

**SOUTH WEST MILTON KEYNES CONSORTIUM**

**TOWN AND COUNTRY PLANNING ACT 1990**

**APPEAL UNDER SECTION 78 AGAINST THE REFUSAL BY MILTON KEYNES COUNCIL OF AN OUTLINE PLANNING APPLICATION FOR PHYSICAL IMPROVEMENTS TO THE BOTTLEDUMP ROUNDABOUT 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.**

**LAND AT BUCKINGHAM ROAD, TATTENHOE ROUNDABOUT, STANDING WAY TO BOTTLEDUMP ROUNDABOUT, MILTON KEYNES.**

**PROOF OF EVIDENCE – APRIL 2021**

**LPA Reference: 15/00619/FUL**

**PINS Reference: APP/Y0435/W/20/3252528**

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APP/Y0435/W/3252528  
Proof of Evidence of Mark Hyde

<b>CONTENTS</b>	<b>PAGE</b>
<b>1 INTRODUCTION</b>	<b>3</b>
Personal Details	3
Scope of Evidence	3
Statement of Truth	5
<b>2 APPEAL CONTEXT</b>	<b>6</b>
Planning Background	6
The Proposed Development	11
S106 Planning Obligation	16
<b>3 APPEAL DEVELOPMENT &amp; REASON FOR REFUSAL</b>	<b>18</b>
<b>4 PLAN:MK - THE STATUTORY DEVELOPMENT PLAN</b>	<b>22</b>
<b>5 NATIONAL PLANNING POLICY FRAMEWORK</b>	<b>29</b>
<b>6 MKC &amp; RULE 6 PARTY STATEMENTS OF CASE</b>	<b>34</b>
<b>7 THIRD PARTY OBJECTIONS</b>	<b>48</b>
<b>8 BENEFITS OF THE APPEAL DEVELOPMENT</b>	<b>51</b>
<b>9 SUMMARY &amp; CONCLUSIONS</b>	<b>56</b>

## **APPENDICES**

- A. Decision Notice
- B. Text of VALP Policy NLV-001 as Modified
- C. Extract from VALP Proposals Map
- D. MKC Representation on SD VALP 4<sup>th</sup> December 2017
- E. Report to AVDC SDMC 24<sup>th</sup> April 2019
- F. Planning Policy Assessment of the Proposed Development
- G. MKC Validation Letter 23rd March 2015
- H. Report to MKC DCC 17<sup>th</sup> November 2016
- I. Report to MKC DCC 9<sup>th</sup> March 2017

## 1. INTRODUCTION

### Personal Details

- 1.01 My name is Mark Jeremy Hyde. I hold a Bachelor of Arts (Hons) degree in Environmental Studies from Sheffield City Polytechnic (1985) and a Bachelor of Town Planning degree from the Polytechnic of the South Bank, London (1988). I am a Chartered Town Planner, I obtained membership of the Royal Town Planning Institute in 1988 and I am a Practitioner of the Institute of Environmental Management and Assessment. I have over 35 years' experience as a practicing Town Planner in both Local Government and Planning Consultancy. I am currently employed as a Partner in the Planning & Development Team at the Cambridge office of Carter Jonas LLP, a leading nationwide firm providing property services to private and corporate clients.
- 1.02 I have been instructed by the Appellant in relation to the South West Milton Keynes area since November 2005. I was initially engaged to provide planning consultancy advice in promotion of the area through the preparation of the South East Plan (RSS9) and subsequently the Aylesbury Vale Core Strategy, the Vale of Aylesbury Plan and the Vale of Aylesbury Local Plan. In January 2012 I was instructed by the Appellant to provide planning consultancy services in the preparation of duplicate planning applications for the Proposed Development. I am familiar with the Proposed Development Site and its surroundings.

### Scope of Evidence

- 1.03 This appeal is against the refusal of the planning application, reference 15/00619/FUL by Milton Keynes Council (MKC) on 15<sup>th</sup> November 2019 (Appendix A) for:-

*Outline planning application for physical improvements to the Bottledump roundabout and a new access onto the A421 (priority left in only) to accommodate the development of land in the former Aylesbury Vale District reference 15/00314/AOP (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.*

- 1.04 South West Milton Keynes (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 formed in 2020. It is distinct from the Salden Chase proposal as explained below. I shall refer to SWMK throughout this Proof of Evidence as 'the Proposed Development'. Two of the three vehicular access points to the Proposed Development are situated within the administrative area of MKC. These proposed accesses are the subject of this appeal and I shall refer to them as 'the Appeal Development'.

- 1.05 In response to Government guidance upon the matter of cross boundary development proposals, the Appellant prepared duplicate outline planning applications for the Proposed 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 (notwithstanding in the latter instance that the application is acknowledged by MKC to be an outline planning application).
- 1.06 At the time of writing, the application residing with Buckinghamshire Council benefits from a resolution to grant planning permission subject to the completion of a S106 Obligation. A package of revised and updated documents supporting minor amendments to the Proposed Development was submitted to Buckinghamshire Council on the 19<sup>th</sup> June 2020. Further revisions to the planning application were subsequently submitted on the 10<sup>th</sup> October 2020 and the 1<sup>st</sup> February 2021. It is anticipated that the Council's Strategic Sites Committee will formally consider the amendments at a date to be fixed shortly following the close of the Inquiry. The applicants and Buckinghamshire Council have substantially agreed the provisions of the S106 Obligation that will be entered into with Buckinghamshire Council following a resolution to grant planning permission.
- 1.07 The Appeal Development was refused planning permission by MKC (Appendix A) for a single reason:-
- 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.*
- 1.08 Buckinghamshire Council has been granted Rule 6 status at the Inquiry. West Bletchley Council & Newton Longville Parish Council have also been granted Rule 6 status and are acting jointly as objectors. At the time of writing, the Appellant is pursuing the completion of Statements of Common Ground on both Planning and Highways & Transportation matters with MKC and the Rule 6 parties.
- 1.09 My colleague Mr. Paddle has provided a proof of evidence relating to Highways & Transportation matters. My proof will address the following matters:-
1. Introduction
  2. Appeal Context
    - a. Planning Background
    - b. The Proposed Development
    - c. S106 Planning Obligation
  3. Appeal Development & Reason for Refusal
  4. Plan:MK the Statutory Development Plan
  5. National Planning Policy Framework (NPPF)
  6. MKC & Rule 6 Party Statements of Case
  7. Third Party Objections

