



Town and Country Planning Act 1990

**Land South of the A1421, West of Far Bletchley, North of the East West Rail Link,
and East of Whaddon Road, Buckinghamshire, MK17 0EG**

**Re: Outline planning application for physical improvements to the Bottledump
roundabouts and a new access onto the A421 (priority left in only) to
accommodate the development of land in Aylesbury Vale District**

Appeal against the refusal of planning permission LPA reference 15/00619/FUL

Planning Inspectorate Reference APP/Y0435/W/20/3252528

STATEMENT OF CASE ON BEHALF OF MILTON KEYNES COUNCIL

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INTRODUCTION

1. This appeal by the South West Milton Keynes Consortium (SWMK) is made in relation to the refusal of planning permission by Milton Keynes Council (MKC) dated 15th November 2019 for the proposals relating to physical highway works.
2. The planning application made to MKC was refused permission on the 7th November 2019 for a single reason, namely:-

“That in the opinion of the Local Planning Authority there is insufficient evidence to mitigate the harm of this development in terms of increased traffic flow and impact on the highway and Grid Road network, with specific reference to Standing Way and Buckingham Road, thus this will be in contravention of Policies CT1 and CT2 (A1) of Plan:MK.”

3. It is important to note from the outset that the proposals on appeal are for highway works/proposals that seek to facilitate access to a much larger development proposal which is the subject of a distinct planning application - Ref 15/00314/AOP - being dealt with by a neighbouring planning authority, Buckinghamshire Council¹ ('BC').
4. The appeal application started as one of two duplicate cross boundary application submitted to both Aylesbury Vale District Council (as it then was) and MKC in January 2015 and accompanied by a suite of technical documents including an Environmental Statement².
5. However it was subsequently agreed that the duplicate application made to MKC would be amended so as to relate to the access related matters within the Milton Keynes boundary only, (leaving Aylesbury Vale to determine the related development proposals for a mixed use urban extension on land within its administrative area under application ref 15/00314/AOP). The description outlined with the LPA's decision notice was agreed in writing between MKC and the appellants in August 2019, and sets out the highway elements under consideration by MKC.

¹ Formerly Aylesbury Vale District Council

² Details are set out in the statement of common ground between SWMK and MKC

6. The proposal determined by MKC as amended was defined so as to relate to physical improvements to the Bottledump roundabouts and for a priority access onto the A421. It is such proposals which form the stated subject matter of the appeal, rather than any proposals in the administrative area of BC.

7. Thus the appellant has, for example:
 - (i) Identified, in making the appeal, that it is limiting the appeal to the amended description identified on the decision notice³ which relates to specific highway proposals only in the administrative area of MK;
 - (ii) Emphasised to the Inspectorate that the appeal “*is against the refusal of planning permission for two access points located within the Milton Keynes Council administrative area*”⁴.

8. It was and is relevant and necessary to consider material contained in the Environmental Statement (which relates to the larger development in BC⁵ as well - to which the access proposals relate) and the totality of potential impacts that might be relevant to the highway proposals in MKC. This is not least because the adequacy of access proposals the subject of this appeal needs to be assessed, in part, in light of the environmental effects of the proposals in BC. MKC did not devolve its powers to consider the highway elements within its administrative boundaries to BC, and as such the description sets out what elements are to be considered by both LPA’s. MKC and this appeal only consider the highway works and implications within MKC’s administrative boundary.

9. Moreover, despite the seeming simplicity of the appeal relating to only access proposals within MK the nature of the way the appeal has been made, together with associated changes to various matters that have taken place make the issues potentially complex. In particular the Council would highlight the following aspects.

