



**PLANNING STATEMENT OF COMMON GROUND WITH MILTON KEYNES COUNCIL**

**APRIL 2021**

**Proposed development of Land at Buckingham Road, Tattenhoe Roundabout Standing Way to  
Bottledump Roundabout, Milton Keynes**

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

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

Signed by:	Signed by:
	
Paul Keen – Team Leader Development Management East Team on behalf of Milton Keynes Council	Mark Hyde – Partner Carter Jonas LLP on behalf of the SWMK Consortium
Date: 1 <sup>ST</sup> April 2021	Date: 1 <sup>st</sup> April 2021

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## **1.0 INTRODUCTION**

- 1.1 This Planning Statement of Common Ground (SoCG) has been prepared between the Appellant, the South West Milton Keynes (SWMK) Consortium comprising Taylor Wimpey UK Ltd, Hallam Land Management Ltd, Williams Davis Ltd, Bellcross Homes & Connolly Homes; and Milton Keynes Council (MKC) the local planning authority (LPA) to address general planning matters. Bellcross has previously been listed as Consortium member, however, its freehold land interest has now been acquired by Connolly Homes.
- 1.2 A separate Highways & Transportation SoCG is being prepared with MKC as local highway authority (LHA). Further SoCG are anticipated with the Rule 6 party Buckinghamshire Council (BC) and separately with Newton Longville Parish Council and West Bletchley Council who have taken joint Rule 6 Party status in the appeal.
- 1.3 The aim of this SoCG is to set out the agreed factual information about the appeal proposal with the aim of shortening the proofs of evidence and in turn saving time at the Inquiry. It has been prepared with regard to guidance published by the Planning Inspectorate.

## **2.0 CONTEXT**

- 2.1 SWMK is a proposed housing led sustainable urban extension to Milton Keynes, which is almost wholly situated in the administrative area of the former Aylesbury Vale District Council (AVDC) now a part of the Buckinghamshire Council (BC) administrative area, a Unitary Authority (UA) formed in 2020.
- 2.2 SWMK is an allocation in the emerging Vale of Aylesbury Local Plan (VALP) policy reference D-NLV001. The VALP was submitted to the Secretary of State in November 2017 and EiP Hearings Sessions were held in July 2018; the Inspector published Interim Findings in August 2018. Proposed Main Modifications to the VALP were published and subject to public consultation in November 2019. Following discussion with the Inspector, BC then published Further Proposed Main Modifications that were the subject of public consultation in December 2020.
- 2.3 Two of the three vehicular access points to the proposed development are situated within the administrative area of MKC. In reflection of Government guidance upon the matter of cross boundary development proposals, the Appellant prepared duplicate outline planning applications for the SWMK development (with all matters reserved except for access) which were submitted to AVDC and MKC on the 31st January 2015. They were given the references 15/00314/AOP and 15/00619/FUL respectively (and the application is acknowledged by MKC to be an outline planning application although access is not a reserved matter).
- 2.4 It is the vehicular access points within the MKC administrative boundary, the Bottledump and Tattenhoe roundabouts (both in Milton Keynes and included within the application red line) and the associated transport impact of the development, which have been considered by MKC in the determination of 15/00619/FUL and which are the subject of this appeal. Access is the only matter under consideration and this includes access to the site from the Milton Keynes highway network and the associated highway impacts of the development. The points of access from Tattenhoe Roundabout / Buckingham Road and A421 Standing Way and the administrative boundary at Bottledump roundabout are illustrated in the following figures:-



Figure 1 – Tattenhoe Roundabout / Buckingham Road (MKC point of access)

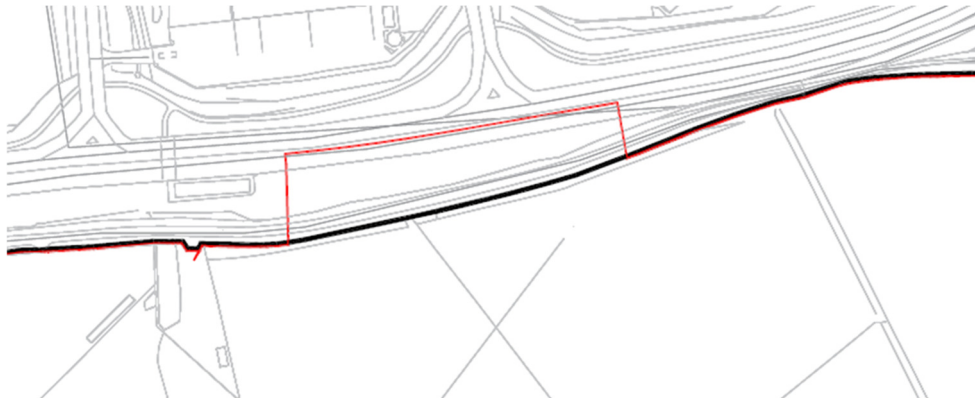


Figure 2 – A421 Westbound point of access (left-in only) (MKC point of access)



Figure 3 - Bottledump Roundabout / Whaddon Road (MKC highway improvements)

2.5 The planning application for the appeal development (15/00619/FUL) was registered as valid by MKC on the 23<sup>rd</sup> March 2015. The description of development was recorded as:-

