate species and plants that could be material considerations to the determination of a planning application whether or not they are protected or listed as part of a BAP. The link to impacts on designations is also far from made clear here. In our view, this paragraph would do better to refer to IEFs as defined in the CIEEM guidelines for EcIA (see response above to Part 1, Section 6, para 6.1).</p>	Noted and revised.
B151	Ben Kite (Managing Director of Ecological Planning & Research Ltd) on behalf of L&Q Estates Ltd	Part 2 Table 2	<p>Corrections are required here because various incorrect survey seasons are given (e.g. the stated Great Crested Newt Aquatic Habitat and Hazel Dormouse survey seasons are both incorrect in relation to applicable good practice guidance), and some features listed in the table have no survey season identified for them at all (e.g. Bats (Hibernation Roosts). NB. Great Crested Newt (not hyphenated).</p> <p>The industry best practice survey guidance for Great Crested Newts (Great Crested Newt Mitigation Guidelines (English Nature, 2001) require surveys for Great Crested Newts in ponds to be carried out during mid-March to mid-June. June (at least the first half) is therefore an optimal time to survey GCN in Aquatic Habitat. Surveys in February are not recommended other than to scope a pond by carrying out a Habitat Suitability Index survey. None of this is made clear.</p> <p>Additionally, Natural England's Dormouse Mitigation Handbook (2nd Ed, 2006), which is currently in the process of being updated but remains the most up-to-date guidance at time of writing, advises that nest tube surveys should be carried out between April and November and specifies the minimum survey effort that should be carried out within this period (Table 2 in the SPD currently erroneously refers to May-Sep as being the appropriate survey window). In some circumstances it is also possible to carry out autumn and winter searches for Hazel nuts chewed by Dormice, and the anticipated update to the guidance is also expected to introduce the use of footprint tunnels. Again, the information provided in Table 2 on page 30 is incorrect.</p>	Revised and added additional guidance

B152	Ben Kite (Managing Ecological Planning & Research Ltd) on behalf of L&Q Estates Ltd	Part 2 Annex B	As per previous comments e (e.g. Part 1, Section 6, Para 6.1 and Table 1 (Page 11), there is no mention of the need for development proposals to undertake EcIA and submit an EcIA report in any circumstances. In our view this is a fundamental shortcoming that should be rectified, and it applies equally to both development requiring formal statutory EIA or not (though should be proportionate).	Noted and changes applied
B153	Ben Kite (Managing Ecological Planning & Research Ltd) on behalf of L&Q Estates Ltd	Part 1 Map 1	A map showing designated sites includes a separate key. A change is required because the colours on the key do not match the features they claim to represent (e.g. the wildlife corridors keyed in as 'rail', 'wet' and 'road' appear to be swapped around in the key).	Noted - map to be reproduced
B154	Ben Kite (Managing Ecological Planning & Research Ltd) on behalf of L&Q Estates Ltd	Part 1 Para 4.18	A change is required to change two words as follows: it should be "...Natural not National..." and "...considered to be Habitats and Species of Principal Importance".	Noted and corrected
B155	Ben Kite (Managing Ecological Planning & Research Ltd) on behalf of L&Q Estates Ltd	Part 1 Para 3.3	Respondent states that the list of ecological features at the end of this paragraph is a better attempt at listing potentially important ecological features that could be material considerations in planning (if affected) than the earlier attempts at doing so in the SPD (it mentions notable and red list species for the very first and only time, for example).	Noted
B156	Ben Kite (Managing Ecological Planning & Research Ltd) on behalf of L&Q Estates Ltd	Part 1 Para 5.1	This should refer to Great Crested Newt (not hyphenated).	Noted and corrected
B157	Ben Kite (Managing Ecological Planning & Research Ltd) on behalf of L&Q Estates Ltd	Part 1 Para 5.3	The reference here to Milton Keynes and Buckinghamshire Biodiversity Recording and Monitoring Centre is incorrect and should refer to Buckinghamshire and Milton Keynes Environmental Records Centre (BMERC).	Noted and corrected
B158	Ben Kite (Managing Ecological Planning & Research Ltd) on behalf of L&Q Estates Ltd	Part 1 Table 1	Missing symbols against notes after table.	Noted.

B159	Ben Kite (Managing Director of Ecological Planning & Research Ltd) on behalf of L&Q Estates Ltd	Part 1 Table 3	It is not clear here why designated sites are shown in separate parts of the table. Additionally, Local Wildlife and Biological Notification Sites appear to have been unaccountably omitted. Page 34, The relationship to the table on page 34 (assume this is Table 4) to the information on the preceding page is not wholly apparent. It appears to relate to the criteria for which important geological sites may be identified.	Table revised.
B160	Elanor Wright (Principal Planner) Oxalis Planning	whole document	SPD consultation document generally accords with the principles and requirements of national policy and, in this regard, we support the Council's overarching ambitions to achieve biodiversity net gain. We agree with the Council regarding the importance of ensuring that biodiversity across the Council's area is maintained and, where possible, enhanced, through development. Whilst we generally agree with the principles established through the SPD consultation, we would highlight the importance of achieving sustainable development, through ensuring that development proposals are assessed on a site by site basis, with a full understanding of the site's context. Biodiversity requirements should be proportionate to the development proposed and should not preclude sustainable development from being delivered through onerous or disproportionate demands. In this regard the SPD should provide flexibility to be adaptable to varying site contexts.	Noted.
B161	Elanor Wright (Principal Planner) Oxalis Planning	Part 1 Para 5.1	Paragraph 5.1 of the SPD states that the Council welcomes pre-application discussions regarding development proposals and we concur that pre-application discussions can be extremely useful. These discussions should be as constructive as possible and provide an excellent opportunity for both the Council and developers, alongside their agents, to fully understand the opportunities and constraints of sites. Early engagement on matters such as biodiversity offsetting can be crucial to understanding a scheme's capacity to maintain or enhance biodiversity and how this aspect of the scheme can be appropriately incorporated into and accommodated within development proposals.	Noted.
B162	Elanor Wright (Principal Planner) Oxalis Planning	Part 1 Table 1	Table 1 on page 11 of the consultation document is a sensible and logical approach to identifying site specific opportunities; it will provide a helpful guide for developers in preparing their applications.	Noted. Opportunities and constraints plan added.

B163	Martin Taylor (Planning Director at Leachfields) on behalf of St James Group	whole document	<p>Respondent is overall supportive of the draft Biodiversity SPD and our proposals already seek to integrate and respond to many of the principles set out in the draft SPD, for example on net biodiversity gain. We are pleased that our proposals complement the draft SPD and will help to achieve many of its overarching objectives.</p> <p>Respondent consider it to be beneficial in ensuring development maintains and enhances the ecological interest of the Borough. However, respondent has suggested corrections/clarifications for the final document as identified in our responses to individual parts of the SPD below.</p>	Noted.
B164	Martin Taylor (Planning Director at Leachfields) on behalf of St James Group	Part 1 Map 1	<p>It is understood that the local nature designations have been undergoing review in recent years resulting in several sites being declassified and new sites identified.</p> <p>With specific regard to a rectangular area of woodland to the immediate east of A509 London Road (Grid Ref = SP89144246), this is depicted on Map 1 of the draft SPD as a local wildlife site (including Local Wildlife Sites and Biological Notification Sites). It is understood from Buckinghamshire and Milton Keynes Environmental Records Centre (BMKERC) that since 2012 this area of woodland has had its former Biological Notification Site status removed and therefore no longer qualifies for consideration as a local wildlife site, as confirmed by desk studies carried out in 2014, 2016 and 2018. A map showing the correct distribution of local wildlife sites for this area, as provided by the BMKERC, is provided below. This shows that the woodland is no longer a local wildlife site (nor Biological Notification Site). (Maps provided). Map should be updated.</p>	New Map inserted, reference to the site removed.
B165	Martin Taylor (Planning Director at Leachfields) on behalf of St James Group	Part 1 Para 3.1	<p>It is noted that at several points (e.g. Section 3.1) the legislation referred to has now been superseded. It is recommended that the list of legislation is updated to reflect current law at the time the final Biodiversity SPD is published.</p>	Noted and updated.

B166	Martin Taylor (Planning Director at Leachfields) on behalf of St James Group	Part 1 Para 6.24	Paragraph 6.24 covers ancient woodland, veteran trees and ancient hedgerows. It is suggested that ancient hedgerows are excluded from this list, and perhaps addressed separately, to avoid confusion with the greater weight to be applied to ancient woodland and ancient veteran trees under the 2019 NPPF and Natural England and Forestry Commission Standing Advice. Whilst 'ancient hedgerows' can be extremely old and ecologically valuable features, the title covers a range of hedgerow types including species-poor hedgerows in the region of 150 years old and therefore the title does not immediately imply an intrinsic ecological value.	Noted - Paragraph now refers to NPPF glossary definition .
B167	Chris Bridgman (Partner Bridgman & Bridgman LLP)	General comment	Title : Biodiversity Accounting. It is not clear what Biodiversity Accounting means. The document concentrates on procedures and compliance, however, given the problems with biodiversity loss described in the document, it would be helpful if there was a section emphasising the importance of finding and implementing opportunities to restore nature in MK. Conventional approaches to landscaping that do not increase biodiversity should be avoided and new approaches, which might be linked to sustainable drainage, the use of native species in natural associations or planting with documented value for wildlife, should be emphasised. Examples including biodiverse lawns and meadows, swales, native woodland planting, native hedges and features on buildings like biodiverse green roofs should be more forcefully promoted.	A section on site biodiversity enhancement has been added.
B168	Chris Bridgman (Partner Bridgman & Bridgman LLP)	Part 1 Map 1	The key shows blue colour for Wildlife corridor rail and red colour for Wildlife Corridor Wet. It looks like these are incorrectly labelled. In any case blue would be a more suitable colour for wet corridor. This map should be clearer, perhaps computer generated rather than a photo of a hand-coloured plan?	Map for indicative purposes. Link to My MK GIS dataset added.
B169	Chris Bridgman (Partner Bridgman & Bridgman LLP)	Part 1 4.16	Local Nature Reserve's LNR's should be Local Nature Reserves (LNRs).	Noted and corrected.

B170	Paul Hammond (Individual)	General comment	<p>Swift numbers have declined in the UK by 53%, in the past 25 years and they are now an amber-listed species. The primary reason for this decline has been the lack of suitable nesting spots. One way of reversing this trend is to incorporate Swift bricks into new houses. Accordingly, I write to suggest that consideration should be given to encouraging and facilitating the provision of Swift bricks in new developments and houses, within the Council's Bio-Diversity SPD. Given the quantum of future housing growth in Milton Keynes a strategy of Swift brick provision, via the SPD, has the potential to have a very positive impact on a species which is under serious threat.</p>	Noted and guidance added.
------	------------------------------	-----------------	--	---------------------------

Biodiversity: Supplementary Planning Document

June 2021

Development Plans Team



Contents

Part 1: Biodiversity Accounting Supplementary Planning Document.....	3
1. Executive Summary	4
2. Introduction	4
3. Legislation & Policy Context	6
5. The Importance of Biodiversity within Development	12
6. Step Guide to Building Biodiversity into Development	16
Part 2: Identifying requirements for Biodiversity & Geological Conservation as part of your planning application	27
1. About this document	27
2. When is ecological information required?	27
3. Ensuring that ecological information provided is adequate	27
Local Requirements for Protected Species, UK Priority Species and Species.....	30
4. Listed in the Milton Keynes and Buckinghamshire Biodiversity Action Plan	30
5. Optimal survey times	31
6. Exceptions for when a full species survey and assessment may not be required	35
Local Requirements for Designated Sites, Priority (BAP) Habitats, Habitats.....	35
7. Listed in the Milton Keynes and Buckinghamshire Biodiversity Action Plan and Geological Conservation	35
ANNEX A.....	39
ANNEX B.....	41

Part 1: Biodiversity Accounting Supplementary Planning Document

“We are part of Nature, not separate from it. We rely on Nature to provide us with food, water and shelter; regulate our climate and disease; maintain nutrient cycles and oxygen production; and provide us with spiritual fulfilment and opportunities for recreation and recuperation, which can enhance our health and well-being. We also use the planet as a sink for our waste products, such as carbon dioxide, plastics and other forms of waste, including pollution.

Nature is therefore an asset, just as produced capital (roads, buildings and factories) and human capital (health, knowledge and skills) are assets. Like education and health, however, Nature is more than an economic good: many value its very existence and recognise its intrinsic worth too.

Biodiversity enables Nature to be productive, resilient and adaptable. Just as diversity within a portfolio of financial assets reduces risk and uncertainty, so diversity within a portfolio of natural assets increases Nature’s resilience to shocks, reducing the risks to Nature’s services. Reduce biodiversity, and Nature and humanity suffer”¹.

¹ The Economics of Biodiversity: The Dasgupta Review 2022 <https://www.gov.uk/government/publications/final-report-the-economics-of-biodiversity-the-dasgupta-review>

1. Executive Summary

- 1.1. This Supplementary Planning Document (SPD) expands upon policies of the Milton Keynes Local Plan- Plan:MK. It provides developers with a clear “plain English” step-by-step guide for working with all species and habitats which are likely to be impacted upon by their proposed developments. The SPD details the Council’s requirements for applicants to build nature conservation features into developments, ensuring that a measurable net-gain to the districts biodiversity is achieved in accordance with Plan:MK and national planning policies.
- 1.2. This SPD highlights the importance that applicants protect and enhance existing nature conversation features within proposed developments, following best practice guidance and the mitigation hierarchy. The SPD details what the Council requires a developer to consider when incorporating ecological compensation (including Biodiversity Offsets) within their development scheme.
- 1.3. Biodiversity should not be seen as a hindrance to development rather as a way to add value to a well-conceived design. The SPD also provides developers with a list of useful links and contacts where further information on all the issues discussed can be found.
- 1.4. There’s no wellbeing without nature’s wellbeing. Everyone is at risk from the loss of habitats and a warming planet. The Government’s 25-year Environment Plan aims to improve the natural environment within a generation and to reconnect people with nature². To achieve that, people everywhere need to feel that nature matters to them.

2. Introduction

- 2.1. Biodiversity can be simply defined as the ‘variety of life on earth’. This Supplementary Planning Document (SPD) forms part of the Plan:MK and expands on policies that ensure biodiversity is adequately protected and enhanced throughout the development process. The SPD provides additional information on how these policies will be implemented and provides guidance on biodiversity and nature conservation for development applicants concerned with the conservation of biodiversity in development.
- 2.2. Buckinghamshire supports a diversity of habitats and species. Much of it may look green and pleasant but compared with other English counties it is not well served in terms of its biodiversity resources. Buckinghamshire in fact has a very low percentage area of land designated as Sites of Special Scientific Interest (SSSI). SSSI’s only account for 1.4% of Buckinghamshire, compared to a national figure of 7.7% (England). A recent national report by Plantlife entitled “Our Vanishing Flora” ranked Buckinghamshire and Milton Keynes 39th out of 52 counties in terms of the rate of plant extinctions. For these and other reasons planning, and development needs to protect, and enhance biodiversity.