³ See Appeal Form, Section E – identifying the change of description

⁴ Letter dated 2nd July 2020 from Carter Jonas

⁵ Which currently has a resolution to grant planning permission subject to the grant of a s.106

Proposed amendments to 15/00314/AOP

- 10.** MKC understands that the appellant has now proposed to make amendments to the proposal before BC ref 15/00314/AOP. As indicated by the appellant in a letter to the Inspectorate⁶ it was anticipated that such amended proposals would be submitted in June and determined by BC in or around September /October 2020. The specific date that the revised scheme is to be considered by BC’s committee has not been agreed to date, although the latest understanding is that they hope to take the application back to their committee in October. MKC was provided with a cross boundary consultation on 08th July 2020, and the revised application details on 10th July 2020. MKC is yet to formally respond to that consultation.
- 11.** The appellant, no doubt recognising the obvious timing difficulties, sought to delay this appeal (which it appears it had assumed would not be listed this year) and indicated that unless there was a delay to allow BC (and no doubt others) to consider matters it might “ *hinder the ability to resolve the wider planning issues associated with this development scheme. This would obviously undermine the effective administration of the Appeal proceedings and limit the ability of all parties to narrow the issues in contention in this case.*”
- 12.** As MKC understands it the amended proposals put to BC relating to matters in the BC administrative area and application 15/0034/AOP include:
- (i) Changes in standards of climate change resilience requiring a modified drainage strategy that impacts on the current scheme parameters;
 - (ii) The oil pipeline that crosses the site has been found to be located further to the west than the record plans which informed the current masterplan / parameter plans;
 - (iii) Draft policy H6 of the VALP, as proposed to be modified, requires provision to be made for elderly person accommodation within schemes of the scale proposed here, so the application has been amended to include 60 elderly care units (within Use Class C3) within the total quantum of development.

⁶ 21st May 2020

13. These amendments are currently under review by BC and MKC under the cross boundary consultation process. BC does not currently have a resolution on these changes from its planning committee. BC have indicated that they are likely to consider the amendments to the scheme at their committee shortly, possibly in October 2020.

Other changes

14. There have been a number of changes to the baseline position for EIA purposes that are now relevant to the appeal. These include the proposed allocation of land at Shenley Park (WHA001) north west of the appeal site for approximately 1,150 dwellings in the VALP (Vale of Aylesbury Local Plan as emerging), the adoption of Plan:MK in March 2019 and the publication of proposed modifications to the VALP.

Changes to the Transport Assessment

15. The application before MKC was considered and refused on the basis of the evidence before the Council, including the Mouchel's Transport Assessment (2016) provided on behalf of the appellant.
16. The Appellant has now indicated that '*for the purposes of the appeal*' it has produced what is referred to as a 'updated Transport Assessment' (2020). The case for the Council in relation to this outlined in more detail below, but by way of context the Council will explain that it is in fact tantamount to a completely new analysis based on new data and a different baseline and approach

Changes to what is proposed in the appeal scheme

17. The appellant has not sought to amend the description of the proposed development on appeal. Indeed it has indicated in its statement of case that none of the revisions to the further evidence it now relies on (which it includes, it appears, the 2020 TA⁷) '*affect the access arrangements proposed within MKC*'.
18. The Council, having considered the new TA, considers that it proposes a significantly greater list of mitigation schemes than was previously suggested is to be required and

⁷ See at paragraphs 1.24-1.28

that there are differing access arrangements. By way of example, the previously sought physical improvements to the Bottledump roundabout (which form part of the described permissions sought on appeal) are, it appears, no longer sought by the appellant, although they are offered as optional ‘if required’. If the physical improvements to the Bottledump roundabout are no longer sought, it follows that they are no longer an integral part of the appeal scheme. As such, a change to the description would be required.

Junction	Old TA	New TA
1. Broughton Rd / Sherwood Drive R’bt	None	Convert roundabout to signalised crossroads
2. Buckingham Road / Shenley Road	None	None
5. A421 Tattenhoe R’bt	None	Signalised roundabout (part-time, peak hours)
6. A421 Bottledump R’bt	Localised geometric improvements & Pegasus crossing	Localised geometric improvements & Pegasus crossing (if deemed necessary)
15. A421 Bleak Hall R’bt	Localised geometric improvements	Local roundabout geometry improvements
16. A421 Elfield Park R’bt	Local geometric improvements	Local roundabout geometry improvements
17. A421 Emerson Rd R’bt	Local geometric improvements	Local roundabout geometry improvements
18. Windmill Hill R’bt	None	Local roundabout geometry improvements