*Outline permission for 2 x junction improvements and a new access onto A421 (priority left in/left out) (associated with Aylesbury Vale District Council planning application 15/00314/AOP)*

- 2.6 The description of development was discussed with MKC officers in March 2015 who confirmed that the reference to '2 x junction improvements' was intended to refer to the proposed mitigation measures at the Bottledump and Tattenhoe roundabouts. In response the Appellant proposed that the description of development should be amended to reflect this more accurately, and to outline what MKC would be considering – access related matters within MKC's boundary only. The following description of development was agreed with MKC:

*Physical improvements to the Tattenhoe and Bottledump roundabouts and a new access onto the A421 (priority left in / left out) to accommodate the development of land in Aylesbury Vale District as proposed in the outline planning application (all matters reserved except for access) reference 15/00314/AOP*

- 2.7 MKC subsequently (August 2019) proposed an amendment to the description of development to reflect on the revisions to the scheme submitted in August 2016 which the Appellant agreed to, as follows (and is the description of development given on the MKC decision notice) and which MKC consulted/advertised on 23<sup>rd</sup> July 2019, 28<sup>th</sup> August 2019 and 9<sup>th</sup> September 2019:-

*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 reference 15/00314/AOP (for Outline planning application with all matters reserved except for access for a mixed-use sustainable urban extension on land to the south west of Milton Keynes to provide up to 1,855 mixed tenure dwellings; an employment area (B1); a neighbourhood centre including retail (A1/A2/A3/A4/A5), community (D1/D2) and residential (C3) uses; a primary and a secondary school; a grid road reserve; multi-functional green space; a sustainable drainage system; and associated access, drainage and public transport infrastructure - EIA development).*

- 2.8 The planning application (15/00314/AOP) considered by AVDC (now BC) has benefited from a resolution to grant planning permission on 7<sup>th</sup> June 2017 and that was reconfirmed on the 29<sup>th</sup> April 2019. However, the Appellant proposed certain amendments to the application in June and October 2020 which are currently under consideration by BC. It is understood that the Council intends to take the application back to their Strategic Sites Committee on 10<sup>th</sup> June 2021.

- 2.9 The planning application to MKC was refused permission on the 7<sup>th</sup> November 2019 for a single reason that is:-

*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.*

### 3.0 THE APPLICATION SUBMISSIONS

3.1 The duplicate outline planning applications were submitted in January 2015. The applications comprised the following documentation:-

- Application Form & Certificate B
- Planning Statement & Appendices
- Design & Access Statement
- Sustainability Strategy
- Flood Risk Assessment (Appendix 8.1 of the Environmental Statement)
- Retail Assessment
- Employment Assessment
- Statement of Community Involvement
- Transport Assessment & Appendices (Appendix 10.1 of the Environmental Statement) & Framework Travel Plan
- Arboricultural Assessment
- Energy Strategy
- S106 draft Heads of Terms
- Construction Environmental Management Plan
- Environmental Statement & Appendices
- Environmental Statement Non-Technical Summary

#### Drawings

Drawing Description	Reference	Revision	Date
Development Framework (LUB)	SWMK03-073	H	09/14
Parameter Plan	SWMK03-074	G	09/14
Open Space Plan	SWMK03-076	E	09/14
Illustrative MP in Context	SWMK03-077	C	09/14
Application Site Boundary	SWMK03-079	C	09/14
Residential Density	SWMK03-082	C	09/14
Constraints Plan	SWMK03-087	D	11/14
Phasing	SWMK03-131	B	09/14
Ground Remodelling	SWMK03-148	A	09/14
Building Heights	SWMK03-149	C	09/14
Illustrative Landscape Plan	3126-L-01	C	09/14

3.2 Eleven topic meetings were held between the applicant, AVDC, MKC & BCC from June 2015 to September 2016. These covered a wide range of issues and included other stakeholders as appropriate. In light of negotiations the application was formally revised in August 2016. Duplicate application revision packages were submitted to AVDC and MKC. This included an Addendum ES with updated TA, all of which were consulted on by MKC (31<sup>st</sup> August 2016).

3.3 Both applications were formally revised in August 2016. The package of revisions comprised the following documentation:-

- Covering Letter
- Addendum Design & Access Statement
- Addendum to ES & NTS

- Erratum to Addendum ES
- Revised LVIA (appendix to ES/NTS)
- Revised TA & FTP (appendix to ES/NTS)
- Ecological Assessment

#### Drawings

Drawing Description	Reference	Revision	Date
Development Framework Plan	SWMK03-073	L	08/16
Parameter Plan	SWMK03-074	O	08/16
Open Space Plan	SWMK03-076	J	08/16
Illustrative MP in Context	SWMK08-001	N/A	08/16
Application Site Boundary	SWMK03-079	F	06/16
Residential Density	SWMK03-082	F	07/16
Ground Remodelling	SWMK03-148	C	08/16
Building Heights	SWMK03-149	E	08/16
Public Transport	SWMK03-83	F	08/16
Indicative Landscape Plan	3126-L-01	J	07/16

