



Milton Keynes Partnership

PART TWO: SPECIFIC PLANNING PROCEDURES

Environmental Impact Assessment Schedule 1 & 2 Development

Regulations governing Environmental Impact Assessments obliges those involved in bringing forward development falling within certain categories to undertake a proper evaluation of the likely environmental effects of the proposals. This evaluation is the EIA. The evaluation involves consideration of the Environmental Statement (ES), representations made upon it by Statutory bodies and any other representations received.

The principle reference sources are Circular 2/99 and SI 1999 No. 293. The Circular and Regulations set out pre-application procedures for screening and scoping.

Procedure:

a) Screening

A request for a screening opinion should be accompanied by a;

- Plan identifying the site and
- A brief description of the nature and purpose of the development and its possible effects on the environment.

Upon receipt of a screening request the case officer will identify whether adequate information has been provided to determine if the proposal falls within the thresholds for an EIA (Schedule 1 and 2 of the Regulations). Any further information that is required should be requested in writing.

The case officer must give the screening opinion within 3 weeks of receipt of the request and shall be accompanied by a written statement giving concise reasons for the need for an ES. The screening opinion must be recorded on the Planning Register.

b) Scoping

A request for a scoping opinion should be accompanied by a;

- Plan identifying the site and
- A brief description of the nature and purpose of the development and its possible effects on the environment.

Upon receipt of a scoping request the case officer will identify whether adequate information has been provided to undertaking the scoping opinion. The Case Officer must undertake the statutory consultations and any additional consultations and must respond within 5 weeks of receipt of the request. The Scoping opinion must be recorded on the Planning Register.

S106 Agreements

Milton Keynes Partnership has progressed a Tariff approach for the provision of infrastructure. The tariff has been based on the 'Prospectus for Growth', which established the levels of local and strategic infrastructure required for growth and this has informed the level of developer contributions. An overarching Framework Agreement has been progressed by MKP in conjunction with key stakeholders and which will apply to all major planning consents granted within the Eastern and Western Expansion Areas and the grid squares at Tattenhoe Park and Kingsmead South. Agreements for sites not covered by the tariff arrangements will be negotiated in line with procedures laid down within Circular 05/2005.

The overarching agreement sets out the provisions which will apply in site-specific agreements, these will be used as templates for agreements on outline applications and to establish Heads of Terms

Procedure:

a) Establishing the Head of Terms

Where a draft agreement has not been submitted with the outline planning application the case officer will need to establish Heads of Terms with the applicant. Draft Heads of Terms need to be agreed by MKC and MKP legal. In all cases the proposed Heads of Terms should be included within the Officers report when the Planning Sub Committee considers the planning application. The Sub Committee will agree the Heads of Terms which are to be included within the S106 agreement and which will need to be successfully completed prior to the issue of the planning permission.

b) Drafting Section 106 Agreement

Once the Head of terms have been agreed the case officer should secure a first draft of the agreement from the applicants legal representative and send an ITP instruction to the MKP's selected solicitor. The case officer must facilitate the process and ensure negotiations are progressed in a timely manner.

c) Signing the Section 106 Agreement and issue of planning permission

When the document is finalised and signed by the appropriate parties the associated planning permission may be issued.

Appeals

Applicants have a right of appeal to the Secretary of State where the Local Planning Authority has;

- Refused to grant planning permission.
- Failed to issue a decision on a planning application for planning permission within the statutory period or such period as agreed with the applicant.
- Granted planning permission subject to conditions not acceptable to the applicant.

Appeals are dealt with by 3 methods; **Written Representations, Hearings and Inquiries**. Circular 5/2000 'Planning Appeals procedures' gives full advice on each procedure and best practice for the preparation of statements and proofs of evidence.

The Statutory Instruments are;

- The Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000
- The Town and Country Planning (Inquiries Procedure) (England) Rules 2000
- The Town and Country Planning (Hearings Procedure) Rules 2000
- The Town and Country Planning (Appeals)(written Representations Procedure) (England) Regulations 2000.

The timetable for the neighbour notification of appeals, submission of the questionnaire, statements and proofs of evidence is outlined in **Appendix 23**. The timetable to run from the **start date**, this is the date which the Planning Inspectorate (or the Secretary of State) notifies the appellant and MKP that all information required to validate the appeal has been received.

It is essential that the timescales be fully met, as late submissions are not accepted unless there are exceptional circumstances. The questionnaire must be fully completed and all copies of supporting information must be included.

In the case of an appeal to be determined by way of a Public inquiry, the case officer should liaise with the appellant to determine whether a pre inquiry meeting would be beneficial and whether agreement can be reached on facts to be included in a **Statement of Common Ground**. The Statement of Common Ground should be prepared jointly with the appellant, however it is the responsibility of the appellant to send the Statement to the Inspectorate and this must be 4 weeks before the Inquiry.