- 19.** It is noted that the Inspector has considered⁸ the new TA and proposals can be accepted for this appeal on the basis that, inter alia, “ *the Appellant has confirmed that its new TA does not contain, and does not seek to secure, any changes to the access arrangements or the design of the proposal that was refused planning permission by Milton Keynes Council*”
- 20.** The Council considers that the TA and now described proposals do constitute, at the very least, an evolution of the scheme with material changes to what was previously proposed. It had been assumed that the work underlying the new TA and new proposals following the application refusal (some of which the Council / Consultants of the Council were made aware of) would be the basis for a new, revised application. In the event, the appellant has pursued an appeal.
- 21.** It is assumed and hoped that the appellant will seek to amend the description of the proposals before this appeal to properly reflect what is now proposed and to reflect, in the context of EIA development, what requires permission and is relevant. Any such amendment will be a matter for the Inspector, but the Council has sought to engage with the appellant to that end. In particular, the appellant does not now view as essential the delivery of works to the Bottledump roundabout, which forms part of the description of the development proposal.
- 22.** The Council suggests that a revised description to outline what is currently being proposed could be necessary. If required, this can be agreed in the Statement of Common Ground with the appellant.

⁸ Email 2nd July 2020 from PINs

LPA Approach to appeal and Case

23. In light of the acceptance of the new 2020 TA by the Planning Inspector, the Council has sought expert advice in relation to it, so as to inform the approach to the appeal and to consider whether the approach it took to the earlier evidence and proposals, which were before it when the application was determined, remain sound.

24. It has sought to be proactive and engage with the appellant and will continue to do so, as to narrow issues where possible.

Statements of Common Ground

25. Draft SoCGs (Planning and Highways) have been submitted with the appeal. The final documents will be agreed between the parties and submitted before the case conference on 3rd September 2020.

The Planning SoCG with the Councils will provide detail on (although perhaps not limited to) the following:

- Description of the site
- The application submission
- Plan:MK and other relevant policies
- The consideration of the planning application
- Matters of common and uncommon ground
- The reason for refusal
- Conditions
- S106 Heads of Terms

In relation to Highway matters within the SoCG, these will largely include:

- Policy Context;
- Existing Conditions;

- Development Proposals;
- Trip Generation;
- Distribution and Assignment
- Network Assessment;
- Mitigation
- Residual Cumulative Impacts

26. It is understood that the appellant will also agree separate SoCG with the Rule 6 parties. The Council will seek to engage with rule 6 parties to agree statements of common ground as appropriate.

27. The application was refused on the basis:

“That in the opinion of the Local Planning Authority there is insufficient evidence to mitigate the harm of this development in terms of increased traffic flow and impact on the highway and Grid Road network, with specific reference to Standing Way and Buckingham Road, thus this will be in contravention of Policies CT1 and CT2 (A1) of Plan:MK”.

28. The Council maintains that it was right to so refuse as the evidence before it in November 2019 was inadequate and failed to adequately demonstrate the impact of the development. This will be demonstrated in evidence.

29. The Council recognises that the focus of the appeal will now be on the evidence contained in the new 2020 TA and the materially changed proposals. It has accordingly instructed an independent expert to consider whether the wording of the reason for refusal holds good in relation to the latest new evidence and proposals. In light of such evidence and assessment (which will be further summarised below) the Council considers that the appeal proposals should be refused on the basis as set out in the reason for refusal in November 2019. However, the Council will work with the appellant to review any further evidence which may be submitted if this is required by the Inspector.

- 30.** The Council will provide expert planning and highways evidence in support of the reason for refusal stated on the decision notice subject of this appeal.

POLICY

Development Plan Policy

Plan:MK

- 31.** As set out in the RfR, the Council will explain that the proposed development is contrary to policies CT1 and CT2 (A1) of Plan:MK, adopted in March 2019. Plan:MK is up to date and the policies contained within it carry full weight.
- 32.** Policy CT1 'Sustainable Transport Network' requires the promotion of sustainable patterns of development. In relation to the RfR, policy CT1 requires:
1. The promotion of a safe, efficient and convenient transport system.
 2. Promotion of transport choice, including coherent and direct cycling and walking networks to provide a genuine alternative to the car.
 3. Improved access to key locations and services by all modes of transport.
 4. The management of congestion and provision for consistent journey times.
 5. Promotion and improvement of safety, security and healthy lifestyles.
 6. Stakeholder engagement in relation to sustainable transport and economic growth.
 7. Engagement with the National Infrastructure Commission in relation to strategic connections, including rail improvements.
 8. Promotion of shared transport schemes.
- 33.** With regard to the RfR, the Council will contend that the appeal site is not supported by robust evidence in relation to items 1 - 5 above. In that regard the granting permission for the proposal would not accord with CT1.