- 3.4 The application was taken to the 17<sup>th</sup> November 2016 and 2<sup>nd</sup> February 2017 MKC Development Control Committee (DCC) meetings and deferred on both occasions to enable further information to be provided. The application was taken to 9<sup>th</sup> March 2017 MKC DCC meeting, but was deferred until such time as Aylesbury Vale District Council had determined the application before it (15/00314/AOP). MKC Officers then advised (3<sup>rd</sup> July 2017) that that the Chair of DCC *'... has confirmed that the application should come back to DCC once AVDC have issued their decision.'*
- 3.5 A period of negotiation in relation to the S106, including with officers from MKC, then ensued. Subsequently, in light of the publication of the revised NPPF (2019) and to secure formal approval of obligations sought by MKC, the application residing with AVDC was taken back to the Council's Strategic Development Management Committee on 24<sup>th</sup> April 2019. Officers recommended that *'planning permission should be granted as the S106 had been agreed subject to conditions'* and this was agreed by the Committee which again resolved to grant permission.
- 3.6 Subsequently, in May 2019 and following further discussions with MKC officers an Ecology Update report was submitted; and in June 2019 Technical Note 18 providing a review of Transport Modelling was submitted.
- 3.7 The application was taken to 7<sup>th</sup> November 2019 MKC Development Control Committee (DCC), where the committee resolved to refuse planning permission due to insufficient evidence to demonstrate adequate mitigation in terms of highway impacts. The Council's decision was issued on 15<sup>th</sup> November 2019.

3.8 The drawings relevant to the Appeal Development (development proposed within MKC's administrative boundary) considered by the Development Control Committee and listed on MKC's decision notice are:

- SWMK03/079/F - Application Site Boundary
- D013 Rev A – A421 Proposed Access
- D015 Rev D – Bottledump Roundabout Pegasus Crossing
- D017 Rev D – Alternative Junction Arrangement for Proposed Access on Buckingham Road
- D016 Rev B - Alternative Junction Arrangement for Proposed Access on Buckingham Road
- D018 Rev A – Bottledump Roundabout Potential Mitigation Scheme

3.9 The appeal against the Council's reasons for refusal was submitted in May 2020 and given a start date of 4<sup>th</sup> June 2020. In June 2020 a further package of revisions was submitted to BC, including the updated 2020 TA that accompanied the MKC appeal. In paragraphs 20-22 of MKC's Statement of Case, the Council raised concern that a change to the application description may be required as mitigation works to the Bottledump roundabout were unclear. It is the Appellant's view that the description of development which in opening states '*Outline planning application for physical improvements to the Bottledump roundabouts...*' adequately accommodates identified mitigation. Both parties agree TRN3 confirms the provision of proposed mitigation at the Bottledump roundabout.

3.10 The Council reconsidered and set out its position in its letter to the Planning Inspectorate dated 24<sup>th</sup> June 2020, in light of the new material submitted and considered that there remained insufficient evidence to mitigate harm as set out in the reason for refusal.

3.11 The revisions have been prepared to address a number of amendments that have been made to the proposed development and to address changes in regulation, policy and guidance since the original application was submitted. The amendments to the proposed development have arisen for the following reasons:-

- The alignment of the oil pipeline crossing the application site was not identified correctly in the original application drawings and as a result needs to be amended to show the correct alignment. It should be noted that the oil pipeline continues to be located within an area identified as a green infrastructure corridor in the proposed development;
- The standards required for climate change mitigation have been enhanced since the planning application was submitted. As a result, larger surface water attenuation ponds need to be included, which has required minor changes in the size and disposition of the proposed development parcels;
- The housing needs of older people is identified as a specific issue in the emerging Vale of Aylesbury Local Plan and this type of housing is supported by policy (Policy H6b as modified) on those sites identified as suitable in the Housing and Economic Land Availability Assessment. The application site is identified as a suitable housing site and is a draft housing allocation. As a result, the applicant has decided that an element of elderly persons' accommodation (within use class C3) should be included in the proposed development within the total quantum of housing.



3.12 The oil pipeline remains in an area identified for a green infrastructure corridor within the proposed development. The surface water attenuation ponds have increased in size but are located within similar areas of the proposed development. The proposed extra care housing will be within use class C3 and is located within an area previously identified as a residential development parcel.

3.13 In light of these amendments, certain revisions were required to the extant planning application being considered by BC, including the consequential amendment of the description of development and the submitted plans and drawings.

3.14 The following amendment to the description of development of the application being considered by Buckinghamshire Council is proposed:-

*Outline planning application with all matters reserved except for access for a mixed-use sustainable urban extension on land to the south west of Milton Keynes to provide up to 1,855 mixed tenure dwellings, including 60 extra care units (C3); an employment area (B1) including provision for a 6GP surgery (D1); a neighbourhood centre including retail (A1/A2/A3/A4/A5), community (D1/D2) and residential (C3) uses; a primary school; a secondary school; a grid road reserve; multi-functional green space; a sustainable drainage system; and associated access, drainage and public transport infrastructure.*

3.15 The only change to the description of development is the reference to the 60 extra care units, but these still form part of the same C3 use class. Reference to the 60 extra care units do not form part of the description of development found on MKC's decision notice.

3.16 There have also been a number of changes in regulation, policy and guidance that have a bearing on the proposed amendments and which will need to be considered in determining the planning application. These updated requirements include the Town and Country Planning (Environmental Impact Assessment) Regulations which were revised in 2017. There have also been changes to relevant adopted and emerging development plan documents and policies since the planning application was submitted; Plan:MK was adopted in 2019 and the emerging Vale of Aylesbury Local Plan (VALP) was prepared and submitted for examination in 2017. The Government published a revised version of the National Planning Policy Framework in 2019, which updated national guidance from 2012 that was originally referred to in the planning application.