² <https://www.gov.uk/government/publications/25-year-environment-plan/25-year-environment-plan-our-targets-at-a-glance>

- 2.3. The landscape of the Borough is the result of both natural and man-made processes. The underlying geology has determined landform and influenced land cover through soil composition. The landscape has evolved further through centuries of human interaction. Ongoing change driven by social, economic and natural factors will continue to shape the landscape in the future. The most recent Landscape Character Assessment was undertaken in 2017 and it contains a map with Landscape character types and landscape character areas³.
- 2.4. Predominantly characterised by an undulating clayland plateau with large to medium scale mixed woodlands, linking with the extensive woods of Yardley Chase and Salcey Forest in the north. To the fringes of the authority are two contrasting landscape types; a steep greensand ridge to the south and a limestone plateau on the northern boundary of the Borough. The Natural England NCAs that cover the Borough broadly reflect these variations (see Figure 01).
- 2.5. The urban landscape plays an important role in biodiversity; both positively and negatively but is not captured within the character area designation. Most urban areas have developed over a long period; therefore, their form and function are an outcome of the changes in knowledge and policy, and therefore display a heterogeneity in character. With MK being central to the Oxford to Cambridge Growth Arc it is clear more development will be planned, therefore it is essential that this is seen as an opportunity for biodiversity and not a threat.
- 2.6. Biodiversity can be considered in two ways;
- Biodiversity conservation – the recognition and protection of existing habitats and sites
 - Biodiversity creation:
 - creation of new habitats primarily for biodiversity i.e. Country park designing and enhancing a space for biodiversity within built development
- 2.7. Milton Keynes was the last of the new towns, laid over older settlements it was also built to a flexible master plan, with backing of 6 key goals⁴ which still hold true today. The new town was laid on to a unifying grid but under this it sought to combine existing habitats such as woodland, hedgerows and ponds into the fabric of the city.
- 2.8. Through planning and management these discreet units are connected through a series of linear parks along the water corridors, the Ouzel, Loughton Brook and Grand Union canal. Other wildlife corridors were created or recognised along the broad grid roads, railway tracks and ancient rights of way.
- 2.9. The network of greenspaces provides the ecosystem services to the city, long before this term was coined. Whilst its clear wildlife benefits from the matrix of habitats and its linkages crucially it allows nature to be part of the human experience which is vital if we are to halt its decline. A key feature in the city's development was the biological survey of the area and the incorporation of sites of value. Development if properly planned can enhance and protect sites, for example the hydrologically sensitive SSSI at Oxley Mead.

³ <https://www.milton-keynes.gov.uk/planning-and-building/planning-policy/landscape-character-assessment>

⁴ These goals were (i) opportunity and freedom of choice (ii) easy movement and access and good communications (iii) balance and variety (iv) an attractive city (v) public awareness and participation and (vi) efficient and imaginative use of resources.

- 2.10. The constructed landscape of the New Town was designed to create a sense of place, preferring to use native species as far as possible to provide the best outcomes for biodiversity. However, this relatively limited palette of trees and shrubs is vulnerable to the effects of climate change and pest and disease threats. Therefore, it is important that new landscape planting strategies look to resilience and diversity to deliver sustainable ecosystem benefits, including biodiversity.
- 2.11. Milton Keynes continues to grow, and the original principles need to grow with it, this is encapsulated in the aspiration to be the Greenest City according to MK Sustainability Strategy 2019-2050 with one of the priorities for action being to encourage biodiversity by working with the landowners.⁵ The linear parks for example will continue to extend blending with the surrounding countryside creating a wider green network providing multiple benefits both to the local and wider environment as well as to our economy.
- 2.12. The challenge in urban ecosystems is how best to harness the cumulative management activities of multiple land managers in a coordinated way. For example, private gardens have the potential to significantly improve the wider landscape mosaic through a heterogeneity of habitat patches and in turn empower individuals and communities. To achieve this holistic approach in urban biodiversity management it will require the coordination of local governmental and stakeholders, including planners, ecologists, wildlife charities and community groups.
- 2.13. The aim of this guidance is to provide step-by-step advice throughout the planning process and to supplement the policies within the Environment, Biodiversity and Geodiversity chapter of the current Milton Keynes Local Plan- Plan:MK.
- 2.14. This document explains what Milton Keynes Council expects to be considered with any planning application and the detailed information that needs to be submitted.

3. Legislation & Policy Context

- 3.1. There is a wide variety of legislation and policy provision relating to biodiversity conservation ranging from international to local level. The key legislation, policies and strategies includes:
- **The Conservation (Natural Habitats etc.) Regulations 1994 (as amended 2010);**
 - **The Wildlife and Countryside Act 1981 (as amended 2010);** the principal act relating to the protection of wildlife in Great Britain.
 - **The Protection of Badgers Act 1992**
 - **Natural Environment and Rural Communities Act 2006** – Milton Keynes Council must, in exercising its functions, have regard, so far as is consistent with the proper exercise of its functions, to the purpose of conserving biodiversity.
 - **BS 42020:2013 - Biodiversity** – Code of Practice for planning and development
 - **The Countryside and Rights of Way Act 2000**

⁵ (<https://www.milton-keynes.gov.uk/environmental-health-and-trading-standards/mk-low-carbon-living/the-2019-2050-sustainability-strategy>)

- **National Parks and Access to the Countryside Act 1949**
- **The Environment Act 1990**
- **The Hedgerow Regulations 1997**
- **The National Planning Policy Framework 2019** - Conserving and enhancing the natural environment
Paragraph 170: 'Planning policies and decisions should contribute to and enhance the natural and local environment by: (...)
d) minimising impacts on and providing net gains for biodiversity (...).
Paragraph 174 says that 'To protect and enhance biodiversity and geodiversity, plans should :(...)
b) (...) identify and pursue opportunities for securing measurable net gains for biodiversity (...)'.
- **Governments Biodiversity 2020: A Strategy for England's Wildlife and Ecosystem Services**
- **Government circular 06/2005: 'Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System'**
- **'Biodiversity: The UK Action Plan' 1994**
- **Buckinghamshire & Milton Keynes Natural Environment Partnership Biodiversity Opportunity Areas and Biodiversity Action Plan**
- **Environment Bill (2020) – Draft**

3.2. Nature conservation is regarded as a key test of sustainable development. The local planning process addresses this duty by the inclusion of a number of nature conservation policies in I Plan:MK⁶. These include:

- Policy NE1: Protection of site
- Policy NE2: Protected species and priority species and habitats
- Policy NE3: Biodiversity and geological enhancement
- Policy NE4: Green infrastructure
- Policy NE5: Conserving and enhancing landscape character
- Policy NE6: Environmental pollution

3.3. Other policies within the Plan:MK that set principles for a new development and consider biodiversity net gain through the use of connected green infrastructure include:

- Policy SD1: Place-making principles for development
- Policy CT8: Grid road network

4. Ecological designations in Milton Keynes

4.1. Legal protection for Important Ecological Features (IEFs) varies and National and Local Planning Policy may also apply additional requirements that must be adhered to unless material considerations in the planning balance indicate otherwise. In Milton Keynes Borough those are: Sites of Specific Scientific Interest, Biodiversity Opportunity Areas, Biological Notifications Sites, Milton Keynes Wildlife Corridors, Milton Keynes Wildlife Sites (being reassessed as County Wildlife Sites), Priority Habitats, Priority Species, Irreplaceable Habitats (e.g. Ancient Woodland, veteran Trees), and Local Geological Sites. The Government's guidance is that 'Locally designated Local Wildlife Sites and Local Geological Sites are areas of

⁶ Plan MK 2019 (online) Available at: <https://www.milton-keynes.gov.uk/planning-and-building/plan-mk>

substantive nature conservation value and make an important contribution to ecological networks and nature's recovery.⁷ Every effort should be made, not only to avoid Local Wildlife Sites and Local Geological Sites, but applications will also be expected to avoid potential detrimental effects.

4.2. There are currently 3 statutory Sites of Special Scientific Interest (SSSI) in the District which can be found in the Local Plan. These sites are considered to be of national importance for nature conservation and are protected from damaging activities. They are designated by Natural England:

- Howe Park Wood
- Oxley Mead
- Yardley Chase

4.3. Biodiversity Opportunity Areas are the key focus areas for the creation of ecological networks. The creation of Local Nature Recovery Areas, as proposed by the Natural Environment White Paper, will be the way to take forward ecological networks, working alongside BOAs. The designation map below gives an illustration of the location and extent of sites, for more detail please refer to Milton Keynes My Maps⁸

4.4. Throughout the borough, wildlife corridors have been "designed in" to interact and connect to form a network of interconnecting habitats, they also serve to link people and wildlife. The corridors are dynamic and complex allowing different plant and animals to feed reproduce and disperse. The grid road and parkway system are also a component of the wildlife corridor network⁹. Within the network there many types and sizes of corridor, these have been classified into two equally important types:

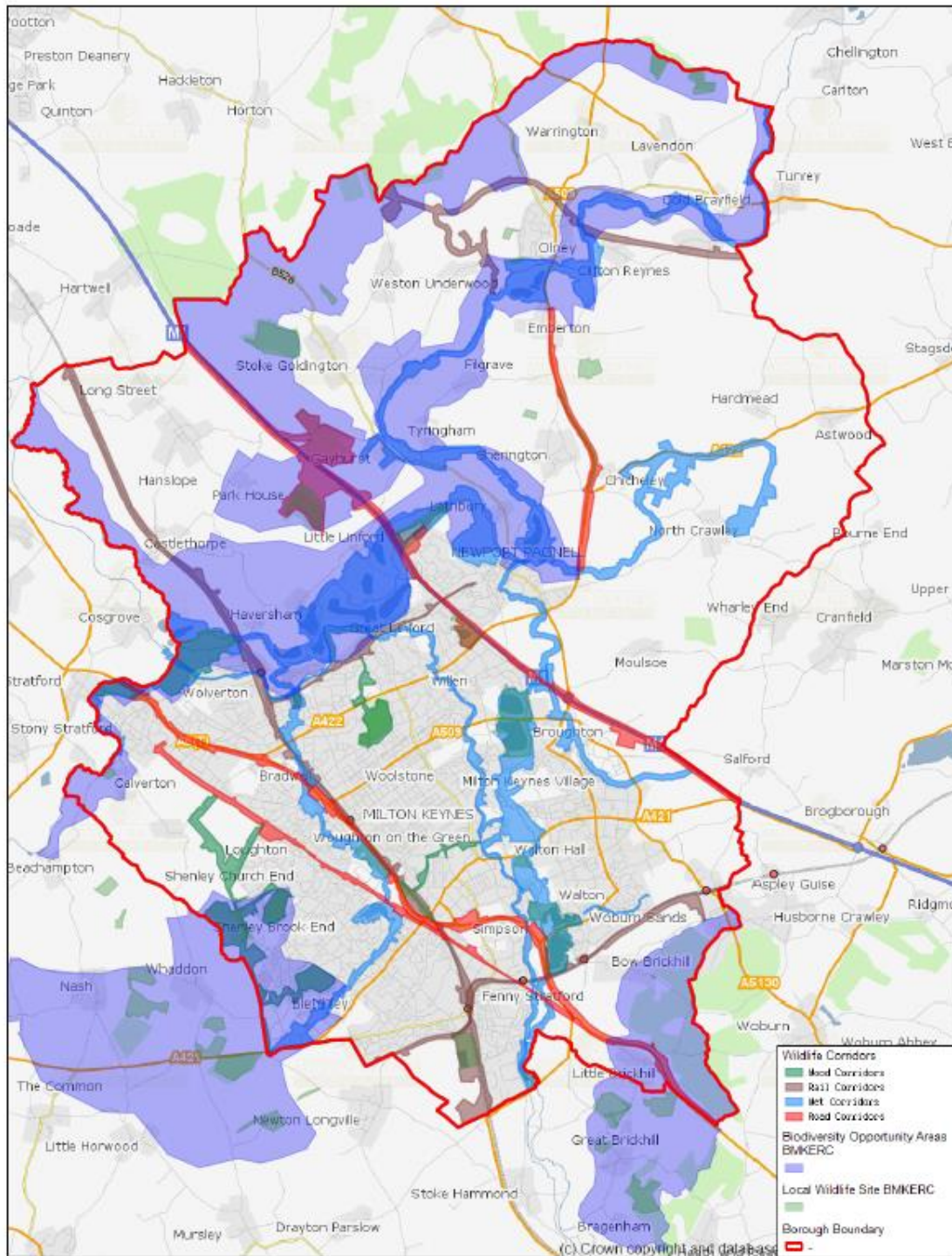
- **Local linear habitats:** narrow and localised, generally of a single habitat such as hedgerows.
- **Wildlife Corridors:** designated corridors linking urban and rural areas through a variety of semi-native habitats. They may connect wildlife sites and maybe linear parks, disused railways, canal, rivers and larger streams.

⁷ <https://www.gov.uk/guidance/natural-environment#biodiversity-geodiversity-and-ecosystems>

⁸ My Maps is available here: <https://mapping.milton-keynes.gov.uk/>

⁹ Grid road corridors not indicated on Map 1 due to scale

Map2: Local nature designations¹⁰



¹⁰ The data set can be searched on My Maps: <https://mapping.milton-keynes.gov.uk/>

4.5. Designated Wildlife Corridors have the same status as Local Wildlife Sites. Developers should access information on these and their boundaries. Wildlife Corridors should be identified, protected and enhanced, to achieve:

- habitats for a wide range of species to feed, nest, find security, move along and disperse
- a wide variety of plant species, trees, shrubs, ground, river and wetland flora
- buffer zones of useful habitat alongside them
- as few and as short gaps as possible between sections of them
- increases in breadth and length of isolated sections
- re-connection where they have been fragmented
- restoration of habitats of brooks and rivers
- connections to the wider landscape.

Biological Notification Sites (BNS)

4.6. These are sites within the borough which are important at a county wide level and are presently under review and where appropriate will be subsumed into the Local Wildlife sites designation.

Milton Keynes Wildlife Sites

4.7. There are 16 and are equivalent of Local Wildlife Sites in other Buckinghamshire districts. These too are presently under review and where appropriate will be subsumed into the Local Wildlife sites designation. These are special places recognised for having high wildlife value or containing rare or threatened habitats and species.

Local Nature Reserve's (LNR's)

4.8. LNR's are statutory protected sites designated under Section 21 of the National Parks and Access to the Countryside Act 1949. An LNR designation demonstrates a commitment by the local authority to manage land for biodiversity, protect it from inappropriate development and provide opportunities for local people to enjoy wildlife. There is currently one LNR within Milton Keynes, the Blue Lagoon LNR.

Priority Habitats and Priority Species

4.9. Priority species and priority habitats are those that have been identified as being the most threatened and requiring conservation action under the UK Biodiversity Action Plan (UK BAP). The priority list is produced by the Joint Nature Conservation Committee (JNCC) and currently contains **1150 species**, and **65 habitats**.

4.10. These priority habitats and species are listed on the Section 41 list of the Natural Environment and Rural Communities Act 2006 and are considered to be Habitats and Species of Principle Importance.

4.11. The World Conservation Union (IUCN) assess the conservation status of species, subspecies, varieties and even selected subpopulations on a global scale in order to highlight taxa threatened with extinction, and therefore promote their conservation. The IUCN Red List uses a set of criteria relevant to all species to evaluate the extinction risk

- 4.12. Additionally, the Buckingham and Milton Keynes Biodiversity Action Plan¹¹ identify those habitats of importance for the county and include plans for their conservation and management.
- 4.13. Where proposed developments impact upon a Priority Habitat or notable and red list species the Council will expect the ecological impact to the habitat or species to be fully assessed and reported. Where those impacts would lead to significant harm to biodiversity, the mitigation hierarchy set out in paragraph 175 a) of the NPPF should demonstrably have been applied and an overall Biodiversity Net Gain delivered in accordance with paragraph 170(d) of the NPPF.
- 4.14. Where there is potential for a proposed development to cause harm to internationally, nationally or locally designated sites, protected or priority species or habitats, then the applicant shall undertake appropriate surveys and assessment to a nationally recognised standard; following BSI 42020¹², prior to the submission of a planning proposal (see Natural England Standing advice on protected species survey requirements for more details see Part 2). The information gained from the site survey and assessment should be up-to-date and sufficient to allow the impact of the development to be appropriately assessed.
- 4.15. The likelihood that a nature conservation feature will be affected by development proposals should be established before a planning application is submitted (Policy NE2). For further guidance to assess the likelihood of a nature conservation feature being affected by a development proposal see the Natural England's Standing Advice and Planning Application Validation: Milton Keynes Requirements for Biodiversity (Part 2).
- 4.16. Failure to provide accurate information in relation to biodiversity is a reason to refuse the registration of a planning application or will result in its subsequent refusal when considered against policy. The advance planning of ecological works should always be considered early in a project. Some developments may require the collation of ecological data over an extended period in order to present the most suitable scheme of mitigation.
- 4.17. Development proposals in Milton Keynes should maintain and protect biodiversity and should result in a measurable net gain in biodiversity, and if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or, as a last resort, compensated for then planning permission should be refused (Policy NE3, Para 170 and 174 NPPF). The net gains will have to be demonstrated when a planning application is submitted.