34. Policy CT2 (A1) 'Movement and Access' states:

'A. Development proposals will be required to minimise the need to travel, promote opportunities for sustainable transport modes, improve accessibility to services and support the transition to a low carbon future. Development proposals will be permitted that:

1. Integrate into our existing sustainable transport networks and do not have an inappropriate impact on the operation, safety or accessibility to the local or strategic highway networks.'

35. The RfR specifically cites CT2 (A1) and the Council's case is that there is presently insufficient evidence to demonstrate that the proposals would minimise the need to travel, promote sustainable modes, improve accessibility or assist in reducing carbon.

36. In particular, it will be explained that the evidence regarding integration with existing transport networks is not robust, and there may be inappropriate operational, safety and accessibility impacts as a consequence.

37. The Council will explain in evidence that many of the RfR matters related to policy CT1 are reinforced by the wider text of policy CT2. Policy CT2 goes on to require the mitigation of development impacts on the highway network; the avoidance of prejudice in terms of the ability of other developments to come forward; provision of safe, suitable and convenient access; suitable onsite layouts; the avoidance of inappropriate traffic generation or compromised highway safety; maximum flexibility in the choice of travel modes; protection/enhancement of Public Rights of Way (PRoW); provision of strong public transport links; and, where possible, the promotion of shared and low-carbon transport modes.

38. The Council will address other policies referred to by the appellant in its statement of case – including SD15, CT3, CT5 & CT8. Plan:MK is up to date and the relevant policies contained within it carry full weight.

- 39.** Policy SD15 ‘Place Making Principles for Sustainable Urban Extensions in Adjacent Local Authorities’ of Plan:MK acknowledges that proposals on the edge of Milton Keynes are likely to have an impact upon the infrastructure and services of Milton Keynes. Amongst other things, it sets out that the need for joint working between neighbouring authorities to achieve a coordinated and well-designed development, and secure developer contributions towards improvement and provision of infrastructure to support the development. Being part of a development where the other larger element is being considered by BC, this policy is therefore relevant to the appeal scheme.
- 40.** Policy CT3 ‘Walking and Cycling’ states that the ‘Council will support developments which enable people to access employment, essential services and community facilities by walking and cycling.’ The appeal scheme is for highways improvements to facilitate the development being considered in BC, so in this regard is relevant to the scheme, but also in regard to its wider impacts within MKC boundaries.
- 41.** Policy CT5 ‘Public Transport’ development proposals must be designed to meet the needs of public transport operators and users. In terms of its relevance to this appeal, it largely extends the emphasis of Policy CT1 and CT2 of Plan:MK, in terms of ensuring road layouts must include direct, convenient and safe public transport routes.
- 42.** Policy CT8 ‘Grid Road Network’ has less relevance to this appeal scheme as it predominantly deals with road pattern of new developments which are a ‘unique’ characteristic of Milton Keynes, whereas the proposed development in this appeal deals with changes to established routes. MKC and Policy CT8 has no jurisdiction over the pattern of development within BC.

National Planning Policy Framework (NPPF)

- 43.** The Councils’ evidence will address relevant aspects of the NPPF including (but not limited to):

44. Paragraph 102 of the NPPF states that:

'Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

- a) the potential impacts of development on transport networks can be addressed;
- b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
- c) opportunities to promote walking, cycling and public transport use are identified and pursued;
- d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and,
- e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

45. The NPPF goes on to state (paragraph 108):

'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

46. The tests of acceptability in transport terms are set out at NPPF paragraph 109:

'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

47. NPPF paragraph 110 requires that, inter alia, development proposals prioritise pedestrian and cycle movements; facilitate access to high quality public transport; create safe, secure and attractive places; and allow for efficient access by service and emergency vehicles.