3.17 The revision package comprises the following documentation:-

- Updated Planning Statement
- Updated D&AS
- Updated Flood Risk Assessment
- Updated Retail Assessment
- Updated Employment Assessment
- Updated TA & FTP (The LPA considers these to be new documents – 2020 TA & FTP)
- Updated AIA

- Updated Energy Strategy
- Updated CEMP
- Updated ES & Appendices
- Updated ES NTS

#### Drawings

Drawing Description	Reference	Revision	Date
Development Framework Plan	CSA/4857/100	K	02/20
Open Space Plan	CSA/4857/113	C	03/20
Illustrative Masterplan	CSA/4857/112	E	03/20
Application Site Boundary	CSA/4857/111	A	03/20
Residential Density	CSA/4857/119	C	03/20
Public Transport	CSA/4857/117	C	03/20
Phasing	CSA/4857/129	A	02/20
Building Heights	CSA/4857/114	C	03/20
Illustrative Landscape Plan	CSA/4857/105	E	03/20
Key Structural Elements	CSA/4857/120	F	03/20
Landscape Character Areas	CSA/4857/121	E	03/20

- 3.18 The 2020 TA contains a revised highways mitigation package which is relevant to the MKC appeal and BC application. BC has accepted the proposed revision package as an amendment of the extant planning application they are considering and has consulted MKC (MKC reference 20/01656/CONS). MKC considered the new material for purposes of this cross boundary application and concluded it still lacked sufficient information in a consultation response to BC dated 11<sup>th</sup> February 2021 and confirming its position as set out in the MKC Statement of Case for the appeal.
- 3.19 Meetings were held between MKC and the appellant in July, August and September 2020, as set out in MKCs letter (MKC – New evidence from Appellant) sent to PINs and the appellant on 18<sup>th</sup> September 2020. This letter also set out the extent of new material provided to MKC in the appeal process when proofs were exchanged on 16<sup>th</sup> September 2020.
- 3.20 Subsequently, in October 2020, a further proposed revision package was submitted to BC and copied to MKC for the purposes of this appeal. Work with BC in considering the proposed crossing arrangement of the Old Buckingham Road drew attention to a drafting error in the suite of drawings that accompanied the update of the planning application submitted in June 2020 and which incorrectly illustrated the alignment of the ‘left in’ access from the A421 Standing Way. This was corrected in a suite of revised drawings with consequential minor amendments to the disposition of an attenuation feature, housing development parcel and the alignment of the primary route corridor immediately adjacent to the access.
- 3.21 At the same time, the opportunity was taken to update Chapter 7 Ecology of the submitted ES in light of survey work completed over the summer and a Technical Note on surface water drainage matters to respond to matters raised by the LLFA. The package comprised:-
- Ecology Response Note

- ES Addendum Chapter 7 Ecology & Appendices
- Surface Water Drainage Update

#### Drawings

Reference	Drawing Description	Reference	Revision	Date
CD15/F/A	Development Framework Plan	CSA/4857/100	L	09/20
CD15/F/B	Open Space Plan	CSA/4857/113	D	09/20
CD15/F/C	Illustrative Masterplan	CSA/4857/112	G	09/20
CD15/F/D	Residential Density	CSA/4857/119	D	09/20
CD15/F/E	Public Transport	CSA/4857/117	D	09/20
CD15/F/F	Building Heights	CSA/4857/114	D	09/20
CD15/F/G	Key Structural Elements	CSA/4857/120	G	09/20
CD15/F/H	Landscape Character Areas	CSA/4857/121	F	09/20

- 3.22 The application package has subsequently been updated in January 2021 with the submission of Transport Response Notes, 1 (September 2020), 2 (December 2020) & 3 (January 2021) and associated Road Safety Audits & Designers' Response; and an ES Addendum updating Chapters 10-12 inclusive (Traffic & Transport, Noise and Air Quality) of the Environmental Statement (June 2020).
- 3.23 MKC's position in relation to the 2016 and 2020 TAs was set out in its Statement of Case. The subsequent additional information from the Appellant (TRN1, 2 & 3) which supersedes elements of the 2020 TA is currently being assessed. Alongside the Appellant's discussions with BC, there have been meetings and numerous exchanges of email correspondence between WSP (on behalf of the Appellant) and Hydrock (on behalf of MKC).
- 3.24 MKC consulted on the updated BC application package (under reference 20/01656/CONS) on 9<sup>th</sup> February 2021.

#### **4.0 CONSIDERATION OF THE PLANNING APPLICATION SUBJECT OF THIS APPEAL**

4.1 Throughout the application process there has been ongoing dialogue and joint working between the LPA, LHA, key stakeholders and the Appellant in reflection of the 'cross-boundary' nature of the proposed development, which included a series of regular topic based meetings to address key issues such as highways, education, design & layout and S106 matters. This included what development would be considered by each LPA (within their own administrative boundaries).

4.2 The planning application subject to this appeal (15/00619/FUL) was first considered at the Development Control Committee (DCC) meeting of the 17<sup>th</sup> November 2016. Officers advised that the access points were necessary to secure delivery of the development in AVDC. In paragraph 5.4 of the officers' report, officers concluded that subject to conditions, the proposed access arrangements would not have such a visual impact as to warrant refusal of planning permission.

