



dynamic development solutions™

For and on behalf of
Templeview Developments Ltd

Representation to the Plan:MK Examination
Matter 2

on behalf of
Templeview Developments Ltd

Prepared by
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June 2018



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Matter 2 – Spatial Strategy

Issue 5 – The Open Countryside (Policy DS5) & Linear Parks (Policy DS6)

Q2.21 Are the linear parks correctly shown on the Policies Map

- 1.1 The Linford Lakes site, as is covered in this representation, lies immediately adjacent to the existing built up area and between two areas of recent residential development (Red House Park and Oakridge Park) was historically the subject of extensive minerals workings and comprises (i) land that has been restored and is now used for mixed recreation and grazing, and (ii) land that was used for the 'processing' of minerals and which remains in large part unrestored, This area, also, is partly developed with a range of buildings/car park areas and access roads and has been promoted for residential development.
- 1.2 Residential development can take place without impacting upon the open land area and its potential use as parkland should development be allowed to proceed. The policy should be re-worded to allow for this. There are no constraints over the southern part of the site, i.e. that abutting the urban area and displaying the remnants of the minerals workings, that prevent this coming forward.
- 1.1 A map of the developable area is shown as appendix B.
- 1.3 Paragraph 182 of the NPPF sets out the requirements for policies to be considered sound.
- 1.4 We contend that Policy DS6 is not justified, effective or consistent with national policy.
- 1.2 As identified elsewhere, within our submission, Milton Keynes Council is currently unable to demonstrate a 5-year supply of land and has been for some time and continues to underperform against plan targets, this notwithstanding its status and otherwise accelerated performance as a job/employment growth generator. There is a clear and demonstrable shortage of suitable sites within the plan area, and in particular in locations that are sustainable, and this has been identified by DLP's Strategic Planning Research

Unit (SPRU) in their reg19 Submissions and matter 3 response.

- 1.3 Policy DS6 is not effective in that it fails to identify that the Linford Lakes site could make a valuable and material contribution towards housing in a highly sustainable location within the Milton Keynes Authority Area . In this respect, the plan fails to plan positively as required by paragraph 157 of the NPPF.
- 1.4 The proposed development of part of the overall area will also deliver a publicly accessible and owned linear park, in that it will act as enabling development.
- 1.5 It is noted that the site has previously been subject to a planning appeal for a scheme for 'Outline planning application (all matters reserved except for access) for the residential development of land north of Wolverton Road (Linford Lakes) (up to 250 units), with access and provision for drainage, open space and amenity areas and the creation of an area for car parking (25 spaces) on land off Little Linford Lane for use in association with the use of land for an extension to the River Valley Park'. Under the Local Plan process however, it is necessary to consider alternative proposals, including whether a modified scheme could address concerns raised by the inspector in that instance.
- 1.6 Whilst the site has been previously excluded from SHLAA on the grounds of flood risk, and ecology, this was inaccurate as the proposed developable area (and a large part of the wider site) is entirely within Flood Zone 1 and therefore has a low risk of flooding. There are therefore no planning constraints that prevent the developable part of the site from coming forward.
- 1.7 There are no sites designated for nature conservation at a national (Site of Special Scientific Interest (SSSI)) or international (Special Areas of Conservation (SAC), Special Protection Areas (SPA), or Ramsar) level within 2km of Linford Lakes. There are a number of non-designated sites, including the Great Linford Gravel Pits Biological Notification Site, however this lies outside of the site. Previously, and in connection with the application a full EIA was undertaken of the potential impacts on ecology and was scoped with the Authority and this was accepted as validly undertaken (by the Council and by Natural England) and identified minimal short-term harm but longer-term net benefits.