There are no requirements to prepare a Statement of Common Ground for a Hearing but it is good practice to produce a short statement of agreed points before the hearing. This should be annexed to the Hearing statement sent to the Inspectorate by the 6-week deadline.

Procedure:

a) Uniform input and website update

On receipt of an appeal the DC planning administrator will input the type of appeal and start date into Uniform. The status of the application on the website will be changed to 'Under Appeal'.

b) Establishing the appeal Timetable

The case officer will place a copy of the Appeal Tracking Sheet on the planning application file, **Appendix 24** and establish the deadlines to be met for the appeal.

c) Submission of Questionnaire and notification of interested parties.

The case officer must submit the completed questionnaire and supporting documents to the Planning Inspectorate and the appellant within 2 weeks of the start date. The case officer will determine the extent of notification of the appeal, including statutory and non-statutory consultees and neighbours. Notification of interested parties will be undertaken by the Case officer within 6 weeks of the start date of the appeal. (**Appendix 25**) A copy of the details of those parties notified of the appeal will be placed on the planning application file.

d) Confirmation of Inquiry/ hearing date and venue

The Planning Inspectorate will notify the case officer of the intended length and date of the appeal. The case officer should determine if the number of days suggested by the Inspectorate is appropriate and whether the date offered is acceptable and achievable. Before accepting the date, the case officer will need to instruct legal representation and ensure an appropriate

venue is available. The availability of any expert witnesses must also be assured.

The offered date may be rejected in the first instance but the subsequent date can be imposed.

e) Submission of rule 6 statements and proofs

The case officer must ensure that the appeal timetable laid down in the Appeal Regulations is met and the appropriate number of copies is forwarded to the Planning Inspectorate. The Case officer will ensure appropriate legal input into any statements prior to their submission.

f) Statement of Common Grounds

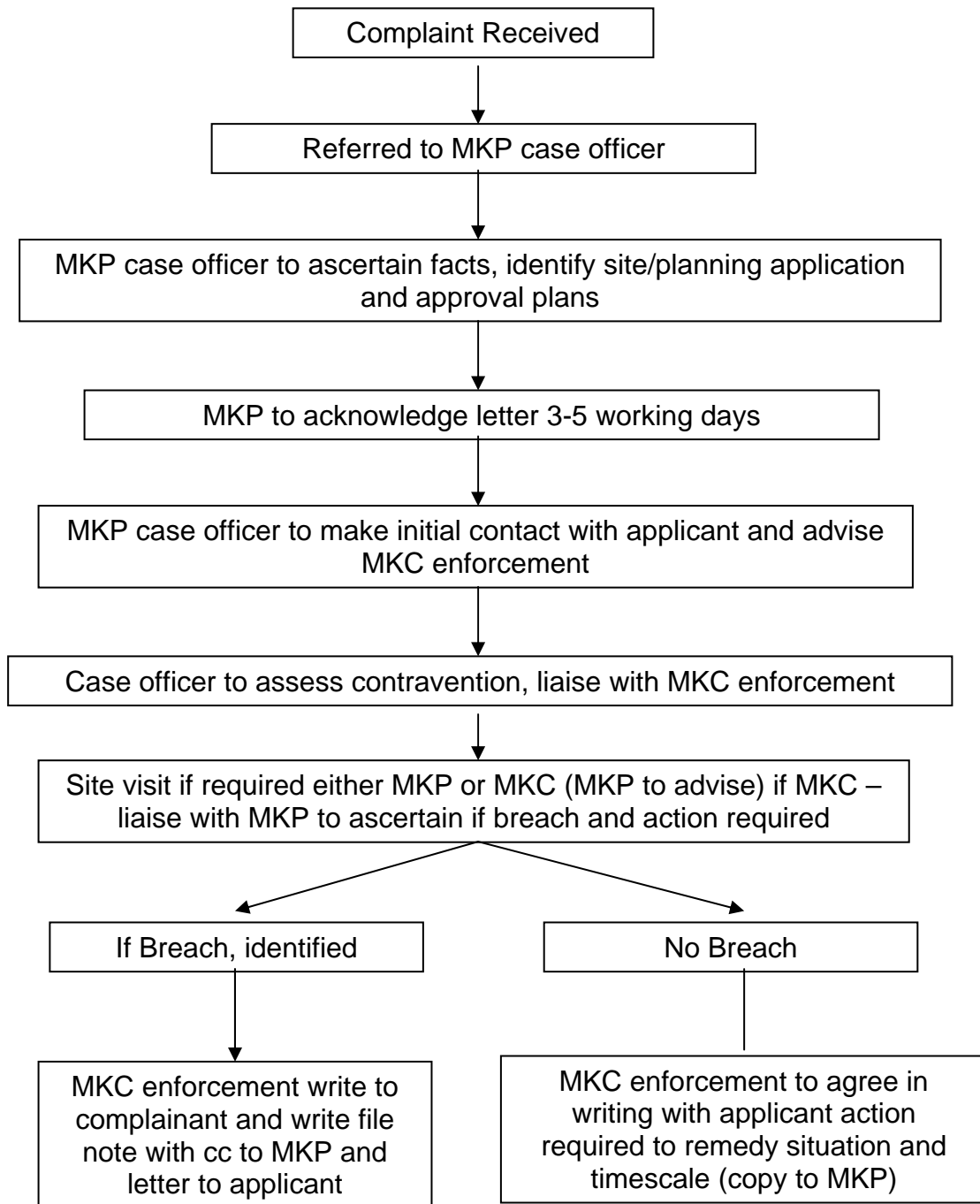
The case officer will organise a pre Inquiry/hearing meeting with the appellant to establish areas of fact and common ground. This is a joint responsibility of both the appellant and the Partnership but is generally submitted by the appellant. The statement of common ground should be submitted with the Proofs 4 weeks before the Inquiry.