8. Benefits of the Appeal Development
9. Summary & Conclusions

**Statement of Truth**

- 1.10 The evidence which I have prepared and provide for this appeal is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.

## **2. APPEAL CONTEXT**

### **Planning Background**

2.01 The SWMK area has been the subject of various technical studies over a period of 20+ years that have assessed its suitability for the accommodation of strategic scale development. These are described in Section 2 of the Statement of Common Ground with Buckinghamshire Council, but in summary comprise:-

- i. Studies that were commissioned (1992, 1996 & 1998) by a consortium of public sector bodies comprising Buckinghamshire, Bedfordshire and Northamptonshire County Councils, Milton Keynes Borough Council, Aylesbury Vale, Mid Bedfordshire and South Northamptonshire District Councils, the (then) Commission for New Towns and the Government Office for the South East. The studies consistently identified the SWMK area as a development area without major problems and no overriding constraints.
- ii. A discussion paper commissioned (1999) by Milton Keynes Chamber of Commerce addressed the potential for development in and around the City. The report recommended that the City's future growth should be concentrated on the A421 axis, reinforced by East-West Rail.
- iii. A report commissioned (2001) by the Government and Regional Assemblies and Regional Development Agencies for the South East, East of England and East Midlands to study the growth potential of the Milton Keynes & South Midlands area. The study recommended a preferred spatial strategy for Milton Keynes based on growth to the west and south west of the urban area (i.e. the SWMK area).
- iv. The Milton Keynes Growth Area Assessment (2003) was prepared to inform the EiP of the Draft Milton Keynes & South Midlands Sub-Regional Strategy. The final study report identified the SWMK area as one of only three locations to meet development requirements to 2016.
- v. Buckinghamshire County Council and AVDC commissioned a report (2006) to review the expansion proposals put forward by the Milton Keynes Partnership in the draft Milton Keynes 2031 Strategy. The Long Term Growth Strategy Review (2007) suggested alternative strategies for the growth of Milton Keynes, including an allocation for 2,700 dwellings in the SWMK area.

#### Aylesbury Vale District Local Plan (2004)

2.02 The Aylesbury Vale District Local Plan was adopted in January 2004 and sought to deliver the broad strategic framework of the former Buckinghamshire County Structure Plan (adopted in 1996). The Structure Plan pre-dated most of the technical studies that considered the future growth of Milton Keynes. The Proposed Development Site is not allocated for development in the Local Plan 2004 and it is not covered by any other site specific designations. Saved policies RA34 and RA35 relate to the redevelopment of the Newton Longville Brickworks site and are of particular relevance to the Proposed Development, these policies safeguard a road corridor to the A4146 and protect a future road link to the A421 from development.

#### Milton Keynes Local Plan (2005)

- 2.03 The Milton Keynes Local Plan was adopted in December 2005. At that time, the future growth of Milton Keynes beyond its boundaries was not reflected in adopted planning policy. Policy KS1 of the Local Plan 2005 required that the development at Newton Leys safeguarded a route for a link road between the A4146 Fenny Stratford bypass and the A421 Buckingham Road / H8 Standing Way. The logical route of the link road is through SWMK and land is reserved within the Proposed Development for a grid road to accommodate that link.

#### Regional/Sub-Regional Development Plans

- 2.04 The Milton Keynes and South Midlands Sub-Regional Strategy published in 2005 identified land to the south west of Milton Keynes, between the A421 and the railway line to Oxford as a growth location.
- 2.05 The Draft South East Plan (Regional Spatial Strategy for the South East of England) was submitted to Government in March 2006 and an Examination in Public was held between November 2006 and March 2007. The South East Plan was adopted in May 2009. Diagram MKAV1 specifically identified a Strategic Development Area at SWMK – the SWMK SDA Area. Policy MKAV1 included a requirement for an urban extension to the south-west of Milton Keynes.

#### Draft Aylesbury Vale Core Strategy & Draft Salden Chase Masterplan & Delivery SPD

- 2.06 In June 2009 AVDC published a Vale of Aylesbury Proposed Submission Core Strategy and in January 2010 it published the Consultation Draft Salden Chase Masterplan & Delivery SPD. These documents contained draft policies that specifically allocated land at the SWMK SDA Area and which sought to deliver strategic growth to the south west of Milton Keynes. Draft Policy CS4 (North East Aylesbury Vale SDA) supported the allocation of 5,390 dwellings plus infrastructure to the south of the A421 and north of the railway line to the west of Far Bletchley and to the north of Newton Longville.
- 2.07 In July 2010 the Secretary of State announced that Regional Strategies were revoked with immediate effect. Following that announcement, AVDC, resolved on the 8th September 2010 to formally request that the Core Strategy be withdrawn from examination. On 5th October 2010, the Core Strategy was withdrawn from examination. The draft Salden Chase Masterplan & Delivery (North East Aylesbury Vale SDA) SPD was withdrawn at the same time as the Core Strategy.