48. Paragraph 111 of the NPPF requires that developments which will generate significant amounts of movement should provide a Travel Plan and Transport Statement / Transport Assessment as appropriate 'so that the likely impacts of the proposal can be assessed'.

National Planning Practice Guidance (NPPG)

49. Relevant aspects of the NPPG will be addressed in evidence. The NPPG provides guidance on Travel Plans, Transport Assessments and Statements. The developer has provided a Transport Assessment (TA) and a Travel Plan (TP), both of which are the appropriate forms of assessment for a development of this scale and nature.

50. The NPPG goes on to describe the requirements for TAs and TPs, which include:

- The identification of mitigation measures to avoid unacceptable or "severe" development impacts⁹.
- Their establishment at the earliest practicable possible stage of a development proposal¹⁰.
- Provision of data about current traffic flows on links and at junctions (including by different modes of transport and the volume and type of vehicles) within the study area and identification of critical links and junctions on the highways network¹¹.
- Measures to improve the accessibility of the location (such as provision/enhancement of nearby footpath and cycle path linkages) where these are necessary to make the development acceptable in planning terms¹².
- Measures to mitigate the residual impacts of development (such as improvements to the public transport network, introducing walking and cycling facilities, physical improvements to existing roads¹³.

⁹ Paragraph: 005 Reference ID: 42-005-20140306.

¹⁰ Paragraph: 007 Reference ID: 42-007-20140306.

¹¹ Paragraph: 015 Reference ID: 42-015-20140306.

¹² Paragraph: 015 Reference ID: 42-015-20140306.

¹³ Paragraph: 015 Reference ID: 42-015-20140306.

- Assessments based on normal traffic flow and usage conditions (e.g. non-school holiday periods, typical weather conditions)¹⁴.

51. The NPPG also provides advice on Transport Evidence Bases in Plan Making and Decision Taking, the latter being relevant to the determination of planning applications. That section of the Guidance states that 'recommended periods for data collection are spring and autumn, which include the neutral months of April, May, June, September and October'.

52. The NPPG definition of neutral months for traffic data collection is similar to that of the Department for Transport's (DfT) WebTAG guidance, which describes neutral months as April, May, June, September, October and November with exclusions around Easter, School Holidays and Bank Holidays¹⁵.

¹⁴ Paragraph: 015 Reference ID: 42-015-20140306.

¹⁵ WebTAG Unit M1.2.

TRANSPORT EVIDENCE BASE AND CASE FOR THE COUNCIL

Background

53. The appellant has presented two relevant Transport Assessments (TAs), one in support of the planning application and another as part of its appeal submissions¹⁶. The Council's case refers (inevitably) firstly to the earlier TA (2016), which Members based their decision to refuse to grant planning consent. As referred to earlier and in the interests of moving the appeal forward and focussing on the latest evidence, the Council will address the (ongoing) review of the new (2020) document.

Modelling

54. A further complication is that the development has been assessed with reference to two iterations of strategic traffic modelling by the Local Highway Authority and, most recently, without the use of those models. These three methodologies must be compared in reaching a view on the impact of the scheme.

55. The Milton Keynes Multi Modal Model (MKMMM) assesses the impact of Plan:MK development but does not include the proposed transport mitigation measures associated with the appeal site. Consequently, it presents an 'unmitigated' scenario, as is commonly the case for strategic models designed to assess the overall effect of development plan growth, and to inform (rather than include) the related mitigation.

56. A high-level comparison of the model referenced in the 2016 TA (MKTM), the subsequent MKMMM and the adjacent (and overlapping) Buckinghamshire County Council (BCC) Countywide Model has been made by the appellant's consultants¹⁷ who reach the conclusion that these models 'correlate reasonably well'. However, as will be set out, that conclusion is reached on the assumption that a junction which is 'approaching capacity' in one model is actually operating much the same as in another model which shows it to be 'over capacity' and vice versa.

¹⁶ There was an earlier TA by Pell Frischmann, but that was not relied upon for determination purposes.

¹⁷ WSP SWMK Technical Note 18: Review of Transport Modelling.