¹¹ <https://bucksmknep.co.uk/projects/forward-to-2020-biodiversity-action/>

¹² Biodiversity – Code of practice for planning and development BSI standards Publication BS 42020:2013

5. The Importance of Biodiversity within Development

- 5.1. Any development has the potential to impact (both negatively and positively) on local biodiversity through its effects on nature conservation features. Biodiversity is the genetic diversity within species, species diversity within ecosystems, and ecosystem diversity across landscapes. Furthermore, the services provided by healthy ecosystems indirectly benefit humans by, for example, purifying air and water, regulating climate, generating atmospheric oxygen and providing recreational opportunities.
- 5.2. The natural environment can be defined as having a dual function of contributing to local biodiversity and providing opportunities for people to experience and benefit from them. The benefits to local people provided by biodiversity can be far ranging. They include valuable ecosystem services such as mitigating the damaging effects of air pollution and climate change, as well as aesthetic and amenity benefits.
- 5.3. Developments have the potential to impact upon the natural environment both within the boundaries of the development as well sites adjacent and in certain circumstances a significant distance away, for example light and noise pollution changes in hydrology. As part of the development process these impacts need to be assessed and (if found to be negative) avoided, mitigated or as a last resort compensated for.
- 5.4. The natural environment can vary greatly from site to site in both appearance and size. Some features are obvious to identify and the impact of a development upon them equally obvious: the destruction through development of mature gardens or large areas of habitat, the removal of hedgerow, the removal of mature trees, destruction of badger setts within the development area etc. However, other nature conservation features are cryptic and can often be overlooked: bat roost under raised roof tiles and within roof voids, Great Crested Newt breeding in seasonal pools for example.
- 5.5. Developments which take into account the role and value of biodiversity can support economic diversification and contribute to delivering high quality environments throughout the Borough and therefore improving the quality of life benefits. Policy NE2 of the Plan:MK underlines the importance of protecting species and habitats. It does state that on sites that contains priority species or habitats, development should wherever possible promote their preservation, restoration, expansion and/or re-creation in line with Policy NE3.
- 5.6. Policy NE3 which addresses the biodiversity and geological enhancement matters requires development proposals to maintain and protect biodiversity and geological resources, and where possible deliver a measurable net gain in biodiversity. The recent NPPF goes further and requires under para 170 for the natural local environment to be protected by minimising impacts on the environment and providing net gains for biodiversity and para 174 speaks about pursuing opportunities for securing measurable net gains for biodiversity.
- 5.7. Careful consideration should be given to how to retain features of the existing site that have benefits for wildlife in general, not only for Protected Species and Priority Species (Plan:MK Policy NE1 C). These will include as much as possible the inclusion of existing hedges, mature trees and shrubs, unimproved grasslands, and natural watercourses, as naturalistic and inter-

connected features to be retained and enhanced for wildlife and as part of natural landscapes for people to enjoy. The natural features are part of the sites genius loci and therefore must be considered throughout the design and planning process. If significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or, as a last resort, compensated for then planning permission should be refused (Policy NE3).

- 5.8. Green Infrastructure (GI) is multi-functional open spaces, usually an inter-connected network. A key aspect of GI is biodiversity (Plan:MK Policy NE4). The network of green infrastructure throughout the Borough will be protected, extended and enhanced for its biodiversity, recreational, accessibility, health and landscape value and for the contribution it makes towards combating climate change. This is in accordance with the vision and principles set out by the Buckinghamshire and Milton Keynes NEP.¹³ Additional detail is contained within the MK Green Infrastructure Strategy.¹⁴
- 5.9. Development proposals will ensure that existing ecological networks are identified and wherever possible maintained to avoid habitat fragmentation, and that ecological corridors, including water courses, form an essential component of their green infrastructure provision to support habitat connectivity.
- 5.10. In line with recognised good practice and governmental policy on biodiversity and sustainability (NPPF 2019 & NERC 2006), all practical opportunities should be taken to harmonise the built development with the needs of wildlife. The NPPF seeks to provide a net enhancement to biodiversity through sustainable development. Any proposal must compensate for the loss of existing habitats and in addition, should demonstrate sufficient biodiversity enhancements to comply with current policies.
- 5.11. Current local and national policy requires all development to result in a measurable net gain for biodiversity. Opportunities exist to incorporate biodiversity improvements without compromising the commercial viability or functionality of the development.

Enhancement features for species

- 5.12. All bat and bird features provided should be purpose built, constructed from “woodcrete” or a similar, robust material and permanently built into structures in appropriate locations. Permanently installed bat and bird features are sustainable as they require minimal attention and last for the lifetime of the structure. Features hung from external walls or trees have a finite lifespan and are considered to offer temporary benefits for wildlife.
- 5.13. An appropriate level of provision of bat and bird features:
- 5.14.
- 1:4 for developments that provide significant areas of green infrastructure with high benefits for biodiversity.
 - 1:2 for developments with small areas of public open spaces or green infrastructure with low levels of biodiversity benefits.

¹³ <https://bucksmknep.co.uk/projects/vision-and-principles-for-the-improvement-of-green-infrastructure/>

¹⁴ <https://www.milton-keynes.gov.uk/planning-and-building/planning-policy/green-infrastructure-strategy>

1:1 for developments with no public open space provision.

- 5.15. Hedgehogs have entered the top 10 list of endangered species in the UK. Simple modifications to fences or solid walls between plots or adjacent to green spaces that enable permeability throughout the development significantly improve foraging opportunities for hedgehogs and other small mammals, reptiles and amphibians.
- 5.16. Lighting has the potential to disrupt foraging and commuting bats. Any lighting in areas near bat features provided as mitigation or enhancements, hedgerows or trees used by bats for navigation or foraging should be kept to a minimum, operated by time limited sensors and directed away from the features. Current industry best-practice guidance can be found in the Institute of Lighting Professionals Guidance Note 8 – “Bats and Artificial Lighting” (2018)¹⁵.
- 5.17. Incorporating features that would provide positive benefits for biodiversity into landscape proposals or modifying existing landscape management regimes will help to offset the negative effects of development¹⁶. Features such as:
- Ponds, swales and SUDs with suitable riparian edge management
 - Hedgerows, scrub cover
 - Wildflower meadows, flowering lawns, sedum mats or tussocky grass
 - Trees, shrubs and plants that provide habitat structure, nectar, pollen, seeds, nuts, berries and fruit as food sources should be incorporated into the landscape scheme.
 - Night scented plants - likely to attract insects which provide food for bats and winter flowering varieties are also beneficial for insects
 - Hibernacula and log piles if it can be demonstrated there is management in place
 - Minimising future use of herbicide and pesticide
 - Bat tubes, boxes or roof voids, bird nesting features,
 - Green walls and green or brown roofs
 - Insect features such as solitary bee bricks
 - Note this is an emerging area of both science and design of suitable features, applicants should seek guidance on the latest developments from their ecologist or landscape architect
- 5.18. Landscape plants must be sourced from bio-secure sources to ensure the spread of pathogens and pests is minimised. Landscape schemes should be biodiverse to reduce the spread of disease, maximise yearlong interest, provide opportunities for wildlife and manage the risk of a changing climate.
- 5.19. Retained features of biodiversity value; such as hedgerows, should not be incorporated into private gardens or property due to the difficulty in preserving them. Instead these features should be incorporated into the public realm to ensure their sustainability.

¹⁵ <https://cdn.bats.org.uk/pdf/Resources/ilp-guidance-note-8-bats-and-artificial-lighting-compressed.pdf?mtime=20181113114229>

¹⁶ Further information can be found in Designing for Biodiversity A Technical Guide for New and Existing Buildings (2nd edition – 2013) By Kelly Gunnell, Brian Murphy, Carol Williams.

Community Involvement

- 5.20. Improving the community's relationship with nature responds to the challenge of the climate emergency and wildlife loss by encouraging care and respect for the rest of the natural world. Engaging with the community and new residents throughout the development process increases levels of acceptance of the development and allows local views to shape the development. Engaging local people early on empowers them to become everyday monitors of the site.
- 5.21. Residents connected with nature will also be more likely to take action for nature - from simple actions at home, such as recycling or wildlife friendly gardening, to those requiring more commitment, such as giving time to take part in conservation volunteering, such as filling watering bags attached to street trees. Also, through a new, more connected relationship with nature people can live a happier, more worthwhile and sustainable life¹⁷.
- 5.22. The Centre of Ecology and Hydrology along with partner organisations has produced a toolkit including wildlife management options suitable for housing developments¹⁸. It also provides a guide on how best to improve green spaces for wildlife while involving residents in key decision making.
- 5.23. Detail should be provided of the biodiversity enhancements within a development to the new owners. It should also detail what features are incorporated in individual units/homes, what the purpose is and how to manage and maintain them. This information is required to ensure the sustainability of the features and to engage and empower owners in their local biodiversity.
- 5.24. The overview of the detail and method of communication of these enhancements should be included in the Landscape and Ecology Management Plan (LEMP), this is detailed further in Section 6.

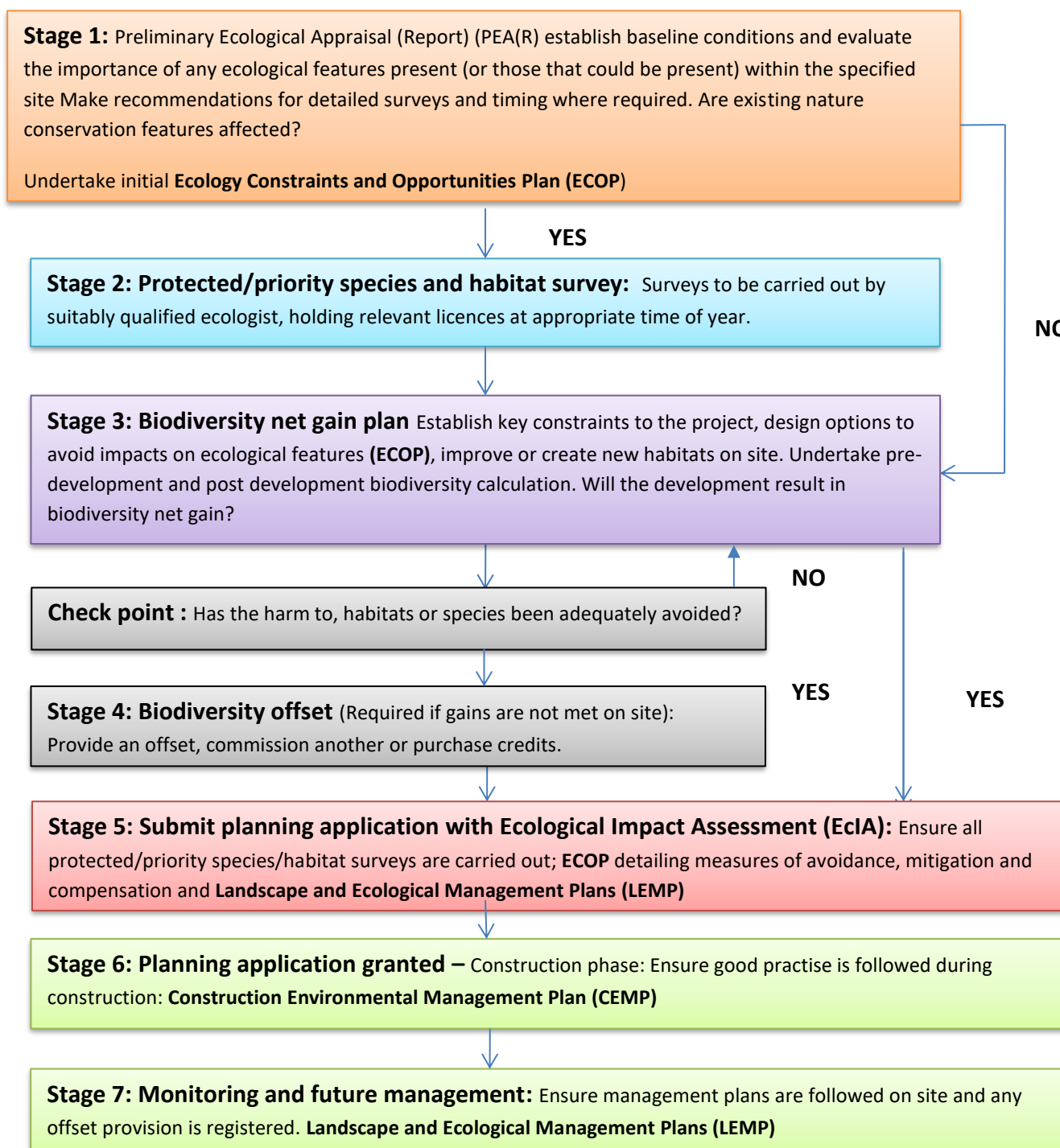
¹⁷ Martin, L., White, M. P., Hunt, A., Richardson, M., Pahl, S., & Burt, J. (2020). Nature contact, nature connectedness and associations with health, wellbeing and pro-environmental behaviours. *Journal of Environmental Psychology*, 101389

¹⁸ <https://www.shgroup.org.uk/about-us/sustainability/biodiversity-toolkit-increasing-biodiversity-in-urban-green-spaces/>

6. Step Guide to Building Biodiversity into Development

- 6.1. **The Council welcomes pre-application discussions, which are encouraged in national guidance as a means of dealing with any issues at the first stage of a proposed development being considered.** Such discussions may establish the potential impact of a development; helping to outline the scope of surveys and assessments required to support an application.

Table 1: Successfully Integrating Biodiversity into Development



By adopting the approach summarised above, applications are likely to progress expediently in relation to ecology and will comply with domestic legislation and demonstrate best practice i.e. Biodiversity. Code of practice for planning and development (BS42020) and Guidelines for ecological report writing ¹⁹ the Chartered Institute of Ecology and Environmental Management (CIEEM). Each stage is expanded in greater detail after the table 1.