#### Salden Chase Planning Application

- 2.08 In April 2010, in accordance with draft Policy CS4, an outline planning application was submitted for development to the south west of Milton Keynes, for a mixed-use sustainable urban extension for up to 5,311 dwellings, employment, community facilities, schools,

transport infrastructure, and green infrastructure on approximately 280 Ha of land. The application was accompanied by a full range of technical documents to determine the potential impact of the Proposed Development and to identify mitigation measures where those impacts would be significant.

- 2.09 The planning application was withdrawn following AVDC's decision to withdraw its Core Strategy from the examination process and uncertainty at the time over the Coalition Government's amendments to national planning policy. The SWMK proposal on approximately 145 Ha of land lies on the easternmost portion of the former Salden Chase scheme, between Far Bletchley and Whaddon Road.

#### Milton Keynes Core Strategy

- 2.10 In July 2013 the Milton Keynes Core Strategy was adopted. Policy CS6 'Place-shaping Principles for Extensions to the City in Adjacent Local Authority Areas' identified the principles for development located on the edge of Milton Keynes within the administrative boundary of a neighbouring authority e.g. AVDC. The supporting text to Policy CS6 noted that the revoked South East Plan proposed Strategic Development Areas both to the south west and south east of the city in areas outside of the administrative boundaries of Milton Keynes. It is clear that additional development was anticipated in Milton Keynes and that sustainable urban extensions, including to the south west of Milton Keynes, were expected to contribute towards those future development needs. The Inspector for the Core Strategy acknowledged the key role of Milton Keynes for the surrounding area and the need to accommodate further growth in the near future.

#### Draft Vale of Aylesbury Plan

- 2.11 Between late-2010 and mid-2013 AVDC prepared a new development plan document – the Draft VAP. Concerns were raised about the proposed housing target being insufficient to meet objectively assessed needs and being too low to support the economy and, of particular relevance, also about the failure to consider land adjacent to settlements located outside the District as a realistic option for the distribution of development e.g. land at SWMK. In August 2013, the Draft VAP was submitted for examination to the Secretary of State. In January 2014, the Inspector appointed to examine the Draft VAP wrote to AVDC setting out his conclusions that AVDC had not engaged constructively, actively and on an ongoing basis which undermined the effectiveness of planning for key strategic issues, which led to a finding that the duty to co-operate had not been complied with. Secondly, he concluded that the proposed approach to the overall provision for housing and jobs was not sound. Therefore, as recommended by the Inspector, AVDC withdrew the Draft VAP.

#### Plan: MK

- 2.12 MKC submitted a replacement Local Plan to the Secretary of State in Spring 2018 called Plan:MK. Following Examination in Public it was adopted in March 2019. Plan:MK continues



to provide a policy framework for the consideration of strategic scale development adjacent to the City in adjoining LPA areas. Policy CS6 of the Core Strategy has been superseded by Policy SD15 of the adopted Local Plan which continues to identify the principles for development located on the edge of Milton Keynes within the administrative boundary of Buckinghamshire Council.

Mobility Strategy for Milton Keynes 2018-2036 (LTP4) Mobility for all (2018) (CD12/C) & Milton Keynes Council Strategy for First / Last Mile Travel (2017) (CD12/E)

- 2.13 My colleague Mr. Paddle reviews the Milton Keynes transport planning policies in Section 5 of his Proof of Evidence. The provision of a new/extended bus service between the Proposed Development and Central MK, together with high quality safe/secure infrastructure would make a significant contribution towards MKC's plans to deliver CD12/C and the public transport and access strategies for the Proposed Development, as set out within the Updated TA (CD10/H/A) comply with the strategies contained within CD12/E by providing an enhanced and extended bus service as well as improving cycling connections from the Proposed Development to the existing network. The Updated FTP (CD10/H/B) aims to encourage change of mode to more sustainable travel, supported through a range of measures, incentives and demand management.

MK Strategy for 2050

- 2.14 In January 2021 MKC approved the MK Strategy for 2050 (CD12D/A). It does not form a part of the development plan, but includes a spatial strategy for the delivery of an additional 30,000 – 35,000 new homes in the period to 2050. It states (page 64) that the Strategy '*uses the directions of growth that have been confirmed through Plan:MK*'. The Spatial Strategy 'Key Diagram' on the following page identifies the Proposed Development site as an allocation or commitment in an adopted or draft Local Plan outside the Borough. MK2050 serves to reinforce the continued suitability of the SWMK area as a sustainable location for growth.

The Emerging Vale of Aylesbury Local Plan

- 2.15 Following the withdrawal of the Draft VAP, AVDC subsequently commenced work in preparing the Vale of Aylesbury Local Plan (VALP). A Submission Draft was published in November 2017 and was subject to an Examination in Public in the Summer of 2018. The Inspector's Interim Findings were published in October 2018 and Proposed Modifications were subject to consultation in November and December 2019. Strategic Policy S2 'Spatial Strategy for Growth' identifies that strategic growth and investment will be concentrated in sustainable locations including at '*(f) land in the North East of Aylesbury Vale to provide for 3,362 dwellings on a number of sites*'. Under the heading of 'Strategic Delivery' the VALP as proposed to be modified (CD/7 - paragraphs 4.110-4.112) states:-

*In determining the housing figure for Aylesbury Vale, a crucial aspect of the Local Plan is to decide the strategic locations where development should be allocated. At the*

*issues and options stages of the Local Plan two strategic allocations were considered on the edge of Milton Keynes/Bletchley.*

*The Housing and Economic Land Availability Assessment (HELAA) v4 (January 2017) confirmed that the two strategic allocations known as Salden Chase (NLV001) and Shenley Park (WHA001) were both suitable or part suitable for housing and or economic development.*

*As a result of further assessment and taking account of the overall housing requirement for Aylesbury Vale, Salden Chase and Shenley Park have been identified as the most appropriate strategic allocations to come forward at this stage.*

- 2.16 The VALP proposes the allocation of the Proposed Development Site as a residential-led mixed use development – Ref. D-NLV001 Salden Chase (see 2.09 above). The policy and supporting text to Policy NVL001 is provided in Appendix B. The Proposals Map showing the site allocation is provided in Appendix C.