57. It will be explained that these are strategic models which cover a wide area across identifying the overall likely consequences of planned development. The Council will explain that it is commonly understood that the use of such models can be more problematic at a localised scale, meaning that they cannot necessarily be taken at face value in assessing development impacts. Furthermore, the exact means by which development traffic is 'loaded' onto or exits from the network is generally necessarily a crude representation and not reflective of actual access proposals.

58. It will be submitted that there is no detailed technical evidence which would demonstrate that the appellant's assertions about the purported comparability of the models being accurate and there is a gap in the assessment process (especially given that the MKMMM does not include proposed mitigation, meaning that the effects of those measures are untested in the model). Consequently, there is no evidence from the strategic models that the transport impacts of the appeal site would not be 'severe'.

2016 Transport Assessment – Mouchel

59. The Appellant's statement of case asserts that there was no policy basis or empirical evidence to support the refusal in 2019. As has been explained, the Council's decision to refuse the application subject of this appeal, was based on there being a lack of sufficient evidence provided by the appellant at that stage. Given the submission of the 2020 TA and it being accepted by the Planning Inspector, it would not be proportionate or now relevant to discuss in great detail the merits of the 2016 TA in any case. The appellant's case now sets aside the 2016 TA and focusses on the new 2020 TA. The Council is required to do so too.

60. Mouchel's TA (August 2016) - takes a hybrid approach to the assessment of junction impacts arising from the development, using the Milton Keynes Traffic Model (MKTm) to determine locations for assessment, with local traffic models (using MKTM flows) utilised to assess junction performance.

61. The Council will explain that:

- (i) The MKTM has a base year of 2009, now 11 years ago and prior to the 2011 Census (data from which would now commonly be used to inform traffic distribution assumptions for example). A future (forecast) year model was produced, representing traffic conditions in 2026 inclusive of planned development growth locally.
- (ii) Neither the MKTM baseline or forecast year models quite meet Department for Transport (DfT) WebTAG requirements for stability, although they are close to meeting those requirements. Whilst the TA reports that only a few links in the vicinity of the appeal site were outside of DfT stability requirements, the overall model does not meet the required tests.
- (iii) More fundamentally, the Council will explain that such strategic models can only provide cues for detailed analysis of potential congestion hotspots. They are not generally of a fine enough grain to deal with the detailed impacts of individual developments, meaning that the TA should contain cross-checks against observed flows. This does not appear to have happened at planning application stage, (nor in the subsequent model comparison Technical Note 18), other than for junctions in Buckinghamshire where the Council raised concerns regarding model traffic forecasting¹⁸ and in Bletchley.
- (iv) The trip generation of the development was derived by Halcrow and input to the MKTM. The model assesses 1,855 new homes and, taking these as an example, the resultant vehicle trip rates are 0.67 (trips per dwelling) in the AM peak hour and 0.54 in the PM peak hour. The TA does not provide comparator evidence (from the industry-standard TRICS database for example) to allow verification of these trip rates.
- (v) The MKTM was used to distribute and assign trips to the network, albeit the reassignment of trips due to additional demand / queuing / delay was not represented in the TA analyses. The TA states that this represents a 'worst case'¹⁹ but that is not necessarily the case, as there may actually be diversion of existing trips to other locations which become impacted but have not been fully assessed.

¹⁸ 2016 TA paragraph 7.28.

¹⁹ 2016 TA paragraph 7.36.

- (vi) Where local junction models have been produced, the TA states that these have been validated by reference to Google Traffic screenshots. That is not a commonly accepted methodology and it will be contended that the models should have been calibrated in line with the manufacturer's instructions, which often relates to the accurate reflection of geometric parameters and the interaction of opposing vehicles.
- (vii) In terms of the proposed access arrangements, paragraph 8.7 of the TA states that no capacity assessment of the proposed A421 left-in-only access was undertaken as there would be no constraint on the main road as a consequence of the access arrangement. Whilst that may be the case, it will be explained that for a development of this scale and location it would be commonplace to provide supporting evidence including, for example, a geometric review of the proposed diverge arrangement (against standards), and a modelled and/or first-principles assessment of the geometric delay (deceleration, cornering speeds and potential queuing) associated with the diverge lane and the bend into the site.
- (viii) The TA provides additional analyses of traffic flows in Bletchley, including a comparison of observed (surveyed) and modelled (MKTM) flows. Per-direction, there are flow differences of up to 27%, with the observed flows being higher than those in the model. This is stated to be within the daily variation in traffic, which is incorrect as the maximum observed daily variation on the link/flow in question is 14%.