Stage 1: Preparing to submit a planning application

- 6.2. Planning proposals in Milton Keynes have the potential of having a significant effect on existing nature conservation features. In most cases such damage can be avoided if the threat is established at the earliest stage in the development proposal. The likelihood of a proposed development negatively impacting upon a protected or priority species and/or habitat and/or other nature conservation can be understood by referring to the checklists and flow charts within both Natural England's Standing Advice and the Planning Application Validation: Milton Keynes Requirements for Biodiversity (Part 2). It is considered all developments will require a Preliminary ecological Appraisal as a minimum.
- 6.3. If after consulting the aforementioned documents, it appears likely that protected/priority species/habitats and/or other nature conservation features may be affected by the proposed development then ecological surveys will be required to be conducted and results submitted to the authority.
- 6.4. Attempts to exclude or remove nature conservation features could constitute a criminal offence and should never be undertaken. Pre-development biodiversity value is that on the date the application is submitted. However, if activities are carried out on the land after 30th January 2020 which would lower the biodiversity value then the pre-development biodiversity value immediately before the activities took place will be taken.²⁰
- 6.5. A Preliminary Ecological Appraisal (Report) (PEAR) will be required, this will provide the results of initial ecological surveys associated with a proposed development. The report is used to identify further ecological surveys necessary to inform an Ecology Impact Assessment (EclA), to identify ecological constraints to a project and make recommendations for design changes, and to highlight opportunities for ecological enhancement.
- 6.6. A PEAR can be used as a scoping report (for non-EIA projects), but should not be submitted as part of a planning application unless it can be determined that the project would have no significant ecological effects, no mitigation is required and no further surveys are necessary; with the exception of such cases it should be superseded by an EclA report (see below).
- 6.7. Reports should be proportionate to the predicted degree of risk to biodiversity and to the nature and scale of the proposed development. Consequently, report authors should only provide information that is relevant, necessary and material to the purpose identified, while

¹⁹A guide to Ecological Report Writing Available at: <https://cieem.net/resource/guidelines-for-ecological-report-writing/>

²⁰ Draft Environment Bill references 30th January 2020 as a base line

at the same time ensuring that adequate details are provided for the application to be determined

Stage 2: Protected/Priority species and Habitat Surveys

- 6.8. Applicants are advised to refer to Planning Application Validation: Milton Keynes Requirements for Biodiversity (Part 2), as well as Natural England’s Standing Advice for required survey standards. Surveys must be carried out by suitably qualified, licensed and experienced ecologists. It is important that planning decisions are based on up-to-date ecological reports and survey data. It is difficult to set a specific timeframe over which reports, or survey data should be considered valid, as this will vary in different circumstances. However, surveys older than 18 months are likely to require updating and those 3 years or more will in most cases be invalid, for more information see CIEEM guidance ²¹. If in doubt contact the council’s ecology department.
- 6.9. It is important to note that even should an ecological survey conclude that no protected or priority species are present on the application site, or that the development proposed will not cause habitat loss or have negative effect on biodiversity it is still required that the survey be submitted in full as part of the planning application.

Sharing Data

- 6.10. Survey data submitted with planning applications should also be provided to the Buckinghamshire and Milton Keynes Environmental Records Centre (BMERC²²) to ensure that knowledge of the sites nature conservation features is not lost.

Stage 3: Biodiversity gain plan

- 6.11. The plan details the approach to the mitigation hierarchy to minimise adverse onsite effects from the development, details the pre–development biodiversity and the post-development value and how any short fall in the net gain is to be compensated for. The plan should include the proposed management structure and future maintenance regime to ensure sustainability. The plan should follow the guidance set out in CIEEM’s Biodiversity-Net-Gain-Principles ²³

Mitigation

- 6.12. Mitigation consists of measures taken to avoid or reduce negative impacts on species or habitats. Measures may include locating a development and its working areas and access routes away from areas of high ecological interest, fencing-off sensitive areas during a construction period, or timing works to avoid sensitive periods.

²¹ <https://cieem.net/wp-content/uploads/2019/04/Advice-Note.pdf>

²² erc@buckscc.gov.uk

²³ <https://cieem.net/wp-content/uploads/2019/02/Biodiversity-Net-Gain-Principles.pdf>

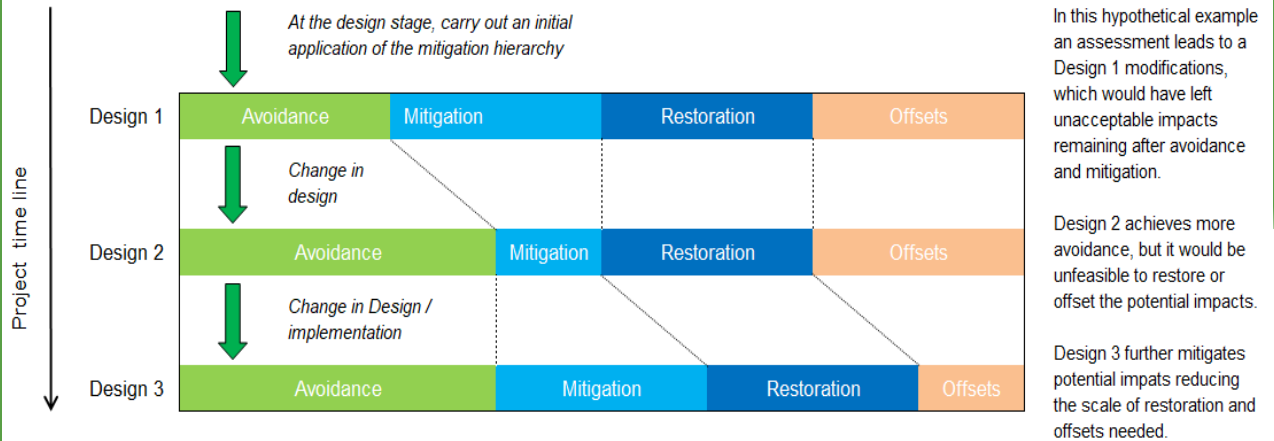


Table 2: Mitigation hierarchy: Successfully Integrating Biodiversity into Development.

- 6.13. Some forms of mitigation may be relatively simple such as avoiding the bird breeding season whilst undertaking vegetation clearance. Other requirements such as those associated with avoiding harm to bats during building works at a known bat roost may be more complex. Such works may require the input of a licensed ecologist to oversee the work.
- 6.14. The findings of ecological surveys should be taken into careful consideration at the earliest design stage of a development. Possible conflicts can be addressed by having the information available at the right stage and by taking an imaginative approach to site design to avoid harm, informed by advice from an ecologist as part of the design team. The objective should be to mitigate potentially negative impacts and integrate existing biodiversity into the scheme. Impacts on existing nature conservation features should be avoided wherever possible and any residual impacts should be minimised.
- 6.15. In assessing the potential impact of a proposal on biodiversity, applicants should ensure that all stages of the development are considered. Frequently the disturbed area of the development site during construction is greater than that normally shown on application drawings. Impacts may also extend beyond the site boundary long after construction has completed, for example due to shading, increased light pollution or predation by domestic pets. Damaging impacts on the integrity of networks of habitat through fragmentation should also be considered. One of the issues may be a potential impact of lighting on habitats (Policy NE6). There may be a need to assess the effects of proposed habitat beyond the site boundary.
- 6.16. Applicants should ensure that they take account of the potential effects of a development on all the life stages of protected/priority species, taking account of the following essential requirements: Food Water Shelter Reproduction and Dispersal.
- 6.17. The potential habitat fragmentation and isolation effects of a development on the wider environment should be considered. For example, removing a hedgerow or line of trees could sever a bat feeding route with consequential effects on a breeding colony, even if the colony itself is preserved. Developers should therefore use appropriate plant species (in relation to

planting and landscaping schemes), the creation of buffer zones, steppingstone habitats and wildlife corridors to ensure the development is integrated into the wider environment.

- 6.18. Increased permeability across gardens by the means of hedgehog tunnels and other features should be included where appropriate. Advice on the purpose and maintenance of any features or planting within private gardens or on homes should be provided to residents. If temporary features such as log piles are included, it must be demonstrated through the management plan how this will be sustained. If such features are included the new owners of the properties must be informed as to the purpose of the features and the requirement to maintain them.
- 6.19. Applicants should also consider that some potential effects will be acute and easily detectable, while others may be long term and may only become apparent some months or years after construction is complete. For example, hydrological changes due to the development may render a retained pond moribund without consideration to future inflows. The wider externalities of the proposed development must also be considered such as increased noise and light pollution on the biodiversity, both on site and the surrounding.
- 6.20. Should the Biodiversity Impact Assessment calculate a residual loss or insufficient net gain to biodiversity once the mitigation hierarchy has been followed and the development is in accordance with all other local and national planning policy and legislation, it may be suitable to reconsider the scope of the development, nature of the biodiversity enhancement scheme, landscape design and soft landscape management regime of the site as changes to a prescription can deliver significant benefits. Newly created or enhanced habitats that link together existing biodiverse-rich areas provide greater benefits than isolated features. Biodiversity enhancement and soft landscape schemes should be supported by management plans that ensure sustainability and maximise biodiversity potential for the long-term.

Pre-development biodiversity and the post-development value

- 6.21. The term Biodiversity Accounting in this guidance document is made in reference to the UK Biodiversity Net Gain Metric approach. This is also known as Biodiversity Offsetting. Government (Defra) through Natural England is developing a biodiversity net gain metric to be used within the planning system to measure biodiversity impacts of a development. At present any requirements for percentage figures for net gain will be set by negotiation with the Local Planning Authority and in accordance to Plan:MK policies, NPPF and other material considerations. The draft Environment Bill is setting the biodiversity objective to a minimum of 10% increase over the predevelopment condition and this likely will become compulsory. The 10% biodiversity net gain requirements are currently expected to come into effect during a two-year transition period which begins when the Environment Bill receives Royal Assent.
- 6.22. From the initial concept through to the detailed design and assessment of a development scheme is an iterative process. The identification of biodiversity constraints and opportunities and an assessment of likely ecological impacts should be considered throughout the process and evidenced in an Ecological Constraints and Opportunities Plan (ECOP).

- 6.23. All professionals working in planning and development should collaborate in order to achieve the best practical and sustainable options for integrating biodiversity into the overall scheme design. In particular, because of their complimentary knowledge and skills, collaborative input from ecologists and landscape architects should be sought from the start of a project wherever possible, to:
- A) highlight opportunities and constraints;
 - B) allow effective integration of these aspects into the design proposals to provide multiple benefits and to avoid potential design conflicts at a later stage;
 - C) meet the requirements of policies that demand an interdisciplinary approach (e.g. landscape, biodiversity and green infrastructure strategies); and
 - D) identify and advise on the need to obtain any other environmental consents that might also be required in addition to planning permission especially where these may be sought in advance of, or in parallel with, the planning application process.
- 6.24. The council requires all development proposals of 5 or more dwellings or non-residential floorspace in excess of 1,000m² losses/gains to the biodiversity value occurring to a site through development to be measured (Policy NE3). Where habitat is to be lost its value must first be calculated to ensure any compensatory habitat creation is of greater value.
- 6.25. Delivering biodiversity compensation in a measurable way is essential to demonstrating that a net-gain to biodiversity value is likely to be achieved by a development. Where measurable compensation is delivered beyond the boundaries (red and blue lines) of an application it is termed 'biodiversity offsetting' – see stage 4. Before compensation or biodiversity offsetting can occur the value of the habitat to be lost must be calculated. Calculating biodiversity units comprises of **6 distinct steps**:
- Step 1 – Map the habitat type(s) impacted by your development.
 - Step 2 – Assess the baseline condition of each habitat
 - Step 3 – Apply 'avoid, mitigate, compensate' hierarchy to understand the residual biodiversity loss through the ECOP process
 - Step 4 – Combine the habitat type and condition weighting to calculate an overall number of biodiversity units.
 - Step 5 – Work out if you have particular requirements for the type of offset you will need to provide
 - Step 6 – Decide how you want to provide compensation
- 6.26. Where, development would result in significant harm to a protected/priority species/habitat appropriate planning conditions or obligations will be required to adequately mitigate and/or compensate for the harm.

Compensation

- 6.27. Compensation is the process of providing species or habitat benefits specifically to make up for the loss of, or permanent damage to, biodiversity through the provision of replacement habitats. It should not be regarded as an alternative to avoidance and should only be considered if avoidance is unachievable and the value of the proposed scheme is deemed to outweigh the environmental impact. The integrity of a nature conservation site can be adversely affected by a damaging development affecting a proportion of it, even if

compensatory measures are carried out elsewhere, see Stage 4 Biodiversity Offsetting. For compensation to be acceptable, the importance of the development must also clearly outweigh the harm caused.

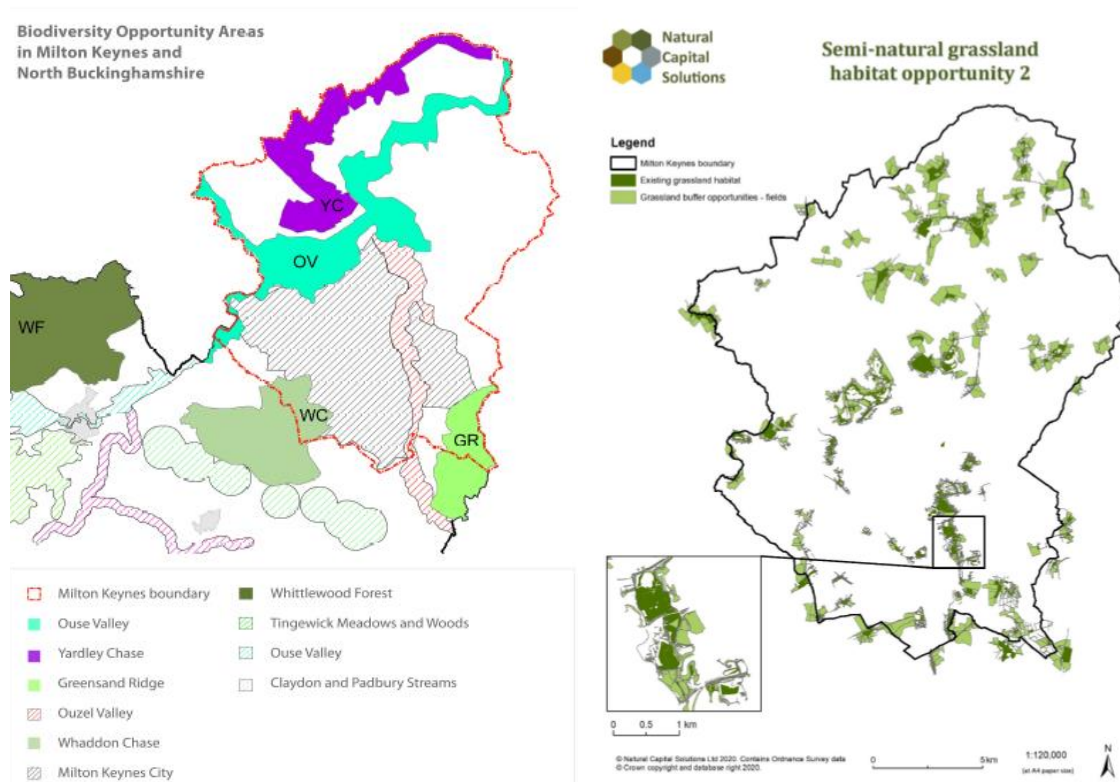
- 6.28. Biodiversity Net Gain does not apply for impacts on irreplaceable habitats (and statutory designated sites) as it is not possible to achieve a net gain if these are harmed. NPPF defines irreplaceable habitats as those that would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, considering their age, uniqueness, species diversity or rarity.
- 6.29. Compensation must be measurable and can take the form of:
- The creation of new nature conservation features/habitats within the development site to replace those lost or damaged.
 - Improvement to the condition of existing habitats on site.
 - The creation of new nature conservation features/habitats in the Borough of Milton Keynes to replace those lost or damaged i.e. biodiversity offsetting scheme. Applicants should ensure that new biodiversity benefits are fully integrated through the development scheme, and not fragmented into isolated pockets or restricted to peripheral parts of the development site.
- 6.30. Planning policy requires development to protect where possible and enhance nature conservation features; local planning authorities are expected to actively pursue and maximise such improvements. All development in Milton Keynes should result in a net gain for biodiversity (Policy SD1), this must be demonstrated when a planning application is submitted. Compensation shall be considered as the last resort, with preference always given to protection in entirety followed by appropriate mitigation.