- 2.17 MKC made representations on the Submission Draft of the VALP on the 4<sup>th</sup> December 2017. A copy of the formal representation is attached as Appendix D. MKC stated that:-

*We have no objections in principle to the inclusion of Salden Chase (SWMK), provided that the infrastructure requirements for Salden Chase outlined in the VALP are retained in the final plan and are delivered in the manner set out in the attached Memorandum of Understanding.*

*In particular, we welcome the commitment from AVDC to work with MKC to address the infrastructure and services needed to mitigate the impact of the development on Milton Keynes, including highway improvements, public transport provision, public rights of way improvements, green infrastructure, community facility, education facilities, health facilities, local centre and employment area as included in VALP.*

- 2.18 A Memorandum of Understanding (MoU) was entered into between AVDC & MKC in February 2018. Paragraphs 4 & 5 of the MoU state the following in relation to the proposed allocation:-

*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.*

- 2.19 Policy D-NLV001 was the subject of a site-specific hearing session at the VALP examination – Matter 15o. The Inspector published interim findings on 29th August 2018 (CD/11/B), to identify those issues that may require modifications to address soundness concerns. The assessment undertaken by the Inspector identified that the northern areas of Aylesbury Vale

were located within the Milton Keynes Travel to Work areas and Housing Market Area and that Buckingham, Winslow and Milton Keynes were treated relatively equally in the anticipated distribution of development (paragraph 35); he also expressed surprise at the diminished role of MK in the development strategy for the north of the District and agreed with representors that this would inevitably lead to increased lengths of commuter flows into MK (paragraph 36). He concluded that this would be contrary to national policy expressed in paragraph 34 of the NPPF (2012) which advises that plans should ensure that developments which generate significant movement are located where the need to travel will be minimised (paragraph 37). [See also paragraph 103 of the NPPF 2019]. He then concluded that ‘*A modification to the plan is required to redress the balance, by increasing allocations in close proximity to Milton Keynes*’. The allocation at South West Milton Keynes (Ref. NLV001) was already included in the draft plan prior to the modification suggested by the Inspector to *increase* the allocations around Milton Keynes, and the SWMK allocation was not identified as a concern in the interim findings, which indicates that the Inspector considers that the proposed allocation is sound and should be retained. The site’s allocation in the A421 corridor at the edge of the MK urban area will allow future residents and workers to utilise existing and improved connections to sustainable transport infrastructure and public transport services that will minimise the frequency and length of journey by means of the private car.

- 2.20 AVDC has prepared a list of suggested main modifications, which were subject to consultation during November and December 2019. Those suggested main modifications that relate 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. Subsequently, Further Main Modifications were published and made subject to consultation in December 2020. Again those relating to the allocation at South West Milton Keynes are minor and do not affect the principle of the allocation or development at the site.
- 2.21 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’.
- 2.22 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.
- 2.23 In reflection of paragraph 48 of the NPPF it is considered that Policy D-NLV001 should be given significant weight in any decision on the Appeal Development, because it is consistent with the NPPF, has reached an advanced stage in the plan-making process and the site allocation has been assessed as sound through the examination process.

### **The Proposed Development**

- 2.24 The Proposed Development comprises the provision of 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.

2.25 The Proposed Development is 'cross-boundary', with almost the whole of the development situated within the administrative area of the former Aylesbury Vale District (now Buckinghamshire Council (BC)), but for two of the three access points which are situated within the administrative area of MKC (the 'Appeal Development').

2.26 The description of development given to the application by AVDC was:-

*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.*

2.27 Following a period of extensive technical engagement with both LPAs, Buckinghamshire County Council and stakeholders, both applications were formally revised in August 2016. The proposed revisions to the scheme comprised the following:-

- Revisions to the proposed site access arrangements as follows:
  - Improvements to the Bottledump Roundabout, including an equestrian crossing and links to Redway routes to the north of the A421 Standing Way and within the site;
  - Revision of the proposed junction with the A421 Standing Way from a 'left in and left out' arrangement to a 'left in' only arrangement and consequent amendments to the disposition of land uses immediately adjacent to the junction;
  - Revision of the proposed traffic light controlled junction with B4034 Buckingham Road to a roundabout junction;
- The incorporation of green space (ecological corridor and land effected by archaeological constraints) situated between the proposed secondary school and housing at Far Bletchley within the boundary of the school site;
- Changes to the Whaddon Road corridor to provide for a widening of the landscape corridor along the western boundary of the scheme, removal of the proposed bunding, a general increase in the extent of planting and accommodation of the Milton Keynes Boundary Walk to the internal edge of the landscape corridor;
- Changes to the corridor adjacent to the southern boundary with the relocation of the woodland planting to the northern edge of the proposed SuDS features and changes to the overall design concept for the development parcels in the south east quadrant of the site which incorporates new east-west 'ribbons' of green infrastructure;

- An increase in the number of LEAP, the sizes of LEAP and NEAP increased to meet RoSPA guidance and their disposition across the site to maximise coverage in reflection of Fields in Trust guidance;
- Identification of a parcel of land (0.2 Ha) to the rear of the proposed neighbourhood centre to be used either for employment purposes (B1) or to accommodate a 6GP practice (D1) developed over two floors with associated car parking.