56. If it is felt necessary to spend time considering this previous evidence base (the Council suggests it would not be a proportionate use of inquiry time) it will be submitted that the evidence before the Council failed to adequately demonstrate the impact of the development so that the Council were correct to refuse the proposal.

New May 2020 WSP Transport Assessment

62. In relation to the new 2020 TA the Council will submit:

- (i) The latest TA post-dates WSP's Technical Note 18 which presented a high-level comparison of the available strategic traffic models and concludes that 'no further

assessments are required to enable MKC to determine the current planning application²⁰.

- (ii) The new TA adopts a different methodology from the previous iterations, stepping away from direct use of the Council's strategic traffic models and using a TRICS-based trip generation / spreadsheet distribution instead.
- (iii) The TA identifies locations where the new modelling predicts significant queuing and delay. However, WSP argues that some drivers would re-route to avoid those locations. Whilst that may be the case, there is no further detailed assessment of where that re-routing would occur, or what its impacts might be.
- (iv) New traffic data has been collected during 2020. However, the February data is not a neutral month for data collection according to NPPG, and the TA provides no evidence to indicate whether February data is comparable to that from the usual neutral months.
- (v) There are several additional concerns. For example, the walking isochrone at Fig 3.4 is misplaced in relation to the site, as is the cycle isochrone at Fig 3.6. This creates a misperception that the walk and cycle catchments are more extensive than is actually the case. It would be normal for the isochrones to be centred on the middle of the site.
- (vi) The methodology used to calibrate the junction models, involving calibration against queue data, is not entirely in accordance with the software manufacturer's guidance. Further work is required to ensure that these models are valid.

2020 Travel Plan

- (ix) The revised Framework Travel Plan is an update to the 2016 document.
- (x) Table 7.1, now reflecting 2011 Census data, indicates an opening year residential motor vehicle mode share of 75%, with a targeted reduction to 63% after five years - a 16% reduction on baseline figures, equating to the removal of 119 motor vehicle trips.
- (xi) Table 7.4 indicates a 16% motor vehicle reduction for employment uses over the same period. The TP assumes that all education motor vehicle trips will be associated with

²⁰ The application was refused planning consent by MKC on 15th November 2019.

other uses, with 24% of such trips being by car/van passengers. No modal shift targets are identified for education trips.

- (xii) A TPM would be appointed for a 12-month period, but there is no formal commitment to how long the role would persist (a change from the earlier TP). Initial funding would mirror the period of appointment of the TPM, with subsequent funding requirements passing to the Travel Plan Co-ordinators of elements of the appeal site (no specific funding identified).

63. In light of the assessment undertaken the Council will present evidence which explains that:

- (i) The TAs submitted prior to and after determination fail to adequately demonstrate the impact of the development, contrary to NPPF paragraphs 102, 108 and 111, and Plan:MK policies CT1 and CT2.
- (ii) The TAs and TPs do not fully assess or promote walking and cycling, contrary to NPPF paragraphs 102, 108 and 110 and Plan:MK policy CT1.
- (iii) The potential environmental impacts of the development's trip generation have not been fully quantified, contrary to NPPF paragraph 102 and Plan:MK policy CT2.
- (iv) Due to the insufficient evidence, the development may have a 'severe' or 'unacceptable' transport impact, contrary to NPPF paragraph 109.
- (v) Data utilised within the submitted TAs does not meet the requirements of the NPPG in relation to its currency, neutrality (representativeness) and reliability.
- (vi) The TA upon which the Council relied to inform its decision to refuse the application used now outdated and high-level (strategic) traffic modelling, and the comparison with the Council's latest modelling made by WSP lacks detail. There is no certainty that the earlier modelling remains representative; indeed, it is most-likely out-of-date and unreliable for current assessment purposes.
- (vii) There is no evidence within the determination-stage TA that the utilised trip generation rates are fully representative of the proposed development.
- (viii) There is insufficient evidence regarding the re-routing of traffic across the local road network due to increased congestion. It is not possible to know

where these vehicles are re-routing, nor has the appellant assessed the impact of that re-routing in sufficient detail.