4.3 The MKC Highways officer comments on the application were recorded at paragraph A3.17 of the report, stating that:-

*In summary, the Transport Assessment has demonstrated that the development (in AVDC) is able to be accommodated on the highway network. Improvements to junctions within Milton Keynes are proposed and, subject to agreeing a financial contribution, appear acceptable to mitigate the development.*

*The two accesses proposed within Milton Keynes have been tested and have been Safety Audited. The accesses are deemed to be acceptable.*

*Proposals for public transport and connections to the walking and cycling networks are acceptable but their implementation needs to be secured.*

4.4 Officers recommended that planning permission should be granted subject to conditions. The assessment was based on the 2016 TA. However, the DCC decided to defer the application. The minute of the decision recorded that:-

*That determination of the application be deferred to allow for further information to be provided in respect of the modelling processes used to complete the transport assessment and the implications and process to delegate the authority to determine the application to Aylesbury Vale District Council.*

4.5 The application was brought back to the DCC meeting of the 2<sup>nd</sup> February 2017. Officers again recommended that planning permission should be granted. However, during debate, officers changed their recommendation to one of deferral. The DCC accepted that the application should be deferred to allow further modelling and testing of the Transport Assessment (TA).

4.6 The application was again reported to the DCC at its meeting of the 9<sup>th</sup> March 2017. Officers recommended again (the assessment was again based on the 2016 TA) that planning permission should be granted, concluding that:-

*The proposal involves highway works to the A421 and Bottledump roundabout. These works will help to ensure that there would be no undue impact on the highway network in Milton*

*Keynes in terms of capacity and safety as a result of the SWMK planning application (15/00314/AOP) if AVDC was to grant it planning permission. If planning permission is not forthcoming from AVDC then the highway works would not be implemented. The Highway Engineer is satisfied that the works are acceptable and there would be no adverse impact on capacity or safety.*

- 4.7 The DCC resolved to defer its decision, the minute of the decision recorded:-

*‘that determination of the application be deferred until such time as Aylesbury Vale District Council have determined the Salden Chase application’.*

- 4.8 Following the resolution of AVDC to grant planning permission, the Appellant met with officers of MKC and AVDC to discuss the determination of the planning application on the 7<sup>th</sup> May 2019.

- 4.9 In light of matters discussed at the meeting, the Appellant commissioned an Ecological Update and a Review of Transport Modelling (based on the 2016 TA); and assistance was given in order to ensure that a complete set of application documents in electronic format was available to MKC. MKC Officers decided to re-advertise the application as an EIA scheme. The further technical documentation was also submitted to AVDC.

- 4.10 Officers prepared a report to the MKC DCC meeting of the 7<sup>th</sup> November 2019. Under the heading ‘Highway Matters’, officers reported the following:-

*7.4 The proposal needs planning permission as it involves works to a classified road. Milton Keynes Council is the Local Highways Authority responsible for the highways which are the subject of this application. The application is accompanied by a Transport Assessment, which has been the subject of discussions between the Highway Engineers at MKC and Buckinghamshire County Council (the Highway Authority for the Aylesbury Vale District) together with the applicant.*

*7.5 The Transport Assessment has demonstrated that the application for a mixed use development submitted in Aylesbury Vale District is able to be accommodated on the highway network. Improvements to junctions within Milton Keynes are proposed and, subject to agreeing the detail, are acceptable to mitigate that neighbouring development. The two accesses proposed within Milton Keynes have been tested and have been Safety Audited and are, therefore, deemed to be acceptable.*

*7.6 A review of the Transport Assessment has been undertaken since the March 2017 Development Control Committee, due to the period of time that had elapsed since the Transport Assessment was produced and the fact that additional traffic modelling work has been undertaken by the respective Authorities to support their Local Plan process. The review sets out the current situation with regards to the discussions on the Transport Assessment and the agreed mitigation. It then does a comparison of the key junctions (in general capacity terms) between the Transport Assessment and the latest modelling results. In conclusion, the Council’s Highway Engineers have confirmed that there has not been a significant change in circumstances and the previous conclusions on the Transport Assessment remain valid. Development Management Officers have no reason to disagree with this advice.*

*7.7 Milton Keynes Highways Engineers have also confirmed that the revised site boundary and West Bletchley Parish 'review of transport implications' were taken into account in their assessment.*

*7.8 A Section 278 agreement will ultimately cover the works within the public highway. Consequently there is no highway objection to this application.*

*7.9 Following concerns expressed by third parties about the potential traffic impact of the development, the Councils highway Engineers have revisited the junction modelling of the site access points and the improved Bottle Dump Roundabout. This confirms that the junctions will operate within capacity when the development is complete. It should be noted that there is also scope for further improvement at the detailed design stage.*

*7.10 In addition, the works will be subject to a Section 278 Agreement whereby detailed designs (complete with Road Safety Audits) will need to be presented to the respective Highway Authorities for approval. The Council (together with Buckinghamshire County Council) therefore retain control over the final detailed design.*

*7.11 Subject to adequately worded conditions (and subsequent details assessed at the reserved matters and s278 stages), the proposed development therefore accords with Policies CT1, CT2 and CT3 of Plan:MK.*