Stage 4: Biodiversity Offsetting

- 6.31. All applicants entering compensation stage must engage with the local authority at this time if they have not already done so. On site compensation and biodiversity offsetting schemes should produce habitats of measurably greater biodiversity value than what will be lost through the development. At present, any requirements for biodiversity offsetting increase or 'replacement percentage' are set by negotiation with the Local Planning Authority and in accordance to Plan:MK policies, NPPF and other material considerations. The draft Environment Bill is setting the minimum increased amount or 'replacement percentage' to be set at 10%²⁴ above the biodiversity unit value of the habitats lost. This likely will become compulsory (see para 6.19) with any off-site biodiversity enhancement to be registered and maintained for at least 30 years.
- 6.32. Before a Biodiversity Accounting Scheme can commence, the existing baseline habitats on the land intended for compensation will need to be valued in biodiversity units by undertaking a Biodiversity Impact Assessment (BIA), using a similar method outlined in Steps 1 to 4 above. In addition to this BIA, a Spatial Factor will be included.

²⁴ Draft Environment Bill: schedule 7a 2 (3)

6.33. The Spatial Factor is an incentivising factor that promotes compensation to support sub-regional strategies – for example those focussing efforts in Biodiversity Opportunity Areas and other strategic sites.



Map 2. Biodiversity Opportunity Mapping (example).

6.34. To further assist applicants with any biodiversity offsetting scheme Milton Keynes Council, through the Natural Environment Partnership, has produced a Biodiversity Opportunity Map (map 2 is an example²⁵). The interactive map highlights areas within the district where habitat creation would produce the greatest strategic gains to conservation and so would represent the authorities preferred locations. Additional mapping of Ecosystem Services provides a suite of maps to help locate suitable off-set location and habitats.

6.35. The preference is that that Milton Keynes Council arranges the schemes, directed by the Ecology team. However, in cases where compensation is arranged through a third-party broker, a reporting fee, payable to the Local Planning Authority will be required. This fee is to keep a register of compensation sites, monitor their progress, and ensure the NEP can monitor sub-regional priorities that have been adopted by the authority. Milton Keynes Council will also use this information in their Annual Monitoring Report to measure the effectiveness of their Biodiversity Net Gain, Nature recovery Strategy and wider environmental policies.

²⁵ The interactive BOAs map is available at: <https://bucksmknep.co.uk/biodiversity-opportunity-areas-map/>

- 6.36. Proposals for off-site compensation measures, collectively referred to as a Biodiversity Accounting Scheme, will require:
- a) A methodology for the identification of any receptor site(s) for accounting measures;
 - b) The identification of any such receptor site(s);
 - c) The provision of arrangements to secure the delivery of any compensation measures (including a timetable for their delivery); and
 - d) A Biodiversity Accounting Management and Monitoring Plan including details of the provision and maintenance of any compensation measures.

Commuted Sums

- 6.37. As previously detailed, in certain circumstances it may not be possible for a developer to either mitigate or compensate for the negative impact of their development on the nature environment within the development site or wider area; however, the development may still be justified. In such circumstances a biodiversity offset should be provided. The appropriateness of all biodiversity offsetting schemes shall be assessed by the Ecology Team.
- 6.38. Applicants must also take account of the wider green infrastructure network and ecological context of the development to ensure opportunities to promote the connectivity of habitats are maximised (as detailed in policy NE4). Urban environments may offer opportunities to retrofit green infrastructure and provide protection of natural resources, including air quality, ground and surface water and soils within design plans. Green infrastructure provision should incorporate the local character and distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through and access to and contact with nature. Applicants must provide details in a Landscape and Ecological Management Plan (LEMP) of proposed biodiversity enhancements and net gains, informed by expert advice, with planning applications. The LEMP provides details and specifications for the management of habitats and other features of biodiversity interest. Preparation of the LEMP should, where appropriate, follow the general guidance set out in out in BS42020 clause 11.1.
- 6.39. Should the scheme be deemed as inappropriate (i.e. the wrong habitat in the wrong location; considered unlikely to succeed etc.), then the scheme will need to be amended or a biodiversity offsetting scheme on an alternative site put forward. If an applicant is unable to locate and secure an appropriate site on which an approved biodiversity offsetting scheme can be created then this will often necessitate a financial payment to the council via a planning obligation, secured through a S.106 Agreement.
- 6.40. The purpose of such a payment would be to pay for the council to secure adequate compensatory measures and to ensure the sustainable development objectives of local planning policy are achieved. In each instance the required commuted sum is determined by the Ecology Team via a bespoke calculation which accounts for the real costs of habitat creation/enhancement, the ongoing maintenance and a management fee to provide the offset. The detail of the process can be found on the Councils web pages.

Translocation

6.41. If legally protected species are involved, in some cases translocation may be the only compensation option available. As part of a submitted planning application, translocation proposals must be described in detail. All details regarding the creation of areas of compensatory habitat as part of a development scheme should be presented to the local authority as part of a Construction Environmental Management Plan (CEMP) or Habitat Management Plan (HMP) as appropriate.

Stage 5: Submitting a Planning Application

6.42. By the time a planning application is ready for submission the applicant shall be able to provide to the authority:

1. All protected/priority species/habitat surveys highlighted as required by Natural England's standing advice Planning Application Validation: Milton Keynes Requirements for Biodiversity
2. A detailed mitigation and or compensation scheme guided by the results of previously undertaken surveys (where applicable) An explanation, with evidence, of the assessment and decision-making process and the reasons for a particular course of action or piece of advice should be clearly documented and made available where required and/or necessary.;
3. Demonstrate how the development will achieve the biodiversity net gain. Developers should have regard to the draft Environment Bill. Under the future Act it is likely that the developer will need to be able to demonstrate a minimum of 10% benefit to biodiversity to be delivered by the application.

6.43. Submission of these documents will greatly assist in the speedy arrival of a decision on your planning application.

Stage 6: Planning Permission Granted: The Construction Phase

6.44. During construction it is essential that steps are taken to ensure all personnel understand the nature conservation objectives of the development, these should be laid out in a Construction Environmental Management Plan (CEMP). On developments which include a mitigation strategy; ensuring that appropriate steps are taken to safe-guard nature conservation features and that all individuals working on the development are suitably informed will likely be a condition of planning approval. Nature conservation reports should describe the measures which will be taken to ensure existing nature conservation features should be conserved during the construction phase. Such reports should also address:

- identification of and contact details for responsible personnel,
- timing of works to minimise the risk of disturbance to protected and other species,
- procedures for dealing with unexpected discoveries, such as previously undetected protected species or injured wildlife. If a protected species is found, even after planning permission has been granted, the developer should stop work immediately and contact Natural England for further advice.

The appointment of an Ecological Clerk of Works (ECoW) maybe appropriate on larger or more sensitive developments to oversee the management of the risks on construction sites associated with managing biodiversity.

6.45. **Planning permission being granted does not in any way relinquish or diminish the applicant's legal responsibilities when dealing with any protected species (National or European) (see Part 2).**

Stage 7: Monitoring and Future Management

6.46. Planning applications should include costed maintenance specifications and monitoring proposals for each of the nature conservation features addressed and describe how these aspects would be implemented. This could include a description of the resources required, the personnel involved and a procedure for ensuring that any new owner/occupiers are made aware of their responsibilities.

Part 2: Identifying requirements for Biodiversity & Geological Conservation as part of your planning application

1. About this document

1.1. This document is based on guidance from the British Standard BS4202; Biodiversity — Code of practice for planning and development. By checking your proposal against the requirements detailed in this document, it will help you to ensure that your application is valid with regards to biodiversity and geological conservation. This primarily means that you will have provided, where required, sufficient and up-to-date information to determine the application lawfully and in accordance with relevant planning policy.

2. When is ecological information required?

2.1. Milton Keynes Council (MKC) has a duty to consider the conservation of biodiversity when determining a planning application. The presence of a protected species is a material consideration.

2.2. This includes having regard to the safeguarding of species protected under:

- The Wildlife and Countryside Act 1981,
- The Conservation of Habitats and Species Regulations 2010, as amended or the Badgers Act 1992.
- Species and habitats listed under section 41 of the Natural Environment and Rural Communities Act (2006)
- Species identified within the Buckinghamshire and Milton Keynes Biodiversity Action Plan

2.3. Ecological Information is anticipated to be required to support all major development applications. Minor developments which include the removal of vegetation or that have the potential to impact a feature used by a protected or priority species will also be anticipated to submit ecological information in support of the planning application (see Table 1). Ecological information will normally take the form of a Preliminary Ecological Appraisal (PEA) with additional surveys for individual species undertaken as recommended by the findings within the PEA. A Protected Species Survey and Assessment should be provided for each species. An Ecological Impact Assessment is a useful way to demonstrate how a development scheme accords with relevant planning policy and legislation as well as being a required component for development requiring an Environmental Impact Assessment.

3. Ensuring that ecological information provided is adequate

3.1. All information accompanying an application should be prepared and presented so that it is fit to inform the decision-making process. As such it should be:

1. Appropriate for the purpose intended and obtained using appropriate scientific methods of ecological investigation and study.
2. Sufficient in terms of:
 - a) The scope of study;
 - b) Identifying the habitats likely to be affected;
 - c) Identifying the species likely to be affected;
 - d) Consideration of the ecological processes upon which habitats and species and system function are dependent;
 - e) Coverage of a sufficiently wide area of study appropriate for the requirements of the species or feature of interest, including connected systems (e.g. downstream);
 - f) Undertaken over a sufficient period of time and at an appropriate time of year to reveal enough details of populations or habitat characteristics;
 - g) Being sufficiently up to date (e.g. should ideally be from the current year or as recent as possible and not more than 2 years old).
 - h) The identification of risks e.g. spread of pathogens or invasive non-native species.

PLEASE NOTE: The shelf life of any given survey depends on the type of survey undertaken and whether environmental conditions within the study area were “normal” or unusual at the time undertaken (e.g. extreme weather), or are likely to have changed or remained the same. The greater the recent change, the greater the need for up-to-date information. Species mobility will also be relevant.

- 3.2. The ecological information should be understandable by non-specialists (i.e. include a nontechnical summary), be substantiated throughout with clear evidence, be true and accurate, and follow good practice guidelines.
- 3.3. Table 1 details a trigger list which identifies situations where biodiversity is likely to be affected by development and, where relevant, information should be submitted with the application. Part 1 with respect to protected species and species of principal importance whilst Part 2 covers designated sites, priority habitats and features of biodiversity importance, and features of geological conservation importance. These should generally include applications likely to affect:
 - a. Internationally and nationally designated statutory sites;
 - b. European and nationally protected species;
 - c. non-statutory designated sites;
 - d. Priority habitats and species; and
 - e. Significant populations of national or local Red List or notable species.

3.4. **Annex A** provides a guide to the process the council should use to validate a planning application using the biodiversity and geodiversity conservation requirements. Where an applicant has been advised during pre-application discussions, or have themselves identified that they need to provide information on biodiversity with their planning application, they should ensure that what is submitted is sufficient to enable the decision-maker to validate and register the application.

PLEASE NOTE:

Failure to provide all the information required might mean an application is not “valid” and is not considered or determined.

3.5. Where such information is not submitted, or is insufficient, the decision-maker should first consider any argument put forward formally by the applicant that such information is not required in their case. If the applicant’s argument is accepted, no further information should be required. If, however, further information is required, the decision maker should delay validation and registration for a specified period to allow time for the identified information to be provided, and then, if this is not provided or is still not sufficient:

- a. suggest the applicant withdraws the application;
- b. judge that the application is not valid and decline to register it; or
- c. register the application and then refuse it on the grounds that there is insufficient information to make a lawful determination.

3.6. The process described in Annex B recognises that, in the first instance, an application is likely to be validated by administration staff when MKC first receives an application.

3.7. The council will be able to check and verify information provided by applicants against their own data as part of the validation exercise (where they have access to GIS alert maps), for instance by checking the location of proposed development to establish whether it is near any types of designated sites specified in their local requirements checklist.

3.8. Great Crested Newts are a relative abundant species in Milton Keynes but Nationally they have seen dramatic declines in their populations over the last 60 years and are protected under UK and EU law. Despite these protections, the populations of GCN have continued to decrease. District licensing is a new approach to authorising developments affecting great crested newts (GCN), by focusing conservation effort where it will create maximum benefit whilst reducing delays, costs, risks and uncertainty for developers. Milton Keynes is covered by a district licence scheme; more detail is available from the scheme manager at the Council.

3.9. The Buckinghamshire and Milton Keynes Environmental Records Centre (BMERC) may also be able to provide invaluable information for this purpose.

Contact Details:

BMERC Office address: County Hall, Walton Street, Aylesbury, Bucks, HP20 1UY

Telephone: 01296 382431 Email: erc@buckscc.gov.uk

Local Requirements for Protected Species, UK Priority Species and Species

4. Listed in the Milton Keynes and Buckinghamshire Biodiversity Action Plan.

- 4.1. Where a proposed development is likely to affect protected, priority and notable species, the applicant must submit a *Protected Species Survey and Assessment*.
- 4.2. If the application involves any of the development proposals shown in Table 1 (Column 1), a protected species survey and assessment must be submitted with the application. Exceptions to when a survey and assessment may not be required are also explained in this table. The survey should be undertaken and prepared by competent persons with suitable qualifications and experience. It must be carried out at an appropriate time and month of year, in suitable weather conditions and using nationally recognised survey guidelines and methods where available¹.
- 4.3. The survey may be informed by the results of a search for ecological data from a local environmental records centre. The survey must be to an appropriate level of scope and detail and must:
- Record which species are present and identify their numbers (may be approximate);
 - Map their distribution and use of the area, site, structure or feature (e.g. for feeding, shelter, breeding).
- 4.4. The Assessment must identify and describe potential development impacts likely to harm the protected species and/or their habitats identified by the survey (these should include both direct and indirect effects both during construction and afterwards). Where harm is likely, evidence must be submitted to show:
- How alternatives design or locations have been considered;
 - How adverse effects will be avoided wherever possible;
 - How unavoidable impacts will be mitigated or reduced;
 - How impacts that cannot be avoided or mitigated will be compensated.
- 4.5. In addition, proposals are to be encouraged that will enhance, restore or add to features or habitats used by protected species. The Assessment should also give an indication of how species numbers are likely to change, if at all, after development e.g. whether there will be a net loss or gain.
- 4.6. The information provided in response to the above requirements are consistent with those required for an application to Natural England for a European Protected Species Licence. A protected species survey and assessment may form part of a wider Ecological Assessment and/or part of an Environmental Impact Assessment. Further information on appropriate survey methods can be found in Guidance on Survey Methodology published by the Chartered Institute of Ecology and Environmental Management.

5. Optimal survey times

- 5.1. For certain species and habitats surveys can be carried out at any time of year, but for other species, particular times of year are required to give the most reliable results, as indicated in Table 2, note this is intended only as a guide and the services of a suitably qualified ecologist should be sort at the earliest opportunity to avoid delay latter in the process. Surveys conducted outside of optimal times may be unreliable. For certain species (e.g. Great Crested Newt) surveys over the winter period are unlikely to yield any useful information. Similarly, negative results gained outside the optimal period should not be interpreted as absence of a species and further survey work maybe required during the optimal survey season. This is especially important where existing surveys and records show the species has been found previously on site or in the surrounding area. An application may not be valid until survey information is gathered from an optimum time of year.
- 5.2. Species surveys are also very weather dependent so it may be necessary to delay a survey or to carry out more than one survey if the weather is not suitable, e.g. heavy rain is not good for surveying for otters, as it washes away their spraint (droppings). Likewise, bat surveys carried out in wet or cold weather may not yield accurate results.