(ix) Local junction models have not been calibrated/validated in line with the manufacturer's guidelines.

(x) There is insufficient consideration of the operation and design of the A421 access.

(xi) Where comparisons have been made between model and observed traffic flows, for example in Bletchley, the comparison is not as strong as the appellant suggests.

(xii) The new (2020) TA presents a different picture from earlier iterations, casting further doubt on their conclusions. It utilises a wholly different methodology in assessing the level, distribution and impact of development traffic. It:

- Uses traffic data which was not collected in a representative period;
- Misrepresents reasonable walking and cycling distances from the site; and,
- Has not calibrated traffic models in the approved manner.

(xiii) Both the 2016 and 2020 Travel Plans are relatively generic. The latest document contains some additional details, but steps back from earlier commitments in terms of its management and implementation. There are insufficient implementation, financial and mitigation commitments which would enable the TP to be relied up as a mitigator of traffic demand.

64. As mentioned previously, the Council will continue to seek to co-operate with the appellant and other parties to continue to narrow the points of debate. Whilst the Reason for Refusal refers to two roads, the Council reserves its position and may include other locations in its evidence given the new Transport Assessment submitted by the appellant and any further information which may arise.

PLANNING BALANCE

65. S38(6) of the of the Planning and Compensation Act 2004 requires planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. Plan:MK is up to date, and the relevant policies listed in the Case Officers committee report can be afforded full weight as they are not silent on the matters considered in this appeal.

66. As set out previously, the Council's decision narrows the policy context to identifying policies CT1 and CT2 of Plan:MK as key policies and raises an objection to the highway impacts of the development, including works within MKC's administrative boundaries and jurisdiction.

67. The appellant's case now sets aside the 2016 TA and focusses on the new 2020 TA. The above summary case outlines why the Council does not accept that the new TA addresses the reasons for refusal, and reaffirms therefore that the development is not in accordance with policies CT1 and CT2 of Plan:MK. The Council's case will set out that due to a lack of information, the new 2020 TA fails to demonstrate that any harm as result of the development can be successfully mitigated. Without this information, the Council cannot assess the severity of any detrimental highway impacts in accordance with paragraph 109 of the NPPF. The insufficiency of evidence means that the development may have a 'severe' or 'unacceptable' transport impact, contrary to NPPF paragraph 109. The TA has failed to demonstrate or provide a basis for approval. In any event the proposal should not be allowed based on such information as has currently been presented.

68. The Council will consider the benefits put forward by the appellant. It will conclude that the proposal is in conflict with relevant development plan policy and material considerations do not indicate that permission should be granted. Planning permission should be refused.

Other Matters

69. The Council has appended a list (further to the appendix 11 Core Document Schedule) of core documents and will liaise with the appellant and other parties so as to agree this.

Conditions and Planning Obligations

Paragraph 55 of the NPPF states that planning conditions should be kept to a minimum and only imposed where they are:

- a) necessary
- b) relevant to planning
- c) relevant to the development to be permitted
- d) enforceable
- e) precise
- f) reasonable in all other respects.

Paragraph 56 restates the legal requirements set out in CIL regulation 122, explaining that planning obligations should only be sought where they meet all of the following tests:-

- a) necessary to make the development acceptable in planning terms
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

The SoCG will address the matter of a Planning Obligation and conditions.

(i) S106

A S106 is not required to be secured in relation to the proposals in this appeal. However the S106 related to the elements proposed and under consideration by BC, is at an advanced stage and an update provided through the Statement of Common Ground between the Council and the Appellant.

(ii) Conditions

A set of conditions is being worked on by the Council and the Appellant. A full set of conditions will be provided in the Statement of Common Ground agreed between Council and the Appellant.

Witnesses

70. The Council proposes to call evidence on the following matters:

- (i) Transport
- (ii) Planning

Appeal Documentation

71. The appeal documentation can be viewed on the Council's website using the LPA reference 15/00619/FUL.

72. The agreed Core Document list between the parties will be agreed in the Statement of Common Ground.