- 1.8 From this a Mitigation, Management and Monitoring Plan was put forward and agreed with the Council and the Milton Keynes Parks Trust. It is considered that any concerns relating to this are capable of being addressed as officers considered in recommending the scheme for approval. The site is capable of delivering housing to meet local plan needs, in overcoming the reasons for dismissing the previous appeal on the site in the Inspector's decision notice. The principle of developing the site for housing in order to secure public access and associated ecological benefits has was not ruled out.
- 1.9 Whilst the general extent of the land under current planning policy is identified as an area of attractive landscape value, this, previously, was found by local plan inspectors to have no merit but was nonetheless carried forward in policy. Moreover, this is accepted not to have been a criteria-based policy and adopted a blanket approach to designation, contrary to central guidance and most recently the Framework. Plan:MK does not seek to replace policy S11 which sought to protect designated areas of attractive landscape, and the policies map makes it clear that *'Areas of Attractive Landscape are no longer being designated or used within Plan:MK for the purposes of considering planning applications. Instead, a criteria-based policy for assessing landscape impacts is being proposed.'* The land is not of particular landscape importance other than it being open and offering a diversity of landscape features. No distinction is drawn between areas that are of lesser significance, e.g. the former minerals operational land which is now the site of the formalised leisure usage (Marle Inn etc) which abuts the urban area and which was put forward for development , and other areas that may have more merit, e.g. the course of the river. Overall however, we consider the land not to be a 'Valued Landscape' in terms of para. 109 of the NPPF; and landscape assessments carried out on the site suggest there is nothing associated with the Site that makes this land as a whole more than ordinary in landscape value terms. It must also be noted that good design, landscape mitigation measures and careful siting can help development appropriate to the site make an appropriate contribution in landscape terms.
- 1.10 It is noted that the inspector in dismissing the appeal on the Linford Lakes site made reference to paragraph 109 of the NPPF and valued landscapes. Notwithstanding our view that the site is not a valued landscape as described within paragraph 109 of the NPPF; Regard must be had to a recent consent order issues by the secretary of state in relation to the issue of whether valued landscape is a restrictive policy; the secretary of

state's view was that it is not, and therefore in terms of paragraph 14 of the NPPF, valued landscape should not be a reason to withhold permission for development of the site.

- 1.11 The inspector's decision in dismissing the appeal must be viewed in this context, and it is suggested that they have erred in withholding permission based on the view that the site as a valued landscape.
- 1.12 Paragraph 1 of the policy is not consistent with paragraph 114 of the NPPF in that this goes beyond what is necessary to protect biodiversity on the site. The policy should specify development that is appropriate for the site in accordance with paragraph 117 and should specify that part of the site is suitable for residential development providing the ecological and landscape value of the site is not compromised. It should also recognise the role that mitigation of biodiversity impacts can play. A flexible approach should be taken to allow development of the site to mitigate their impact either on site or via a contribution off-site. There is potential for planning obligations to help secure the objectives of the policy through associated residential development.
- 1.13 The policy is not effective in that it does not recognise that residential development of the site is capable of retaining the landscape and ecological value of the site intact and provide enhancements. A residential scheme would be deliverable in the terms of paragraph 47 of the NPPF, within the plan period and require relatively little infrastructure or major roads to be constructed. It is also relatively accessible, being sited on a well-used road and alongside similar developments such as Redhouse Park and Oakridge Park. There is an existing access from Wolverton Road that could be used to serve the development.
- 1.14 Policy DS6 makes no reference to the potential landscape improvements that development could provide, as well as improving public access to high quality green space. Development would also contribute to improving and creating further local wildlife habitats.
- 1.15 It must be noted that the site is currently in private ownership and there is no public access to the site at present, other than over a controlled route accessing the study centre. The policy, as worded, requires access to be increased as part of any development. It is not clear how this can be justified given that the land is privately owned and there is no access at present and uncontrolled access would potentially lead to

harm.. The policy does not recognise that enabling development needs to be accommodated to secure these benefits and it is unclear how they will be realised as a result. In this way the paragraph 2 should be amended to reflect the potential benefits development might bring.

- 1.16 It is noted that Milton Keynes Council is in the process of drawing up an Open Space Assessment as part of it's evidence base. As part of this it has published a number of open space maps in addition to the assessment. The assessment itself makes no mention of Linford Lakes. It is noted that the maps reflect the linear park shown on the policies map. It is suggested that the boundary of the linear park should be based on a case by case assessment taking into account the specific characteristics of the site. As a result, it cannot be said that the policy is effective.
- 1.17 The policy is not effective as it cross references policy NE4 which has a different approach to linear parks. The wording of this states that 'Development proposals will seek to ensure that existing ecological networks are identified and **wherever possible** maintained to avoid habitat fragmentation'. It is feasible that a development proposal could improve the connectivity of the site.
- 1.18 Policy DS6 is not sound as it fails to meet the policy tests of paragraph 182 of the NPPF. It should be removed from the plan, or at the very least amended as specified in appendix A so that it references the benefits of possible residential development of part of the site which would be a logical urban extension to Milton Keynes.