2.28 The AVDC Strategic Development Management Committee (SDMC) formally considered the planning application (15/00314/AOP) at its meeting of the 7<sup>th</sup> June 2017 (CD/11/A). Officers concluded that:-

- a) The application had been evaluated against the extant development plan and the core planning principles of the NPPF (para 2.1).
- b) The development was deliverable and would make a significant contribution to the housing land supply; the proposal was policy compliant in the provision of affordable housing; and that there would be economic benefits from construction and the provision of new B1 employment premises; all of which attracted significant weight in the planning balance (para 2.2).
- c) It was likely that the development would result in a net enhancement in biodiversity and it would deliver extensive new informal open space which should be afforded limited weight in the planning balance (para 2.3).
- d) Compliance with core principles of the NPPF (healthy communities, design, flood risk, archaeology, residential amenity) have demonstrated an absence of harm (para 2.4).
- e) The development would achieve safe and suitable access and would not result in a severe individual or cumulative network and is acceptable (para 2.4).
- f) Localised harm would arise in landscape terms and for the users of the local PRoW network, these impacts should be afforded moderate negative weight in the planning balance (para 2.5).
- g) Weighing all the relevant factors in the planning balance, having regard to the NPPF as a whole, all relevant policies of the adopted development plan, SPD and other guidance, the adverse impacts would not significantly and demonstrably outweigh the benefits of the proposal (para 2.6).

2.29 In light of this advice and in accordance with their officers' recommendation, the Strategic Development Management Committee (SDMC) resolved:-

*That application 15/00314/AOP be Supported and Deferred and Delegated to officers subject to the completion of a legal agreement (with Bucks County Council, Aylesbury Vale District Council and if appropriate Milton Keynes Council) as outlined in the officer's report and subject to conditions as considered appropriate by officers. If this cannot be achieved then the application will be refused for reasons as considered appropriate by officers.*

- 2.30 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 matter was taken back to AVDC's SDMC on 24<sup>th</sup> April 2019 with an updated officers' report (Appendix E). The conclusions to the report stated, *inter alia* that:-

*Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking this means approving development proposals that accord with an up to date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole.*

*In then considering paragraph 11 d) ii this wording is consistent with the tilted balance previously set out in paragraph 14 of the 2012 NPPF in the previous report considered by the Strategic Development Management Committee. Therefore, the changes between the respective versions of the NPPF to the presumption in favour of sustainable development as discussed within this report do not otherwise change the previous assessment and concluding planning balance.*

- 2.31 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.
- 2.32 In June 2020 a further package of revisions were submitted to BC. The revisions have been prepared to address a number of minor 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 Proposed Development 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; and
  - the housing needs of older people are 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 Proposed Development 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.

2.33 These changes are not considered to be substantial and have been accepted by BC for further public consultation. 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 and number 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.

2.34 The following amendment to the description of development (underlined) 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.(underlining added)*

2.35 The only change to the description of development is the reference to the 60 extra care units. Notably, none of the revisions affect the development proposed within MKC's administrative boundary which is the subject of this appeal.

2.36 There have also been a number of changes in regulation, policy and guidance that have a bearing on the 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.

2.37 In October 2020, a further proposed revision package (CD/15) was submitted to BC. Work with BC in considering the proposed crossing arrangement of the Old Buckingham Road drew attention to a drafting error in the 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 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.

At the same time, the opportunity was taken to submit a Technical Note on surface water

drainage matters to respond to matters raised by the LLFA (CD/15E) and to update Chapter 7 Ecology of the submitted ES in light of survey work completed over the summer (CD15/C & D). The update demonstrated how previous assessments set out within Chapter 7 of the ES were both accurate and proportionate.

- 2.38 The application package was subsequently updated in February 2021 with the submission of Transport Response Notes (TRN) 1, 2 & 3 (CD16/A, B & C) and associated Road Safety Audits & Designers' Response (CD16/D); and an ES Addendum updating Chapters 10-12 inclusive (Traffic & Transport, Noise and Air Quality) of the Environmental Statement (June 2020) (CD17/C). TRN1 was prepared in response to the BC review of the updated TA; TRN2 and TRN3 were prepared subsequently to address the BC and MKC highway networks respectively in light of the BC review of TRN1. The TRNs serve to respond to issues and queries raised by BC and, in turn, to update the proposed highway mitigation. The ES addendum confirms that assessments remain consistent with the findings of the updated ES.
- 2.39 An assessment of the Proposed Development against the planning policy framework provided by the saved policies of the Aylesbury Vale District Local Plan (2004) the NPPF and the emerging Vale of Aylesbury Local Plan (2017) as proposed to be modified is set out in Appendix F to this Proof of Evidence. At the time of writing it is anticipated that Buckinghamshire Council's Strategic Sites Committee will formally reconsider the application for the Proposed Development, subject to the minor amendments discussed above, at its meeting of the 10<sup>th</sup> June 2021.