*7.12 The Council's Footpath Officer has noted that Shenley Brook End Bridleway 009 is within the development boundary and is located south-west of Bottledump roundabout. It is recommended that the bridleway must remain open and unobstructed at all times. Again this can be controlled by a suitably worded condition.*

- 4.11 Officers recommended for a third time that planning permission should be granted (based on the 2016 TA). However, notwithstanding the advice in paragraph 7.11 that subject to the imposition of suitable conditions the proposed development was in accordance with Policies CT1, CT2 & CT3 of the adopted Plan:MK, the DCC resolved to refuse planning permission for the reason set out on the Decision Notice, citing conflict with CT1 and CT2(A1) of Plan:MK the Committee minute (CD18/D) recording that-

*'That the application be refused, on the basis that in the opinion of the Committee 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, this this will be in contravention of Policies CT1 and CT2(A1) of Plan:MK'*

- 4.12 The chronology outlined above is for contextual purposes only to further outline the events leading up to final determination by MKC. The appeal submission includes an updated TA (2020) which now supersedes the 2016 TA against which the Appeal Development has previously been assessed. The position of MKC at the appeal will be informed by the Council's assessment of those parts of the updated (2020) TA which remain current, subsequent to the production by WSP of TRNs 1-3, and by the contents of those TRNs It is agreed by all parties that the 2016 TA informed previous recommendations to the MKC Development Control Committee. MKC considers that the 2016 TA is no longer the relevant evidence base for the

appeal. Meetings were held between MKC and the appellant as set out in paragraph 3.19 of this SoCG.

## **5.0 THE ADOPTED DEVELOPMENT PLAN**

5.1 The adopted development plan for the purposes of this appeal is Plan:MK which was adopted in March 2019. The policies of Plan:MK that are relevant to the appeal are:-

- Policy SD15 - PLACE-MAKING PRINCIPLES FOR SUSTAINABLE URBAN EXTENSIONS IN ADJACENT LOCAL AUTHORITIES;
- Policy CT1 - SUSTAINABLE TRANSPORT NETWORK;
- Policy CT2 - MOVEMENT AND ACCESS;
- Policy CT3 - WALKING AND CYCLING.
- Policy CT 5 – PUBLIC TRANSPORT
- Policy CT8 – GRID ROAD NETWORK

## **6.0 THE NPPF AND OTHER MATERIAL CONSIDERATIONS**

6.1 The NPPF (CD/8) and National Planning Practice Guidance (CD/9) are material considerations in the determination of this appeal. The main NPPF paragraphs of relevance to this appeal are 7, 8, 102, 104, 108, 109, 110 and & 111.

6.2 As noted above duplicate applications were submitted to both AVDC and MKC so that each planning authority could determine the elements of that proposal that fall within their respective administrative areas. Although MKC, in dealing with the smaller application could have delegated its determination to AVDC (now BC), it decided not to and to instead determine the proposals within its administrative boundary (the appeal development).

6.3 The application to AVDC was reported to the Council's Strategic Development Management Committee on 7th June 2017. The Committee resolved to grant planning permission for that proposal.

6.4 A period of negotiation in relation to the S106, including officers from MKC, then took place. An update report was presented to AVDC's Strategic Development Management Committee on the 24th April 2019, which recommended that planning permission be granted. A summary of the S106 Obligations is set out in Section 9 below.

6.5 The scale of proposed highway mitigation works and, hence, their cost, has changed in the interim. No technical work has been undertaken by MKC Highways Officers in relation to the phasing of the potential works. The mitigation works in MKC could be secured by way of appropriate agreements under the Highways Act and a Grampian style condition in relation to a Highways Works Delivery Scheme.

6.6 As noted above, further revisions have been prepared in 2020 to address minor amendments that have been made to the proposed development within BC and to address changes in regulation, policy and guidance since the original application was submitted. These are being considered by BC who have also consulted MKC. However, there is currently no resolution made by BC's Strategic Sites Committee on the amendments (although it is anticipated that the Committee will consider the amended application at a meeting on the 10<sup>th</sup> June 2021).

- 6.7 The AVDLP2004 constitutes the relevant development plan for those parts of the development within BC (formerly AVDC). The Proposed Development within Buckinghamshire has been assessed against the relevant saved development plan policies of AVDLP2004 in the context of the AVDC application and is considered to comply with them.
- 6.8 The emerging VALP proposes the allocation of the planning application site within Buckinghamshire as a residential-led mixed use development – Ref. D-NLV001.
- 6.9 A Memorandum of Agreement (MoA) was entered into between AVDC & MKC in February 2018. Paragraphs 4 & 5 of the MoA state as follows:
- The Proposed Submission Vale of Aylesbury Local Plan allocates one site, at Salden Chase (Policy D-NLV001) for a total of 1,855 dwellings that will be closely related to West Bletchley in Milton Keynes.*
- In principle, both Councils concur as to the sites' suitability, subject to details regarding infrastructure and masterplanning matters. The site is included on the basis that detailed consideration is given to the impacts on infrastructure in Milton Keynes, as included in Proposed Submission VALP.*
- 6.10 The allocation at South West Milton Keynes (Ref. NLV001) was not identified as a concern in the Inspector's interim findings. AVDC's suggested Main Modifications relating to the site allocation at South West Milton Keynes (Policy D-NLV001) are minor and do not affect the principle of the allocation or development at the site. As noted above, Further Main Modifications were published and were subject to consultation in December 2020. Again those relating to the allocation do not affect the principle of the allocation or development at the site.
- 6.11 The Inspector has now indicated that he wishes to hold a series of further EIP Hearing Sessions in light of representations made upon the proposed Main Modifications. These are to take place in April 2021. A Hearing Session has been arranged to discuss the matter of 'Land adjacent to Milton Keynes'. The focus of the matters and issues identified by the Inspector for discussion at the Further Hearing Session relate exclusively to the proposed allocation of Shenley Park (WHA-001) which emerged as a proposed Main Modification to the VALP.