Appendix A

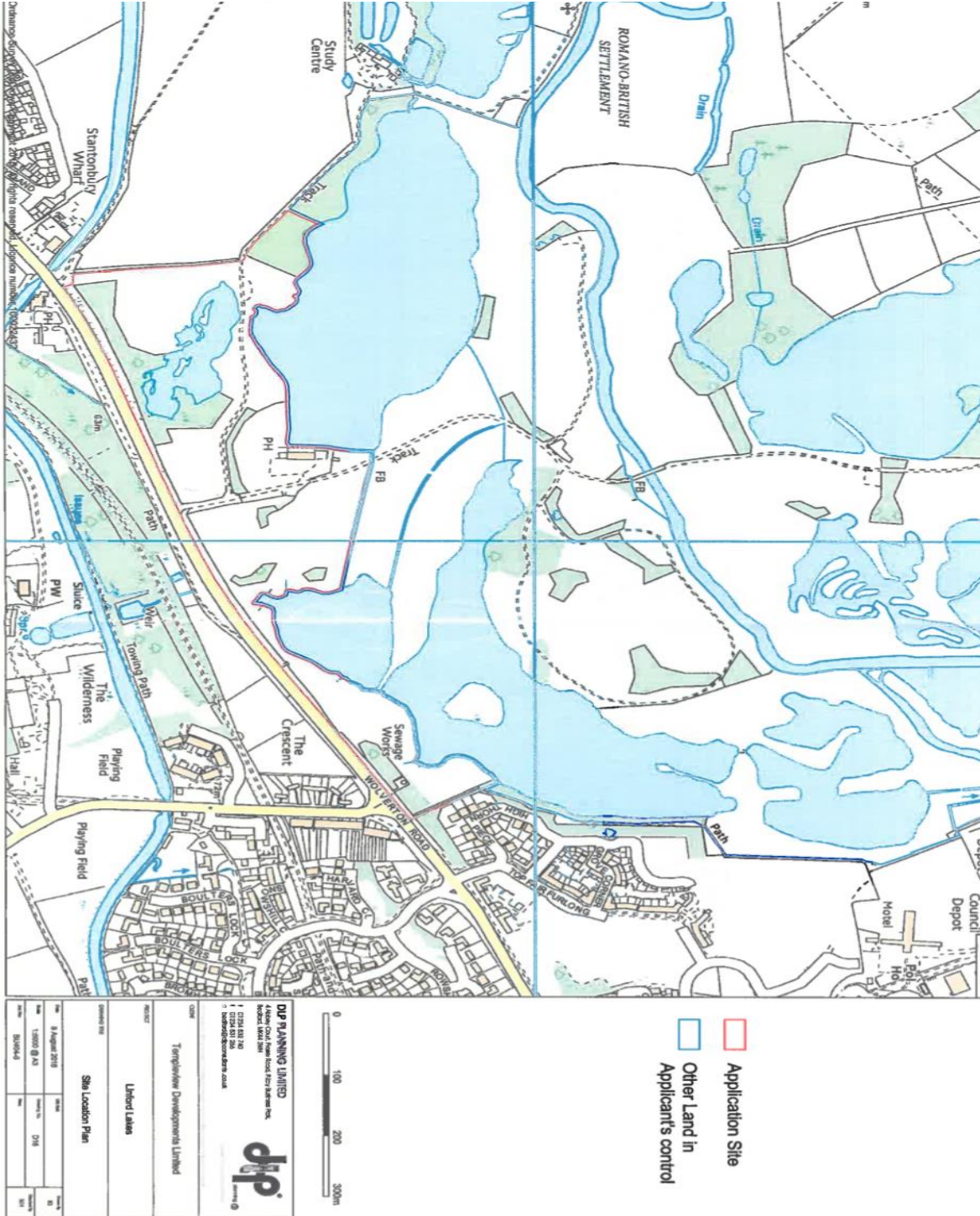
POLICY DS6 – Suggested Wording

Linford Lakes Area

The Ouse Valley between Haversham and the M1 motorway, known as "Linford Lakes", is part of the Linear Park system. Within this area, any new leisure and recreation development should be consistent with the objectives set out above, those in Policy NE4 and the site specific following requirements:

1. The wildfowl reserve - Linford Lakes Nature Reserve, based on Stantonbury Lake, and the surrounding lakes and land that fall within the Great Linford Gravel Pits Biological Notification Site (BNS), should be retained as an important ecological resource.
2. Proposals for new development should provide for increased public access within the area (including a footpath route along the Ouse Valley) providing any access areas/paths are located and managed in such a way so as to ensure ~~no detrimental~~acceptable impact on ecological resources, particularly within the Great Linford Gravel Pits BNS and the River Ouse BNS, having regard to ecological mitigation and contribution which the development may be provided-
3. Vehicle access to any new development should normally be taken from Wolverton Road / Newport Road.
4. Residential development of part of the site may be permitted in order to secure public access and the future maintenance of the site; providing that any development is otherwise compliant with the aims of this policy and protects the ecological resources on site.

Appendix B – Map showing Developable area.



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