#### **S106 Planning Obligation**

- 2.40 The S106 Agreement for the Proposed Development has been subject to extensive discussions with BC (formerly AVDC & Buckinghamshire County Council) and to address consultation responses made by MKC. The S106 Agreement includes transport and community infrastructure contributions to address impacts within MKC. The document is at an advanced stage but has not yet been completed and signed.
- 2.41 In summary, the draft S106 Agreement identifies obligations for 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;
  - Travel Planning;
  - 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.
- 2.42 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.
- 2.43 The transport obligations identified in the S106 Agreement relate to the following matters:-
- A Framework Travel Plan to provide an overriding strategy for all of the proposed land uses;
  - Delivery of land to accommodate a Grid Road extension of V1 Snelshall Street;
  - A421 Corridor improvements comprising physical works and financial contribution;
  - Improvements to Weasel Lane within the Proposed Development Site;
  - Financial contribution towards improvements to Weasel Lane outside of the Site;
  - Triggers for the delivery of highway works;
  - Financial contribution towards the provision of secure cycle parking Proposed Development at Bletchley Station;
  - Improvements to Footpath 19 within the Site;
  - Financial contribution towards improvements to Footpath 19 outside of the Site;
  - Traffic calming on approach roads to Newton Longville;
  - Highway safety scheme in Whaddon village; and
  - Public transport service improvements and provision of associated infrastructure.
- 2.44 The transport mitigation in Milton Keynes would be secured by way of a Grampian condition to provide a Highway Works Delivery programme and implemented in accordance with a s278 Agreement under the Highways Act 1980. Alternatively, the Appellant remains open to the payment of an equivalent commuted sum towards achieving MKC's Mobility Strategy 2036 if this is preferred by MKC. The need to secure an enhancement to public transport services within MKC will arise from the development and occupation of the Proposed Development and any relevant payment/provision will be secured as a requirement of that scheme.
- 2.45 The transport obligations would ensure that the Proposed Development is consistent with the relevant transport policies and guidance. The planning obligations contained in the draft S106 Agreement will make the Proposed Development acceptable in planning terms. It should be noted that none of these measures are directed to or concerned with mitigating the Appeal Development. As noted in the Planning Statement of Common Ground with MKC and MKC's Statement of Case, these obligations have previously been agreed between the Appellant and MKC; furthermore, MKC confirms in its Statement of Case that a separate S.106 Agreement is not required with MKC for the Appeal Development.

### 3. THE APPEAL DEVELOPMENT & REASON FOR REFUSAL

- 3.01 The planning application for the Appeal Development (15/00619/FUL) was registered as valid by MKC on the 23<sup>rd</sup> March 2015 (Appendix G). The description of development was recorded by MKC 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)*

- 3.02 The description of development was discussed with MKC officers 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. 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*

- 3.03 MKC first considered the application at the Development Control Committee (DCC) meeting of the 17<sup>th</sup> November 2016 (Appendix H). Officers advised that the access points were necessary to secure delivery of the development in AVDC. In paragraph 5.4 of the officers' report, it was stated that subject to conditions, the proposed access arrangements would not result in a visual impact that would warrant the refusal of planning permission.

- 3.04 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.*

- 3.05 Officers recommended that planning permission should be granted subject to conditions. However, the DCC decided to defer the application. The minute of the decision recorded:-

*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.*

3.06 The application was again considered at the DCC meeting of the 2<sup>nd</sup> February 2017. Officers again recommended that planning permission should be granted. However, during debate, officers changes their recommendation to one of deferral. The DCC accepted that the application should be deferred to allow further modelling and testing of the TA.

3.07 The application was again reported to the DCC at its meeting of the 9<sup>th</sup> March 2017 (Appendix I). Officers recommended again 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 ADVC 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.*

3.08 Again 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.*

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

3.10 In light of matters discussed at the meeting, the Appellant commissioned an Ecological Update (CD/3A) and a Review of Transport Modelling (CD/3B); and assistance was given in order to ensure that a complete set of application documents in electronic format was available to MKC. Officers also decided to re-advertise the application as an EIA scheme (it is understood that this was in order to respond to concerns raised by Newton Longville PC). The further technical documentation was also submitted to AVDC.

3.11 MKC proposed an amendment to the description of development to reflect the amendments to the scheme submitted in August 2016 which the Appellant did not object to, as follows:

*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).*

- 3.12 Officers prepared a report to the MKC DCC meeting of the 7<sup>th</sup> November 2019 which is attached as CD/12/J. 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 Highways 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.*

- 3.13 Officers recommended again that planning permission should be granted. However, notwithstanding the explicit advice in paragraph 7.11 that subject to the imposition of suitable conditions the Appeal Development accorded with Policies CT1, CT2 & CT3 of the adopted Plan:MK, the DCC resolved to refuse planning permission for the following reason:-

*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.*

#### 4. PLAN: MK - THE STATUTORY DEVELOPMENT PLAN

- 4.01 The adopted development plan for Milton Keynes is Plan:MK (CD/5) which covers the period 2016-2031. Plan:MK is the statutory development plan for the purposes of the Appeal Development. Paragraph 1.20 of Plan:MK states that:-

*Both Aylesbury Vale District Council and Central Bedfordshire Council are considering or proposing strategic housing allocations on the periphery of the Milton Keynes built-up area. Moreover, there is a resolution to grant planning permission for up to 1,855 homes at Salden Chase in Aylesbury Vale to the south-west of Milton Keynes. If these strategic allocations are realised they will effectively become new neighbourhoods for Milton Keynes and their residents are likely to rely on the city for jobs, shopping, healthcare, education and other services. In order to co-ordinate and plan for these cross-boundaries implications, a Memorandum of Understanding (Aylesbury Vale) and Strategic Planning Framework (Central Bedfordshire) have been drawn up with these authorities.*

- 4.02 Plan:MK plainly contemplates SWMK. In this context, the policies that are considered to be relevant to the Proposed Development and the Appeal Development are Strategic Development Policy SD15 'Place-Making Principles for Sustainable Urban Extensions in Adjacent Local Authorities' and the Transport & Connectivity Policies CT1, CT2, CT3, CT5 & CT8.