## **7.0 MATTERS AGREED IN RESPECT OF THE APPEAL**

- 7.1 The following matters are agreed between the parties:-
- i. It is agreed that Policy SD15 of the adopted Plan:MK is relevant to the appeal proposal, and criterion (B.6) of the policy deals with traffic impacts, which is the main matter of contention in this appeal. It is agreed that Policy SD15 was not referred to in MKC's reason for refusal.
  - ii. Policy SD15 is referred to in the Council's Appeal Statement of Case (and its Planning proof of evidence) where the Council set out its position in relation to the material it had been provided with at that stage, including the 2020 TA. MKC's planning proof



of evidence identifies that the development is in conflict with Policy SD15 of Plan:MK.

- iii. It is agreed that the only matter in dispute between the Appellant and MKC is the transport implications of the proposed development, and whether there is sufficient information submitted with the application (and now on appeal) to demonstrate that unacceptable / severe harm would not occur, or if harm is identified that it could be adequately mitigated .
- iv. It is agreed that the only development plan policy conflicts identified by MKC in the single Reason for Refusal are Policies CT1 and CT2 (A1) of Plan:MK,
- v. It is agreed that there are no objections to the proposed development from the following statutory consultees (although these are still the subject of consultation with the BC application), subject to the imposition of suitable conditions and / or a S106 Obligation as set out later in this SoCG:
  - The Parks Trust
  - MKC Rights of Way Officer
  - Natural England

7.2 It is agreed that objections to the proposed development have been received from the following organisations and individuals:-

- i. West Bletchley Town Council
- ii. Shenley Brook End & Tattenhoe Parish Councils
- iii. Newton Longville Parish Council
- iv. Cllr Rankine (MK Bletchley Park Ward)
- v. 75 neighbours/addresses

## **8.0 MATTERS THAT ARE NOT AGREED IN RESPECT OF THE APPEAL**

8.1 The following matter is not agreed between the parties:-

- i. That there is sufficient evidence to demonstrate that the proposed highways mitigation will not lead to harm in terms of increased traffic flow and impact on the highway and Grid Road network, with specific reference to Standing Way and Buckingham Road contrary to Policies CT1 and CT2 (A1) of Plan:MK.

## **9.0 CONDITIONS AND S106 OBLIGATION**

- 9.1 A full list of suggested conditions was provided within the Council's report to the DCC 7<sup>th</sup> November 2019 (see Appendix 4 of the ASoC) they are set out within Appendix 2 attached. The list of conditions will be reviewed by both parties, with a view to submitting an agreed list of conditions to the Inquiry.
- 9.2 The S106 Agreement for the proposed development scheme has been discussed with Buckinghamshire Council and MKC. It includes transport and community infrastructure contributions for Milton Keynes (Hospital - £1,990,057) which have been agreed between MKC and the Appellant. In addition to the Hospital contribution, a contribution of £25,000 towards enhanced cycle parking provision at Bletchley Station, will also be secured towards mitigating the impact of the Proposed Development within Milton Keynes Council.
- 9.3 The current draft of the S106 Agreement also identifies a series of off-site highways works within the administrative area of Buckinghamshire Council. These works will be identified and agreed on approval of the Buckinghamshire Council application and will then be subject to terms that will secure the design, budgeting and provision of the proposed works pursuant to scheme specific S38/S278 Agreements.
- 9.4 The Appellants intend to agree and finalise the S106 Obligation with Buckinghamshire Council, MKC and any other relevant parties in order to secure planning permission for the current BC application scheme. MKC are not a party to the S.106 Agreement because the Appellant does not own or control any land within the administrative area of the local authority that could be bound for the purposes of S.106(1) of the TCPA 1990. It is also the case that all of the currently identified obligations are linked to the development and occupation of the BC development scheme.
- 9.5 Those parts of the 2020 TA (CD/10) which remain current, alongside the TRN (CD/16) have identified works to the MKC highway network which the appellant proposes to mitigate the impact of the development. A separate Transport SoCG has been prepared and sets out the extent of agreement between MKC and the Appellant. The mitigation works in MKC will be secured by way of appropriate agreements under the Highways Act.
- 9.6 The transport obligations identified in the S106 Agreement include the following matters:
- A Framework Travel Plan for all of the proposed land uses;
  - Delivery of land to accommodate a Grid Road extension from V1 Snelshall Street;
  - A421 Corridor improvements in Buckinghamshire;
  - Weasel Lane improvements across the application site;
  - Triggers for the delivery of highway works (which need to be confirmed based on technical assessments);
  - Secure cycle parking within the Proposed Development and at other key locations, including Bletchley Station;
  - Footpath 19 'on-site' improvements;
  - Traffic calming on approach roads to Newton Longville;
  - Highway safety scheme in Whaddon village; and
  - Public transport service improvements and provision of associated infrastructure.