Absence of evidence of a species does not necessarily mean that the species is not there, nor that its habitat is not protected (e.g. a bat roost is protected whether any bats are present or not).

- 5.3. Milton Keynes and Buckinghamshire Biodiversity Recording and Monitoring Centre may have useful existing information and records. Competent ecologists should carry out any surveys. Where surveys involve disturbance, capture or handling of a protected species, then only a licensed person can undertake such surveys (e.g. issued by Natural England). Surveys should follow published national or local methodologies. Further details may be found at www.cieem.net.

ANNEX B

Table 1: Local Requirement for Protected Species, UK BAP Species of Principal Importance (Priority Species): Criteria and Indicative Thresholds (Trigger List) for when a Survey and Assessment is Required.

	Bats	Barn Owls	Breeding Birds	Gt. Crested Newts	Otters	Dormouse	Water Vole	Badger	Reptiles	Amphibians	Schedule 8 Plants & Fungi	Rare Arable plants	Other BAP Species
Proposals for Development that will trigger a protected species survey													
Proposed development which includes the modification conversion demolition or removal of buildings and structures (especially roof voids) involving the following:													
Agricultural buildings (e.g. farmhouses and barns) particularly of traditional brick or stone construction and/or with exposed wooden beams greater than 20cm thick;													
Buildings with weather boarding and/or hanging tiles that are within 200m of woodland and/or water													
Pre-1960 detached buildings and structures within 200m of woodland and/or water;													
• pre-1914 buildings within 400m of woodland and/or water;													
• pre-1914 buildings with gable ends or slate roofs, regardless of location;													
Tunnels, mines, kilns, icehouses, adits, military fortifications, air raid shelters, cellars and similar underground ducts and structures;													
Bridge structures (especially over water and wet ground).													
Proposals involving lighting of churches and listed buildings or flood lighting of green space within 50m of woodland, water, field hedgerows or lines of trees with obvious connectivity to woodland or water.													
Proposals affecting woodland, or field hedgerows and/or lines of trees with obvious connectivity to woodland or water bodies.													

ANNEX B

Species	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Badgers												
Bats (Hibernation Roosts)												
Bats (Summer Roosts)												
Bats (Foraging/Commuting)												
Birds (Breeding)												
Birds (Over Wintering)												
Dormice												
Great crested Newts Terrestrial Habitat												
Great crested Newts Aquatic Habitat												
Invertebrates												
Natter jack Toads												
Otters												
Reptiles												
Water Voles												
White-clawed Crayfish												
Habitats/Vegetation												

6. Exceptions for when a full species survey and assessment may not be required

- 6.1. The following represent situations where a full species survey and assessment may not be required:
- a. Following consultation by the applicant at the pre-application stage, MKC has stated in writing that no protected species surveys and assessments are required.
 - b. If it is clear that no protected species are present, despite the guidance in the above table indicating that they are likely, the applicant should provide evidence with the planning application to demonstrate that such species are absent (e.g. this might be in the form of a brief report from a suitably qualified and experienced person, or a relevant local nature conservation organisation).
 - c. If it is clear that the development proposal will not affect any protected species present, then only limited information needs to be submitted. This information should, however,
 - (i) demonstrate that there will be no significant effect on any protected species present and
 - (ii) include a statement acknowledging that the applicant is aware that it is a criminal offence to disturb or harm protected species should they subsequently be found or disturbed. In some situations, it may be appropriate for an applicant to provide a protected species survey and report for only one or a few of the species shown in the Table above e.g. those that are likely to be affected by a particular activity. Applicants should make clear which species are included in the report and which are not because exceptions apply. In all cases exceptions should be agreed in writing by the Council Ecologist.

Local Requirements for Designated Sites, Priority (BAP) Habitats, Habitats

7. Listed in the Milton Keynes and Buckinghamshire Biodiversity Action Plan and Geological Conservation

- 7.1. Milton Keynes Council (MKC) has a duty to consider the conservation of biodiversity when determining a planning application; this includes having regard to the safeguarding of designated sites and priority habitats. Where a proposed development is likely to affect such a site, habitat or geological feature, the applicant must submit an Ecological/Geological Survey and Assessment.
- 7.2. If the application is likely to affect any of the designated sites, priority habitats or biodiversity features listed in Table 3 or geological features listed in Table 4, a survey and assessment for the relevant feature must be submitted with the application. Exceptions to when a survey and assessment may not be required are also explained in these tables.
- 7.3. The Survey should be undertaken and prepared by competent persons with suitable qualifications and experience and carried out at an appropriate time and month of year, in suitable weather conditions and using nationally recognised survey guidelines/methods. The

survey may be informed by the results of a search for ecological or geological data from a local environmental records centre. The survey must be to an appropriate level of scope and detail and must:

- Record which habitats and features are present on and where appropriate around the site;
- Identify the extent/area/length present;
- Map their distribution on site and/or in the surrounding area shown at an appropriate scale.
- Identify and describe potential development impacts likely to harm designated sites, priority habitats, other listed biodiversity features or geological features (these should include both direct and indirect effects both during construction and afterwards).

7.4. Where harm is likely, evidence must be submitted to show:

- How alternative designs or locations have been considered;
- How adverse effects will be avoided wherever possible;
- How unavoidable impacts will be mitigated or reduced;
- How impacts that cannot be avoided or mitigated will be compensated.

7.5. In addition, proposals are to be encouraged that will enhance, restore or add to designated sites priority habitats, other biodiversity features or geological features. The Assessment should give an indication of likely change in the area (hectares) of priority habitat on the site after development e.g. whether there will be a net loss or gain. An ecological/geological survey and assessment may form part of a wider Environmental Impact Assessment. Figure 1 shows a Biodiversity Checklist to guide applicants in considering biodiversity on a site.

Table 3. Local Requirements for Designated Sites and Priority Habitats and Habitats Listed in the Milton Keynes and Buckinghamshire Biodiversity Action Plan: Criteria (Trigger List) for When a Survey and Assessment are required

<p>DESIGNATED SITES (as shown on the Council’s Development Plan Proposals Map)</p> <p>Internationally; Special Protection Area (SPA) Special Area of Conservation (SAC) Ramsar Site</p> <p>Nationally; Site of Special Scientific Interest (SSSI) National Nature Reserve (NNR)</p> <p>Regional and local; County Wildlife Sites (CWS) Milton Keynes Wildlife Sites, MK Wildlife Corridors Local Nature Reserve (LNR) Biological Notification Sites (BNS)</p>
<p>PRIORITY HABITATS (Habitats of Principal Importance for Biodiversity under S.41 of the NERC Act 2006) (BAP)</p> <ul style="list-style-type: none"> • Arable field margins • Coastal and floodplain grazing marsh • Hedgerows • Lowland calcareous grassland • Lowland dry acid grassland • Lowland fens • Lowland heathland • Lowland meadows • Lowland mixed deciduous woodland (both ancient and secondary) • Open mosaic habitats on previously developed land • Ponds • Purple moor-grass and rush pastures • Reedbeds • Rivers • Traditional orchards • Wet woodland • Wood-pasture and parkland
<p>LOCAL CHARACTER BAP HABITATS (as identified by the -Buckinghamshire & Milton Keynes Natural Environment Partnership see paragraph 84 ODPM Circular 06/2005))</p> <p>Urban / Built Environment (e.g. parks, gardens, allotments, road verges and railway embankments)</p>

Table 4: Local requirements for designated geodiversity sites and features. - Criteria (Trigger List) for

DESIGNATED SITES (as shown on the Council's Development Plan Proposals Map) Nationally; Site of Special Scientific Interest (SSSI) National Nature Reserve (NNR) Regional and local; Local Geological Sites (LGS) Local Nature Reserve (LNR)

Exposure of Extensive Sites

- Active quarries and pits
- Disused quarries and pits
- Coastal cliffs and foreshore
- River and stream sections
- Inland outcrops
- Exposure underground mines and tunnels
- Extensive buried interest
- Road, rail and canal cuttings

Integrity Site

- Static (fossil) geomorphological
- Active process geomorphological
- Caves
- Karst

Finite Site

- Finite mineral, fossil or other geological
- Mine dumps
- Finite underground mines and tunnels
- Finite buried interest

ANNEX A

The following outlines recommended procedures for Council staff to ensure biodiversity and geological conservation issues are addressed adequately in the validation of planning applications.

Application Received

Initial Checks (see note a)

Check 1: Has the applicant answered 'yes' to questions (a), (b) and (c) of the Biodiversity and Geological Conservation question' on the standard application form?

Check 2: Has the applicant indicated with reference to Tables 1, 2 and 3 in the Local Requirements what, if any, Protected & BAP Species, Designated Sites, Priority & BAP Habitats and Geological Features could potentially be affected?

Check 3: Is MKC satisfied with the responses provided by the applicant? (See note b)

Check 4: Has the applicant submitted all necessary surveys and assessments specified in the Local Requirements (e.g. triggered by a 'yes' to any question in Tables 1, 2 or 3)? (See note c)

Check 5: Has the applicant claimed that exceptions apply – as explained in Tables 1, 2 or 3?

Check 6: Is MKC satisfied that exceptions do apply?

Initial Determination

Check 7: Do surveys and assessments submitted contain sufficient information to describe features present, to assess potential impacts and to propose adequate mitigation, compensation and enhancement? (See note e)

Final Determination The application can be determined taking account of information submitted and any other data required to evaluate the potential effects of the proposed development on biodiversity and geological conservation (see note f).

Note (a) It is intended that the initial checks should be a quick, coarse filter to 'strain out' the applications that obviously lack the key information on biodiversity/geological conservation required. Administrative staff are expected to carry out these initial checks.

Note (b) Where the applicant has answered 'No' to all parts of the biodiversity/geology question on the standard application form, MKC should, wherever possible, seek to confirm the validity of these responses by referring to its own 'environmental evidence base' (e.g. on MKC's GIS or via BMERC)

Note (c) Where an applicant meets any of the criteria in Tables 1, 2 or 3; they must also provide relevant surveys and assessments for the application to be valid.

Note (d) It may be necessary to delay validation of an application where an applicant claims that exceptions apply (e.g. they do not need to submit a survey and assessment) while further

checks are carried out to confirm that features specified in the requirements are not present or likely to be affected

Note (e) In consultation with consultees, MKC should confirm that the applicant's response to Tables 1, 2 and 3 are accurate.

As part of the initial determination of the application, MKC should also ensure that any surveys and assessments submitted contain all of the details required. Their content should be checked for accuracy and comprehensiveness.

These further checks should be undertaken by the planning case officer responsible for the application supported by MKC's ecologist/ecological advisor. It is unlikely that a planning case officer will be able to complete these further checks without consultation to professional ecological expertise e.g. MKC ecologist or statutory consultee.

Note (f) MKC should determine the application against national and local planning policies and following consultation with relevant stakeholders, and with reference to its own environmental evidence base.

Biodiversity Checklist.		Strategic Sites - i.e. commercial	Sites up to ten homes	Plot
Has an ecological appraisal been carried out and constraints and opportunities considered? Important to use suitably qualified ecological consultants. (refer to www.cieem.net for professional directory)	EIA	Phase 1 survey	Desk Study - Protected species survey	
Have Biodiversity Opportunity - Networks been addressed?	Is land identified within a biodiversity opportunity network – if so what enhancement has been proposed?	Is a biodiversity opportunity network nearby and can it be connected to the development?	Is a biodiversity opportunity network nearby and can it be connected to the development?	
Is there any Protected species interest on/hear the site?	Woodlands, large trees, other habitats; Retention/mitigation	Large trees, badger setts, wetlands; Retention/mitigation	Large trees/bats in loft/old buildings; Retention/mitigation	
Are there any Important Hedgerows on site?	Permission to remove must be obtained from LPA	Permission to remove must be obtained from LPA	Permission to remove must be obtained from LPA	
Are any habitats/species of principal importance identified?	Protection/enhancement	Protection/enhancement	Protection/enhancement	
What ecological enhancements are proposed in accordance with the NPPF?	Habitat creation & wider species opportunities, use of native species	Species and habitat opportunities	Species focus, bird/bat boxes, wildlife refugia	
Production and implementation of a maintenance and management plan	Site wide landscape management, adoption	Management company	Householder care / management of an area	
What future management/stakeholder involvement does the site have?	Wildlife Trust, GST, local conservation groups	Local conservation groups, individual.	Individual householder care / management of an area	

Milton Keynes Council

Planning Service

Planning, Strategic Transport and Placemaking

Civic

1 Saxon Gate East

Central Milton Keynes

MK9 3EJ

T: 01908 691691

E: development.plans@milton-keynes.gov.uk

Delegated Decisions report



8 June 2021

Response to East West Rail Public Consultation 2021

Name of Cabinet Member	Councillor Jennifer Wilson-Marklew Cabinet Member for Climate and Sustainability
Report sponsor	Paul Thomas Interim Director Planning, Strategic Transport and Placemaking
Report author	Rajesh Kungur Principal Transport Planner Rajesh.Kungur@milton-keynes.gov.uk 01908 254 381

Exempt / confidential / not for publication	No
Council Plan reference	Commitments 19, 20 & 65
Wards affected	All wards (Specifically; Bletchley East, Bletchley West, Bletchley Park, Danesborough and Walton)

Executive summary

This report seeks approval for an official Milton Keynes Council response (Annex A) to the public consultation on the developing plans for East West Rail (EWR) released on 31st March 2021, which will link Bedford and Cambridge and complete the new rail link between Oxford and Cambridge serving Milton Keynes.

The consultation response reaffirms the Council's support for the project acknowledging the benefits it will deliver for Milton Keynes generally and Bletchley in particular which will serve as an interchange on the line with the West Coast Main Line. The consultation response also expresses the Council's views and preferences for improvements to the existing railway and stations for 'Section B' which covers Bletchley and Marston Vale Line. The consultation covers specifically customer experience and railway operations for EWR, as well as a range of infrastructure proposals such as route alignments, stations and level crossings.

The response comments on the two service level options outlined. Whilst Concept 2 has much to commend it, it is felt that there is insufficient detail in the consultation material for the Council to express a clear preference. In particular there are concerns at Fenny Stratford Station closing with no detail on how this impact will be mitigated.

The response also highlights support for the expansion and upgrade of Bletchley station as well as the relocation of Woburn Sands station and Ridgmont station which supports growth ambitions for the Milton Keynes South East Development areas as well projects such as a Mass Rapid Transit system.

In addition, the response presents the Council's views on options provided in the EWR consultation for level crossing closures at Fenny Stratford, Bow Brickhill, Browns Wood, Pony and Woburn Sands. The response includes the Council's preferences of the options provided where deemed appropriate and offers alternative options for EWR to consider.

It should be noted that the Council are also intending to agree and prepare a joint statement with Bedford Borough Council and Central Bedfordshire Council in response to the East West Rail consultation.

1. Decision to be made

- 1.1 That the Draft Milton Keynes Council response (as contained in Annex A) to the non-statutory public consultation held by EWR be approved for submission. This will contribute to the decisions to be taken on the East West Rail project delivery and improve the prospects that the final project provides maximum benefit to Milton Keynes and its residents.
- 1.2 That authority be delegated to the Interim Director of Planning, Strategic Transport and Placemaking to approve any minor amendments to the consultation response if required in advance of its submission.

2. Why is the decision needed?

- 2.1 To draft the Council response, cross service engagement was undertaken to draw together professional viewpoints from several departments including Strategic Transport, Highways, Planning, Passenger Transport, Rights of Way, Placemaking, Public Realm and Flood Management. In addition, viewpoints were obtained from the Milton Keynes Development Partnership and Central Bedfordshire Council. Comments received were collated to form the Council's consultation response with the main points and recommendations for options highlighted below.
- 2.2 EWR provided two concepts for consideration. Concept 1 would involve retaining the existing hourly service on the Marston Vale Line that stops at all current intermediate stations and introduces fast limited-stop Oxford to Cambridge services alongside it. Concept 2 involves merging the ten existing intermediate stations, creating five new modern stations with better facilities in locations more suitable for many existing needs and future travel patterns.