##### Strategic Development Policy SD15

- 4.03 Policy SD15 sets out the matters that MKC considers should be addressed in the determination of strategic development proposals adjoining the City. The reason for refusal does not refer to or allege any conflict with Policy SD15. Policy SD15 of Plan:MK is entitled 'Place-Making Principles for Sustainable Urban Extensions in Adjacent Local Authorities' and is considered to be relevant to the Proposed Development and the Appeal Development. Policy SD15 sets out ten principles that MKC wish to see applied to strategic scale development proposals that physically adjoin the Council's administrative boundary. These principles are addressed below:-

*(1) The local authorities will work jointly, and with infrastructure and services providers, to achieve a coordinated and well-designed development.*

- 4.04 Throughout the application process there has been ongoing dialogue and joint working between the LPAs, key stakeholders and the Appellant in reflection of the 'cross-boundary' characteristics of the Proposed Development. A Planning Performance Agreement was entered into and a series of topic based meetings were held to address key issues such as highways, education, design & layout and S106 matters. These meetings included relevant officers from MKC.

*(2) A sustainable, safe and high quality urban extension should be created which is well integrated with, and accessible from, the existing city. Its structure and layout should be based on the principles that have shaped the existing city, especially the grid*

*road system, redways and the linear parks and strategic, integrated flood management.*

- 4.05 The design and layout of the Proposed Development is strongly influenced by the principles that have governed the planned expansion of Milton Keynes, e.g. self-contained residential neighbourhoods surrounded by substantial areas of open space and strategic landscaping. It represents a sustainable, safe and high quality development. MKC's Urban Design Officer concluded that the Proposed Development would be an appropriate urban extension to Milton Keynes.

*(3) A strategic, integrated and sustainable approach to water resource management (including SUDS and flood risk mitigation) should be taken.*

- 4.06 The Proposed Development provides for a sustainable drainage system incorporating swales and attenuation basins, with other interventions to be considered at detailed design stage, that will attenuate surface water run-off to green field rates.

*(4) The design of development should respect its context as well as the character of the adjoining areas of the city.*

- 4.07 The Proposed Development responds to the characteristics (density, built form and open space) which define the built form of the residential areas located around or in close proximity, e.g. the traditional grid square of Tattenhoe, the neighbourhoods in the southern part of Newton Longville and the western neighbourhoods of Far Bletchley.

*(5) Linear parks should be extended into the development where possible to provide recreational, walking and cycling links within the development area and to continue the city's extensive green infrastructure and redway network.*

- 4.08 Provision is made for the extension of Chepstow Local Park into the Proposed Development, which incorporates a substantial network of new Green Infrastructure provision, linkages to the Redway network and to the wider Public Right of Way network.

*(6) Technical work should be undertaken to fully assess the traffic impacts of the development on the road network within the city and nearby town and district centres and adjoining rural areas, and to identify necessary improvements to public transport and to the road network, including parking.*

- 4.09 The planning application for the Proposed Development was accompanied by a Transport Assessment (TA) and Framework Travel Plan (FTP) CD1/I both of which were updated in the revision of August 2016 (CD2/E) and have been considered by MKC as Local Highway Authority. Officers explicitly advised in the report to DCC of the 7th November 2019 (CD/12/J) that *'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.'*

4.10 An updated TA & FTP have been prepared (CD10/H) and accompanied the appeal submission. As noted above, TRN1 (CD16/A) was prepared in response to the BC review of the updated TA; TRN2 (CD16/B) and TRN3 (CD16/C) were prepared subsequently to address the BC and MKC highway networks respectively in light of the BC review of TRN1. The TRNs serve to update the proposed highways mitigation. The Appellant has fully assessed the traffic impacts of the Proposed Development and the evidence of Mr Paddle is that it will not result in a residual cumulative impact that is severe or any unacceptable safety impacts.

4.11 On the 11<sup>th</sup> February 2021, MKC submitted a 'holding objection' to BC on the basis that the Development would have an adverse impact on the road network in Milton Keynes which is still judged to be severe notwithstanding the proposed mitigation (CD12/I). The impact of the Proposed Development on the road network is the principal issue for determination in this appeal.

*(7) A route for the future construction of a strategic link road(s) and/or rail link should be protected where necessary.*

4.12 Both Policy SD15 and Policy CT8 seek to extend the grid road network into neighbouring areas for cross-boundary developments. The Proposed Development makes provision for a Grid Road Reserve to enable the extension of the Grid Road Network through the site linking the A421 with the A4146 at a future point in time.

*(8) New social and commercial facilities and services should be provided, and existing facilities improved where possible, to meet the day to day needs of new and existing residents.*

4.13 The Proposed Development makes direct provision for social and community facilities including early years to secondary education, a community hall and outdoor sporting open space with changing pavilion, equipped children's playspace, neighbourhood retail and employment space incorporating provision for primary healthcare services.

*(9) The opportunity for new 'Park and Ride' sites for the city should be fully explored and where possible provided, and efficiently and effectively linked to the city road system.*

4.14 The Proposed Development does not make provision for a 'Park & Ride' facility. The local transport planning authorities have not sought 'Park & Ride' provision within the Proposed Development.

*(10) The local authorities and their partner organisations should produce an agreement on appropriate mechanisms to secure developer contributions towards improvement and provision of infrastructure to support the development, including facilities in the city that will be used by residents of the development area.*

4.15 The Appellant has previously agreed a S.106 Agreement with BC and MKC. The planning obligations contained in the S.106 Agreement will make the Proposed Development acceptable in planning terms.. Highways mitigation in Milton Keynes would be secured and



implemented under s278 of the Highways Act 1980 through the provision of appropriate conditions on any planning approval. Alternatively, the Appellant remains open to the payment of an equivalent commuted sum towards achieving MKC's Mobility Strategy 2036 if this is preferred by MKC. The need to secure an enhancement to public transport services within MKC will arise from the development and occupation of the Proposed Development and any relevant payment/provision will be secured as a requirement of that scheme.