Enforcement (DRAFT)

Enforcement powers remain with Milton Keynes Council. Any breaches of planning control, including deviations from approved plans should be referred to the Councils Enforcement section. The Enforcement officer will investigate the breach in accordance with the Council agreed procedures. The MKP case officer responsible for the site must maintain a dialogue with the Council and the complainant.

Procedure:

All breaches, and alleged breaches, of planning control on sites where MKP are the planning authority must be recorded on the planning application file. The name of the complainant should not be placed on the public file.



Development Briefs and Design Codes

MKP are committed to ensuring high quality development that accords with the policies and principles laid down within the Milton Keynes Local Plan and adopted SPG and SPD including the Development Frameworks for the East and West expansion areas. In order to advance the principles within the approved Framework and provide a vision for the development, Applicants will be required to submit development Briefs and Design Codes at specific stages of the planning process. Approved Briefs and Codes will be used as a development control tool by MKP to ensure the delivery of development which is of high quality and based on agreed principles and concepts, to an agreed phasing program and which will accelerate the planning process.

MKP has produced an informative on Development Briefs and Design Codes, this advises applicants and developers what is required to be submitted and at what stage (**Appendix 26**)

MKP will undertake consultation on submitted documents with the UDA Place Making Group (PMG). The PMG is facilitated by MKP and includes representatives of MKC, EP's National Consultancy unit, Elected Members, Representatives of Parish Councils, CABE and Thames Valley Police. The terms of reference for the PMG are **attached at 24**. The PMG group meets regularly to provide a forum for discussion on draft briefs and Design Codes and has an advisory role to MKP.

The Planning Sub Committee will approve all Development Briefs and Codes and this will be prior to the approval of outline planning permission and applications for reserved matters.

Procedure:

a) Development Brief

The case officer must ensure that applicants are fully aware of the requirements for an approved Brief prior to the approval of outline planning permission. The case officer will retain a dialogue with the applicant during the drafting of the Brief. Once submitted an initial assessment of the Brief will be undertaken against the content of the informative and any omissions will be discussed directly with the applicant. The applicant will be advised of any additional requirements within 10 working days of receipt.

The case officer will co-ordinate a pre-meet and the main meeting of the PMG to consider the Brief. Two weeks prior to the pre-meet of the PMG copies of the draft brief will be circulated to all members. A co-ordinated response will be made 6 days following the pre-meet and these will be forwarded to the applicant 1 week prior to the meeting. The applicant will present the Brief at the PMG and respond to the comments provided by the PMG.

Following the PMG the case officer will agree which changes need to be made to the Brief and agree a timescale for its resubmission, any further re-consultation and Planning Sub Committee date for approval.

When the Brief is in a form ready for approval, the case officer will draft a report to be put before the Planning Sub Committee for its approval.

b) Design Codes

Design Codes must be approved for development sites prior to the approval of reserved matters. The requirement for Codes is contained within the informative and must achieve the vision contained within the approved Development Brief.

Following receipt of the draft Code an initial assessment of the Code will be undertaken against the content of the informative and any omissions will be discussed directly with the applicant. The applicant will be advised of any additional requirements within 10 working days of receipt.

The case officer will co-ordinate a pre-meet and a main meeting of the PMG to consider the Code. Two weeks prior to the PMG meeting copies of the draft Code will be circulated to all members. A co-ordinated response will be made 6 days following the pre-meet. These will be forwarded to the applicant 1 week prior to the meeting. The applicant will present the Code at the PMG and respond to the comments provided by the PMG.

Following the PMG the case officer will agree which changes need to be made to the Code and agree a timescale for its resubmission, any further re-consultation and Planning Sub Committee date for approval.

When the Code is in a form ready for approval, the case officer will draft a report to be put before the Planning Sub Committee for its approval.

The working protocol of the PMG is **attached at 28**.