- 9.10 These measures will be secured pursuant to the S106 Obligation with Buckinghamshire Council, MKC and any other relevant parties in order to secure planning permission for the current BC application scheme.

**APPENDIX 1**  
**DRAFT CONDITIONS**

1. Approval of the details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority before any development is commenced.

Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Local Planning Authority.

2. The development hereby permitted shall be begun on or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

3. All existing trees, woodlands and hedges to be retained are to be protected according to the provisions of BS 5837: 2012 'Trees in relation to design, demolition and construction - Recommendations'.

Reason: To protect the appearance and character of the area and to minimise the effect of development on the area.

4. Details of any temporary accesses to site compounds / storage yards and any construction accesses shall be submitted to and approved in writing prior to commencement of works on site. The temporary access works shall be carried out in accordance with the approved details.

Reason: In the interest of highway safety within the locality.

5. Details of the construction of the A421 and Buckingham Road accesses shall be submitted to and approved in writing prior to commencement works on site. The development works shall be carried out in accordance with the approved details.

Reason: In the interest of highway safety within the locality.

6. Shenley Brook End Bridleway 009 shall remain open and unobstructed at all times. Details shall be submitted to and approved in writing prior to any works commencing within the application site demonstrating this objective during and after construction works. The development shall be carried out in accordance with the approved details.

Reason: To ensure access along the bridleway is provided during and after construction has been completed in the public interest.

7. The development shall be carried out in full accordance with the recommendations and mitigation measures outlined within the submitted Environmental Impact Assessment relating to drainage strategy.

Reason: To limit the environmental impact of the proposed development in relation to drainage and flooding matters.

8. The development shall be carried out in full accordance with the recommendations and mitigation measures outlined within the submitted Environmental Impact Assessment relating to ecology.

Reason: To limit the environmental impact of the proposed development in relation to ecology matters.

9. The development hereby permitted shall not be implemented prior to a grant of planning permission for the Proposed Development of South West Milton Keynes in Buckinghamshire, as provided for in the planning application reference 15/00314/AOP to Buckinghamshire Council, or for an alternative planning application for substantially the same development as provided for by the site's allocation in the Vale of Aylesbury Local Plan.

Reason: In the interest of the visual amenity of the locality.

10. The development hereby permitted shall not be implemented prior to the submission and approval in writing by the Local Planning Authority of a Highways Works Delivery Scheme (HWDS). The HWDS will set out a programme for the delivery of the highways mitigation works hereby approved. The highways mitigation works will only be undertaken in accordance with the HWDS or any variation thereof approved in writing by the Local Planning Authority.

Reason: In order to secure the delivery of the highways mitigation hereby approved.

## **APPENDIX 2**

### **SUMMARY OF DRAFT S106 OBLIGATION**

- 7.1 The S106 Agreement for the Planning Application has been discussed with AVDC, Buckinghamshire County Council and MKC. The S106 Agreement includes transport and community infrastructure contributions for MKC. The Agreement document is at an advanced stage but has not yet been completed and signed.
- 7.2 In summary, the draft S106 Agreement identifies obligations for the following matters:-
- Affordable Housing
  - Open Space
  - Drainage
  - Sports Facilities
  - Education
  - Health Facilities
  - Community Facilities
  - Employment Land and Local Centre
  - Transport and Highway Improvements
- 7.4 The main obligations of the S106 Agreement relate to the following matters:-
- 30% affordable housing, with 75% for affordable rent and 25% for shared ownership;
  - Public open space, structural landscaping, allotments and amenity land;
  - Play facilities including LEAPs, NEAPs, MUGAs, skate park and two youth shelters;
  - SuDS scheme;
  - Public transport and highway improvements;
  - Sports facilities and the sports pavilion;
  - Education facilities including land and funding for primary school and secondary school;
  - Health centre;
  - MK Hospital financial contribution;
  - Temporary and permanent community building;
  - Employment land; and
  - Neighbourhood centre.
  - Enhanced cycle parking provision at Bletchley Station, MK
- 7.5 These obligations would ensure that the Proposed Development is consistent with the relevant adopted development plan policies, including those relating to affordable housing and community and recreation facilities.
- 7.6 The transport obligations identified in the S106 Agreement relate to the following matters:-
- A FTP for all of the proposed land uses;
  - Delivery of land to accommodate a Grid Road extension from V1 Snelshall Street;
  - A421 Corridor improvements;
  - Weasel Lane improvements across the Application Site;
  - Triggers for the delivery of highway works;
  - Secure cycle parking within the Proposed Development and at other key locations, including Bletchley Station;
  - Footpath 19 'on-site' improvements;
  - Traffic calming on approach roads to Newton Longville;

- Highway safety scheme in Whaddon village;
- Public transport service improvements and provision of associated infrastructure; and
- Highway improvements on specific routes within Milton Keynes.

7.7 These transport obligations would ensure that the Proposed Development is consistent with the relevant transport policies and guidance.

7.8 Overall, the planning obligations contained in the S106 Agreement will make the Proposed Development acceptable in planning terms.