Concept 2 would result in Fenny Stratford Station closing. The potential impact of this on the local communities means the Council cannot support this, and there is a lack of detail in the consultation material on how this impact will be mitigated. Any mitigations to access new stations for residents affected by station closures must be clarified and communicated with the Council prior to decisions being made on a choice of the concepts.

- 2.3 The response endorses the expansion of Bletchley Station and how it supports the delivery of the transformational redevelopment and regeneration of Central Bletchley. The consultation also includes the development of an eastern entrance at the station which the response welcomes and supports.
- 2.4 The response favours the option to relocate Woburn Sands station as the current site is heavily constrained by surrounding development which presents a challenge for any future demand growth and opportunities for expansion. The relocation of Woburn Sands Station offers a new and modern station and benefits the proposed Milton Keynes South Eastern development. The relocation of Woburn Sands also fits the Council's aspirations for Mass Rapid Transit.
- 2.5 The relocation of Ridgmont station is also favoured as it offers a modern station and supports the Milton Keynes proposals for a park and ride and improved public transport connectivity to Milton Keynes for longer distance trips (Milton Keynes Mobility Strategy, 2019). It also could support future areas of growth to the south east of Milton Keynes.
- 2.6 The EWR consultation document provides several vehicular options and pedestrian and non-vehicular options for the closure of the Fenny Stratford level crossings. Overall, the Council response does not favour any of the vehicular options provided and suggests that alternative options are explored and discussed with the Council. This would include an option for the level crossing to remain in place.
- 2.7 Bow Brickhill level crossing closures and the mitigating four options provided presents land take issues as well as grid road status issues and deviation away from road design standards. The response hesitantly favours Option 4 as it is an online option and has less land take but is not ideal. The response makes it clear that Option 4 should only be considered ahead of the other three options if these remain the only choices, but it is suggested that another option of a V11 extension should be investigated which would negate the need for level crossing mitigations in Bow Brickhill apart from a possible footbridge. An invitation to discuss this option with the Council is included in the response.
- 2.8 The level crossing closure at Browns Wood presents a preferred option of a new footpath under the railway, but similar to Bows Brickhill, suggests that a V11 extension is preferable and should be considered further with the Council's engagement.

- 2.9 The response highlights Option 3 as a preference for the Pony level crossing closure which would provide an underpass in the same position as the current level crossing. This would support future south east Milton Keynes developments where the route will likely change from a relatively rural path to one with increased usage by all ages and abilities and level of mobility.
- 2.10 There are a number of level crossing closures in Woburn Sands making a decision on potential mitigations quite complex, however from a strategic point of view the option of a bypass is favoured as it supports future potential growth to the south east of Milton Keynes and provides future opportunities to become a Mass Rapid Transit route. The bypass itself presents several issues which are highlighted in the response which EWR are asked to consider and clarify.
- 2.11 Other general comments in the response include; no objection to the additional track required between Bletchley and Fenny Stratford, the welcome inclusion of electrification of the railway with an objective to not use diesel powered trains, and other highlighted potential issues and opportunities to engage with the Council on such as freight and highways matters.

3. Implications of the decision

Financial	No	Human rights, equalities, diversity	No
Legal	Yes	Policies or Council Plan	Yes
Communication	No	Procurement	No
Energy Efficiency	No	Workforce	No

a) Policy

EWR forms a key part of the Council’s Mobility Strategy for Milton Keynes 2018-2036 (Local Transport Plan 4). It supports delivery of all four of the strategy’s objectives. The consultation response submitted is in line with the existing position outlined in the Mobility Strategy.

b) Financial implications

The consultation response has no resource implications and does not commit the council to any further action. There are not considered to be any financial risks associated with the proposed consultation response.

c) Legal implications

The consultation is open to the public, local authorities and other public bodies to respond to. The decision is required to ensure that the response put forward by the Council has undergone due governance process and reflects the approved view of Milton Keynes Council. The request for delegation to the Director of Planning, Strategic Transport and Placemaking is permissible under the Council’s constitution.

d) Other implications

The consultation response reflects existing Council policy and will not directly result in any changes to existing or proposed infrastructure or services. The decision to approve the consultation response is therefore not considered to have any other implications.

4. Options

- 4.1 Approve Milton Keynes Council response (as contained in Annex A) to the non-statutory public consultation released by EWR on 31st March 2021. This will contribute to the decisions to be taken on the East West Rail project delivery and improve the prospects that the final project provides maximum benefit to Milton Keynes and its residents.
- 4.2 Do not submit a Council response. This increases the risk that the project will fail to deliver its full potential in Milton Keynes with regards to improved connectivity, support for economic and population growth, and in encouraging modal shift to rail.

5. Timetable

A draft response (as contained in Annex A) has been submitted in advance to EWR as the consultation closes on 9th June 2021, one day prior to the Delegated Decision of 8th June 2021. It has been agreed with EWR that the Council can submit any amendments resulting from the Delegated Decision and during the call-in period prior to the 18th June 2021.

List of Annexes

Annex A – Draft Milton Keynes Council response to: East West Rail Consultation (March 2021)

Background Papers

EWR Consultation Document: [Consultation Document.pdf](#)

EWR Technical Report: [Consultation Technical Report Full.pdf](#)

Planning, Strategic Transport and Placemaking
Transport Planning & Policy

Rajesh Kungur
01908 254381
Rajesh.Kungur@milton-keynes.gov.uk



The following draft response is being agreed for submission on behalf of Milton Keynes Council by the Cabinet Member for Climate and Sustainability, Jennifer Wilson-Marklew on 8th June 2021. As the consultation closes on 9th June 2021, this response is being submitted in advance, as agreed with East West Rail. Please take the following as our official response unless advised otherwise that any amendments were agreed at the meeting on the 8th June 2021 or during the Councillor call in period which expires on 18th June 2021.

**Milton Keynes Council response to:
East West Rail 'Making Meaningful Connections' Consultation (March 2021)**

Support for East West Rail

We strongly support the work being progressed to deliver the overall East West Rail (EWR) project. Connectivity has been a key factor in the successful growth and economy of Milton Keynes, and the EWR scheme will address existing deficiencies in east west connectivity by public transport. The scheme will increase the population within rail commuting distance of Milton Keynes, and further enhance the attractiveness of the city as a place to do business and invest in. With improved connections by rail to both Oxford and Cambridge, Milton Keynes will be a centre point in the wider Cambridge Oxford growth corridor, providing a strong foundation for future growth and economic development.

The delivery of EWR also specifically provides the opportunity for the transformational renewal and redevelopment of Bletchley Town Centre with Bletchley's location at the heart / mid-point of the Arc. We have recognised this opportunity and will be benefitting from a £22.7m Towns Deal award from the Ministry of Housing Communities and Local Government for Bletchley.

We have particular interest in 'Project Section B', Bletchley and the Marston Vale Line, and welcome the inclusion of upgrading Bletchley station and other stations on the Marston Vale Line, however we would like to express some considerations in the following paragraphs regarding 'concept 1 and concept 2' as well as the level crossing options included in the consultation document.

Environment/Carbon Emissions

We support EWR's ambition to deliver a net zero carbon railway. We would like to request that Milton Keynes Council is also included in future documents alongside Bedford Borough Council and Cambridge City Council when stipulating 'the pledge to become carbon neutral by 2030' (point 3.5.2 technical report) and in addition, carbon negative by 2050 (Milton Keynes Strategy for 2050, 2020). We would also be keen to seek engagement with EWR to discuss and explore opportunities for a carbon neutral railway and the associated infrastructure in more detail when available.

Powering EWR Services

Given the carbon emissions ambitions stipulated above, in the consultation document, and following our previous consultation response in March 2019, we welcome the statement that the 'use of diesel-powered trains is not a project objective'. We also welcome the inclusion of potentially operating electric trains which are powered by overhead electric lines if other technologies are not likely to be

sufficient when decisions are required on EWR's long term fleet. We keenly anticipate further details in the statutory consultation later this year.

Freight on EWR

It is acknowledged that at this stage of the project the availability of freight on EWR cannot be quantified, however it is appreciated that the next design stage will consider in more detail the future growth demand for rail freight and we would encourage further details of freight analysis and freight paths to be included in the next statutory consultation later this year. We work with England's Economic Heartland on strategic freight matters as it is recognised that rail freight is essential for businesses and communities and can aid carbon emission targets. Therefore, in addition to EWR engaging with the rail freight industry to help understand the running of freight services on EWR, it would also be beneficial to engage with England's Economic Heartland as well as ourselves to collaborate on plans for freight ambitions, which includes supporting freight decarbonisation as well as shifting long distance freight from road to rail.

Maintenance Depot

We support the use of the Bletchley train maintenance depot to be modified and used as the main depot location for the maintenance of the EWR fleet of trains. We believe this will support the local economy by providing higher skilled jobs in the Bletchley area and support apprenticeship schemes run by the local Milton Keynes College.

Additional Works

It is understood that additional works to deliver EWR will be required in particular to highways and rights of way and plans for this are at an early stage. As highlighted in the consultation document, the extent of works required and the design will be examined at the next stage of design and that EWR will consult on more detailed proposals, however we would strongly urge earlier engagement and consideration for more detailed proposals with Milton Keynes Highways and Rights of Way Officers in particular for options where it may not be feasible to retain existing highways and where diversions and other mitigations are required, so to ensure collaborative decisions and minimal disruption.

General Principles

We welcome the preparation of a Code of Construction Practice (CoCP) and that the document will be made public. The consultation document does not specify when this will happen, therefore can we request it is shared with us at the earliest opportunity to ensure it aligns with our own code of practices and that standards are in place to minimise disruption to local communities, businesses and the environment.

Planning and Logistics

Similar to the above but regarding additional works, we appreciate acknowledgement in the consultation that local highways and planning authorities will be consulted with in regard to highways routes to and from sites. Can we also request early engagement in the planning of these routes to ensure minimal disruption when highways and rights of way are required to divert or close. We can utilise our own communication means as well as EWR's to ensure as many residents and road users are aware of diversions and closures as early as possible.

Works on Existing Railways

It is understandable that there are many factors to consider when delivering a new railway, especially one as complex as EWR which utilises existing rail lines, however there is some concern that one option being considered for works is the closure of most if not all of the Marston Vale Line. We acknowledge that there are potential benefits to this as it might minimise prolonged periods of disruption and possibly provide some certainty for users on the level of service and alternative arrangements. Also, it is acknowledged that the service is likely to resume sooner with closures of the

line. We request that engagement is undertaken with relevant Council Officers before any decision on closures of the Marston Vale Line is considered.

Concept 1 and Concept 2

It is pleasing to see that EWR acknowledges the importance of the Marston Vale Line and local connections to existing users and this has been considered in the proposals and consulted on early prior to a formal statutory consultation later this year. It is recognised that both Concept 1 and Concept 2 proposals suggested will significantly improve east west connectivity for Milton Keynes, which supports Milton Keynes' commitments to grow significantly by 2031 and provides opportunities to grow further by 2050, supporting employment growth and strengthen its role as a regional employment hub in future years.

Concept 1

Concept 1 is welcomed as it offers additional EWR train services as well as retaining the existing Marston Vale Line, however it is appreciated that by retaining the existing line, passengers would only have access to EWR services from two stations in Milton Keynes, and that other existing stations and infrastructure will not receive upgrades. This concept is recognised as valuable as it continues to serve the local community whilst providing better strategic connections for longer journeys e.g. between Bletchley and Bedford, however it is also recognised that by retaining the existing line, services may be less reliable and some journeys may be slower than in concept 2 (p.120 and 127 consultation report). It is also accepted that if Concept 1 were to be chosen, Bow Brickhill and Fenny Stratford would only be served by one train per hour with the local communities only benefitting from the ability to change trains at either Bletchley or Woburn Sands to access a wider set of destinations and experience faster journeys. In addition, it is recognised that Concept 2 offers the potential for alternative first mile last mile provision meaning Bletchley and Woburn Sands stations could be more accessible than by the hourly rail service. This investment in first mile last mile is likely to provide benefit not only to rail users but to the wider community and Milton Keynes as a whole.

Concept 2

Concept 2 evidently appears to meet future travel demands and needs more significantly in comparison to Concept 1 by providing improved connectivity and faster journeys (p.120 and 127 consultation report). It is recognised by us that this concept provides a more reliable service by removing the low usage stations and consolidating them without the need for passing loops at Ridgmont, and it also delivers improved stations and facilities. It is recognised that Concept 2 provides a 'once in a generation opportunity' to upgrade the Marston Vale Line and offers a more comprehensive and long-term benefit. This would benefit the future growth plans for Milton Keynes.

Whilst it is also recognised that the number of people who would unfortunately be disadvantaged by the closure of these stations would be relatively small, this could potentially have a very detrimental impact on these local communities. Specifically, the potential closure of Fenny Stratford is of concern, and we could not support the closure of this station based on the information included in the current consultation.

It is welcomed that the technical report (p.119, point 7.3.36) references that 'EWR Co would also seek to improve the options available for journeys to and from the stations (sometimes referred to as "first mile / last mile connectivity") to support and improve sustainable travel and user experience.' We would strongly recommend that mitigations for users who may need to travel further due to station closures are thoroughly considered and proposals for these mitigations are considered in conjunction with us prior to the next statutory consultation. The statutory consultation needs to include more detail on specific first last mile improvements to be delivered by the project.

It is our view that a relocated Woburn Sands Station would better serve both new (such as the South East Milton Keynes Development) and existing communities and provide wider benefits to the whole of the south of Milton Keynes. This is providing the Bow Brickhill Station closure and station relocation is accompanied by measures to improve access to the new station. We also have concerns about the ability to access Woburn Sands Station in its current location in terms of the Mass Rapid Transit, bus, cycling pedestrian and by private vehicular means due to the constraints surrounding the site and the lack of access across Newport Road when the barrier is down.

EWR's engagement with England's Economic Heartland for 'First Mile / Last Mile (FMLM) connectivity' to seek improved connections to stations is welcomed and further engagement with us will help inform the most advantageous options available. We would like to seek clarity and assurances of the FMLM options, and that funding for these mitigations is secure before any station closures are decided upon. We would not be able to support station closures without assurances on the scale of station connectivity improvements and the funding that will be available for these.

Woburn Sands (relocated)

It is understood that there is no requirement to relocate the Woburn Sands Station in Concept 1 and whilst there is current capacity to lengthen platforms to accommodate four-car EWR trains (p.116 consultation document), the site is heavily constrained by surrounding development which presents a challenge for any future demand growth and opportunities for expansion. We support the relocation of Woburn Sands Station as this will not only offer a new and modern station, but also benefits the proposed Milton Keynes South Eastern development. Given that this site is expected to accommodate 3000 new homes, the current station might not be able to accommodate future demand. The relocation of Woburn Sands also fits our aspirations for Mass Rapid Transit by providing potential land required for a Mass Rapid Transit route which can serve the station. We recognise that keeping the existing station will serve the existing communities better, particularly those in Woburn Sands, however we believe there is potential to improve access to the station to mitigate this impact.

Ridgmont Station (relocated)

We support the relocation of Ridgmont and the prospect of a modern station which also acts as a multi-modal interchange. Whilst we acknowledge the relocated station might inconvenience those who currently reside near to the current station, it is welcomed that consideration is in place for a new pedestrian and cycle path from the old site to the new. The relocated station supports the Milton Keynes proposals for a park and ride in this area and offers the potential for a co-located bus and rail-based park and ride at this location. The relocation of Ridgmont station also supports a potential future area of growth to the south east of Milton Keynes (Milton Keynes Mobility Strategy, 2019). Options for demand-responsive services to be investigated to link the station to surrounding areas are supported and we welcome the opportunity for EWR to engage with our Strategic Transport Team and Passenger Transport Team to explore solutions in conjunction with its own 'MK Connect' demand responsive transport services prior to the next statutory consultation.

Bletchley Station

EWR is the catalyst that we are using to deliver the transformational redevelopment and renewal of Central Bletchley, to include the surroundings of Bletchley Railway Station and crucially the adjacent town centre. The £22.7m Town Deal programme for Bletchley is viewed by MHCLG as being a 5-year timeframe which means that we will be delivering a number of Town Deal projects to dovetail with the forecast opening of the EWR Western Section (i.e. 2024/25).

We agree that with the new EWR rail line and regeneration aspirations, Bletchley will be placed as an important intersection of strategic east-west and north-south (WCML) rail links. Bletchley station will become an important transport hub and requires works to expand by adding two platforms along with

a new footbridge, and additional works are also required to accommodate additional services to Bedford and Cambridge.

We appreciate the recent engagement in the design process and consideration for a range of options for Bletchley station. The inclusion of an Eastern entrance at the station is also very welcomed and we look forward to continued collaboration on designing a station which also fits with the aspirations to redevelop the area and transform placemaking in the immediate vicinity. The importance of an eastern entrance to ourselves and stakeholders in Bletchley to stimulate the transformation of the town centre is reflected in circa £4m of Town Deal funding being allocated towards a new transport hub which includes the eastern entrance.

Air Quality

There are some concerns around air quality with the planned changes to Bletchley station due to the station's proximity to the Cemex Roadstone Coating and Cement Batching plant and the indicative areas for station works. Consideration may have been given to this already, but it would be useful to understand better what the relationship between the two sites will be and what impacts to air quality this may have.

Contaminated Land

With regards to the extension of the platform or relocation of the platform at Woburn Sands, there are potential sources of contamination in the area of the station. It is not considered that any potential contamination will prohibit development or limit the design, but consideration will need to be given to this when more specific plans are made. Similarly, when construction works are carried out in Fenny Stratford, for the protection of construction workers, building materials and material management due to potential historical contamination in this area.

Flood and Water Management

We are a Lead Local Flood Authority (LLFA) and is disappointed with the lack of Sustainable drainage systems (SuDS) incorporated in the EWR project proposals throughout the Borough of Milton Keynes. We recommend proposals are designed to Local Authority standards rather than Network Rail standards.

Fenny Stratford Additional Track

We have no objections regarding the required additional track between Bletchley and Fenny Stratford and it is understood that the additional track is required to increase capacity and reliability of EWR. It would be appreciated if designs for track layout options and bridges are shared at the earliest opportunity as to allow us time to consider factors such as environmental impacts of the works.

Level Crossings on the Marston Vale Line

Level crossing closures understandably need to be reviewed with the development of EWR and it is acknowledged that with more frequent and faster trains, safety is of paramount importance. Level crossing closures however will clearly cause communities major concerns and issues and therefore decisions for closures must be completed with careful consideration and agreement with the relevant stakeholders and communities prior to a preferred option being presented at the next statutory consultation. We have assessed the options presented in the consultation and would like to highlight the following points.

Fenny Stratford

Please note that in point 7.6.19 of the technical report, reference is made to Simpson Road being served by bus route 18, however this service no longer operates. The area is instead covered by demand responsive transport services as an alternative travel option (MK Connect).

Vehicular Connectivity Option 1

This option presents concern that Staple Hall Road will experience more traffic including heavy vehicles. As this is a residential street, this option is unacceptable and not supported.

Vehicular Connectivity Option 2

Commercial businesses at the southern end of Simpson Road are both north and south of the level crossing. Closure of the crossing will result in additional movements past the residential areas with additional constraints of on-street parking. The proposals essentially create a long cul-de-sac industrial access road to serve the units with a width of around 5.3m–6m. This is a sub-standard width for industrial access roads which would be expected to be 7.3m. Two-way HGV movements at the widths of Simpson Road will create conditions of conflict. This option will create additional turning and stopping movements at a point where national speed limit applies leading to the potential to introduce accidents onto the network. In addition, there will be inconvenience to pedestrian and cyclists which this route will need to cross and therefore this option is not supported.

Point 7.6.27 of the technical report suggests that the proposed new link road would be situated on land already owned by Milton Keynes Council, however our GIS records suggest only the grid road corridor is owned by us and the land is privately owned. Please contact relevant Officers at Milton Keynes Council to clarify prior to this option being explored further.

Vehicular Connectivity Option 3

This option presents the same issues as highlighted above for Vehicular Connectivity 2 and therefore the option is not supported. In addition to this, access to Bletcham Way using Fenny Lock roundabout would be difficult as the land required for the new link road has planning permission for two industrial units.

It is inevitable that all vehicular options will increase vehicular traffic. Also, the options will create two cul-de-sacs either side of the level crossing which cause issues for deliveries and refuse vehicles which would need to deliver and turn in the road. This creates an increased probability of long vehicle reverse movements and the associated risks with this. The closure of the level crossing will impact on general connectivity with vehicles south of the railway needing to reach north of the railway forced into using the new link road which will add at least 2.5km to journey distance (route using Watling Street/Bletcham Way and link road on south side). Simpson Road north of Staple Hall Road currently has a relatively low level of traffic and is essentially a quiet lane. Cyclists can use this route comfortably, however, use of the Simpson to accommodate HGV and other traffic movements will change the nature of the route and its attractiveness for cyclists.

Pedestrian connectivity Option 1

This option is not supported as it presents no facilities for cyclists and is a longer route for pedestrians/cyclists. Although it is accepted that the existing route has no separate cycling facilities, cyclists only have a relatively short distance to travel between Watling Street and north of Staple Hall Road to reach the low traffic sections of Simpson Road. The non-vehicular route along Watling Street is an intimidating environment for cyclists with high traffic volumes. This option would need to consider the suitability of the route in particular in the dark and in winter months.

Pedestrian connectivity Option 2

A new pedestrian bridge retains pedestrians on a desire line however cyclists are not mentioned. Either the bridge needs to be designed to accommodate cyclists or an alternative safe and convenient cycle route is also created.

Pedestrian Connectivity Option 3

This option presents an inconvenient route and off a desire line. Similar to the above, no details have been provided as to whether this is cyclable.

Whilst all the options create conditions of inconvenience to pedestrians and cyclists, we would prefer Pedestrian Connectivity Option 2 as the other options entail rerouting pedestrians which look circuitous and unacceptable given the extra distance between businesses and properties north of the line and Fenny Stratford Town. Pedestrian Connectivity Option 2 should only be considered if a ramped crossing were to be included as this would allow better access.

Overall, the Fenny Stratford level crossing closure will lead to network connectivity issues for vehicles, pedestrian and cyclists as well as creating the potential to increase accidents. It will also cause the isolation of a small community that will have to take a circuitous and lengthy alternative route in order to access local facilities. Therefore, we do not support any of the vehicular and pedestrian options presented for the level crossing closures at Fenny Stratford and we would request that the level crossing remains open at this location and alternative options should be explored that retain Simpson Road open to vehicular traffic, pedestrians and cyclists.

Bow Brickhill

Options 1 to 3 shown for Bow Brickhill each present issues regarding the grid road status of the V10, which is considered to be a key grid road linking the urban area of Milton Keynes to the A5 and the A4146. Additionally, the options include three road junctions in close proximity as well as deviation from road design standards which is of concern. Option 1 impacts land owned by MKDP as well as land at South Caldecotte which is a site allocated in the current Local Plan for commercial development. In addition, option 2 and 3 impacts land owned by Red Bull, and option 4 affects MKDP land, Red Bull land and the land in South Caldecotte. Option 3 is similar to Option 2, however presents more issues and is likely to have additional impact on land and therefore in our view should not be considered. Please note that all four options do not include non-vehicular access, and this should be included in the next statutory consultation.

Option 4 seems to offer the best compromise in that the land take required seems more conservative and retains the grid road network, however there is concern that the option does not mention inclusion of Redways for cyclists and options for bus lanes or a Mass Rapid Transit system. It is unlikely from the diagram shown for Option 4, that the proposed new roads and bridge would be able to accommodate this without the requirement for more land, without which future connectivity options will be compromised.

We would strongly recommend that the option for a V11 extension between Browns Wood and Old Farm Park is further explored and would support further work (we are undertaking a technical feasibility study) on this as an alternative to the four options presented in the consultation document. We encourage EWR to consider and contact the relevant officers regarding this option as traffic would be rerouted away from Bow Brickhill and onto the V11 without the need for land take at Tilbrook and Caldecotte with only a pedestrian and cycle bridge required and/or it is possible for the current level crossing at Bow Brickhill to be retained. The V11 option would be built to grid road standard and allow opportunities for an MRT in future. Further details can be found in the Milton Keynes South East Strategic Urban Development framework (<https://www.milton-keynes.gov.uk/planning-and-building/planning-policy/south-east-milton-keynes-strategic-urban-extension>).

Browns Wood

Similar to Bow Brickhill we would recommend and encourage further consideration of the extension of the V11 as an alternative to the three options presented in the consultation document. Should the V11 extension in this area go ahead then then this would negate the need to install a standalone bridge or

underpass. It is welcomed that viable crossings are offered as options for this level crossing closure and Option 3 would be the preferred option with Option 2 also acceptable, but some issues are highlighted below. Any bridge crossing or underpass should allow for proper segregation of pedestrians from other forms of traffic, for both safety and amenity purposes.

Option 1

Significant development is proposed for this area and therefore consideration needs to be given to a large increase in usage by all types of user and physical ability. This option would not offer accessibility for all and is therefore not considered a viable option.

Option 2

This option resolves the accessibility issues of Option 1 and would not result in the loss of green space associated with Option 3 and is therefore acceptable, however there would be greater visual impact and the route would be less direct.

Option 3

This is likely our preferred option. It would have less visual impact and remain a direct route, meaning a footpath diversion would not be required. This option however would result in the loss of a greater amount of green space and an underpass would require lighting to ensure the public felt safe in using it.

Pony

The Pony crossing at Old Farm Park is a Bridleway so there is an expectation that the route will be suitable for cyclists which is not clarified in the consultation document. All options are supported with Option 3 and the underpass being our preferred option. Please see below for some additional points.

Option 1

The railway line is already elevated above the surrounding land at this location, so a significant length of ramp at the appropriate gradient would likely be required and this would result in a more convoluted route. There are concerns that the proposed steel structure to the north could have a visual impact on the neighbouring properties. Long elevated sections of bridge or ramps are not generally favoured by horse riders, owing to the open character and exposure of the crossing, particularly with trains passing underneath, and the surface of the bridge itself can be noisy when used by equestrians. This less direct option would also be less convenient for cyclists and pedestrians. A horse could spook on either a bridge or in an underpass, but the consequences of this happening on a bridge could be more significant. A horse spooking depends on many factors including the range at which the train comes into sight and/or earshot, the visibility as it passes, together with how reactive or accustomed to trains each individual horse is. These factors would be amplified on a bridge in comparison to an underpass.

Option 2

The same issues as Option 1 are still relevant, but this would also involve a further diversion off the existing direct bridleway line, potentially requiring users to double back on themselves. Option 2 is considered less favourable than Option 1.

Option 3

This is the preferred option as horses and riders are likely to experience a calmer use of the structure as the noise and visibility of trains will be reduced. The bridleway will also retain its direct line which will be convenient for equestrians, cyclists and pedestrians. Good design enhances peoples use of a route, and an underpass is likely to involve shallower gradients than bridges, and since the railway is already on an elevated alignment to the surrounding land, an underpass would seem to fit more naturally here. This option would mean the horse remains on solid ground throughout the structure

itself, and it would be subject to fewer variables in terms of design specifications. The underpass should be lit, and any ramps should be at an appropriate gradient and would require a suitable non-slip surface. Sufficient height and width must also be provided, and the length should be kept to a minimum so that, if possible, the exit remains visible. The design should be suitable for horse, cycle and pedestrian use.

There are plans for significant development in the immediate surrounding area of this crossing, resulting in increased use. The land to the north and south of the crossing forms part of the south east Milton Keynes developments. Over time, the route will likely change from a relatively rural path, to one used by all ages and abilities and level of mobility. Therefore, such increased usage should be accounted for in the planned improvements for this crossing.

Woburn Sands

It is appreciated that options are limited in Woburn Sands for alternatives to level crossing closures and while we favour option 1, this is by no means ideal and there are many issues surrounding this. For example, we are aware that a large gas pipe runs through the proposed location of the bypass which could possibly make option 1 unfeasible. Therefore, we request further engagement and investigation of alternative options as explained below of a combination of options 1 and 2. Impacts for both Options 1 and 2 are significant and we would request modelling and junction impact assessments to be carried out to fully quantify the impacts.

Option 1

We would favour this option of a bypass from a strategic viewpoint as it fits around Milton Keynes aspirations for growth in south east Milton Keynes and provides future opportunities to become a Mass Rapid Transit route. However, the bypass itself presents several issues in that it creates almost a cul-de-sac for Woburn Sands. Deliveries including HGVs which access the town will lead to vehicle movements down residential roads in order to turn to return to the bypass. Further assessment of Hardwick Road and The Leys would be needed to check their suitability.

Additional issues include increasing journey lengths from north of the railway into town as there will be a significant detour. This may have a significant on local businesses and the high street as people may choose to travel elsewhere north of Woburn Sands. Also, this option potentially creates additional pressure on Hardwick Road which has on street parking, and bus services (MK Connect) might be severed and potentially unviable.

From a Rights of Way point of view, this is still the preferred option. The suggested benefit from a bridge being provided at School Crossing would be welcomed as before its closure this was a popular route that avoided the vehicular level crossing to the west. However, the proposed road may have an impact on other public footpaths to the north of the crossing, namely Wavendon Footpaths 4 and 5 which are located just south of No.1 Newport Road, Wavendon. Any bridge crossing or underpass should allow for proper segregation of pedestrians from other forms of traffic, for both safety and amenity purposes. The loss of Mill Farm crossing would result in a required amendment to the promoted Milton Keynes Boundary Walk and a loss of an onward connection to the rights of way network for Woburn Sands Footpath 5 into Aspley Guise. We would support this crossing being retained and since the Sewerage Farm crossing and its footpath to the north shall be stopped up, it would also be supportive of an additional footpath being created leading north to connect to Cranfield Road near Park Farm.

Option 2

We do not support this option as it leads to unacceptable delay (40 minutes closures an hour) for all road users and queues potentially impacting on further junctions. Vehicles may be encouraged through other routes such as via Aspley Guise, particularly if the Aspley Guise level crossing is replaced

by a bridge. In addition, whilst the main vehicular level crossing would remain open there would be no footbridge provision at School Crossing.

Neither Options 1 or 2 offer the retention of Fisherman's Path, which supplies a direct link to open countryside to the north and south of the railway for local residents. The proposals would result in a diversion taking the user across to Woodleys Farm crossing and then directly back on themselves on a route of over an additional 800m. If this public footpath does need to be diverted across to Woodleys Farm crossing, then a small stepped-only footbridge, as a compromise to those who can negotiate steps would be welcomed at Fisherman's Path in addition to the Woodleys Farm crossing proposal.

We would like to suggest an alternative option which would be building a bypass but also retaining the existing Woburn Sands level crossing. This could allow road users and pedestrians to either choose to wait to have access to cross the level crossing or use the bypass. Further research and modelling would be required to explore this option.