#### Transport & Connectivity Policies CT1 and CT2

4.16 Policies CT1 & CT2, which are the only policies cited in the reason for refusal are addressed below. Policy CT1 is titled 'Sustainable Transport Network' and states that:-

A. *The Council will promote a sustainable pattern of development in Milton Keynes, minimising the need to travel and reducing dependence on the private car. Milton Keynes Council will:*

- 1. Promote a safe, efficient and convenient transport system*
- 2. Promote transport choice, through improvements to public transport services and supporting infrastructure, and providing coherent and direct cycling and walking networks to provide a genuine alternative to the car*
- 3. Promote improved access to key locations and services by all modes of transport and ensure good integration between transport modes*
- 4. Manage congestion and provide for consistent journey times*
- 5. Promote and improve safety, security and healthy lifestyles*
- 6. Continue to engage with relevant stakeholders along the East-West Rail line and Expressway to identify operational benefits, which provide additional support for a more sustainable transport strategy and/or economic growth of the city*
- 7. Engage with the National Infrastructure Commission to set in place connections from Central Milton Keynes to surrounding communities, including a fifth track constructed between Bletchley and Milton Keynes Central*
- 8. Promote the usage of shared transport schemes in the borough*

4.17 Policy CT2 is titled 'Movement and Access'. Its full text is set out below, albeit the reason for refusal only alleges conflict with part A.1 of Policy CT2:

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;*

2. *Mitigate impacts on the local or strategic highway networks, arising from the development itself or the cumulative effects of development, through the provision of, or contributions towards necessary and relevant transport improvements including those secured by legal agreement;*
3. *Ensure that development proposals do not prejudice the future development or design of suitable adjoining sites;*
4. *Provide safe, suitable and convenient access for all potential users;*
5. *Provide on-site layouts that are compatible for all potential users with appropriate parking and servicing provision in line with the Milton Keynes Parking Standards Supplementary Planning Document (January 2016);*
6. *Do not result in inappropriate traffic generation or compromise highway safety;*
7. *Offer maximum flexibility in the choice of travel modes, including walking and cycling, shared transport, and with accessibility for all potential users;*
8. *Protect and where possible enhance access to public rights of way;*
9. *Provide a public transport connection to the main points of service provision including nearest district or town centre, or community facilities; and*
10. *Where possible incorporate the use of shared transport and low carbon "green" travel modes such as electric vehicle charging capacity.*

*B. Development proposals that generate significant amounts of movement or impact on level crossings must be supported by a Transport Statement or Transport Assessment and will normally be required to provide a Travel Plan, with mitigation implemented as required. Development proposals which generate a significant number of heavy goods vehicle movements will be required to demonstrate, by way of a Routing Management Plan, that no severe impacts are caused to the efficient and safe operation of the road network and no material harm is caused to the living conditions of residents or the natural environment.*

- 4.18 As noted above, MKC officers have recommended that permission be granted on three separate occasions. The officer report to the MKC DCC meeting of the 7th November 2019 explicitly stated, at paragraph 7.11 that:-

*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.*

- 4.19 At paragraph 33 of its Appeal Statement of Case MKC contend that there is an absence of robust evidence in relation to items (1) to (5) inclusive of Policy CT1. This position conflicts with the expert officer advice set out in paragraph 7.11 of the report to the DCC of the 17<sup>th</sup> November 2019. The Proposed Development includes walking, cycling and public transport infrastructure and facilities, which would connect to the existing networks in the surrounding area thus providing future residents with the opportunity to travel by non-car modes of transport. The Proposed Development would accommodate a mix of uses – residential,

community, retail, employment and education making it possible for residents to travel within the development by sustainable modes. In all respects the Application Site represents a sustainable location for development. The Appeal Development is supported by an updated Travel Assessment and Framework Travel Plan (CD/10/H/A&B). TRN1 (CD16/A) was prepared in response to the BC review of the updated TA; TRN2 (CD16/B) and TRN3 (CD16/C) were prepared subsequently to address the BC and MKC highway networks respectively in light of the BC review of TRN1. The TRNs serve to update the proposed highways mitigation. My colleague Mr. Paddle has concluded in his Proof of Evidence (at 13.3) that based on the implementation of the proposed mitigation package comprising highway improvements, the enhancement of public transport services and active travel routes, the Appeal Development would fully comply with Policy CT1. I agree with his analysis.

- 4.20 At paragraph 35 of its Appeal Statement of Case, MKC contend that there is insufficient evidence to demonstrate that the proposals would minimise the need to travel, promote sustainable modes of travel, improve accessibility or assist in reducing carbon. The Council identifies a particular concern as to integration with existing transport networks. Again, this position conflicts with the expert officer advice set out in paragraph 7.11 of the report to the DCC of the 17th November 2019. As noted above, the Appeal Development is supported by an updated Travel Assessment and Framework Travel Plan (CD/10/H/A&B) and TRNs that serve to update the proposed highways mitigation. My colleague Mr. Paddle has concluded in his Proof of Evidence (at 13.6) that subject to the implementation of the proposed mitigation package, comprising improvements to the local roadwork, public transport and routes for cyclists/pedestrians the Appeal Development would comply with Policy CT2 (A1). Again, I agree that the Appeal Development complies with Policy CT2.

#### Transport & Connectivity Policy CT3

- 4.21 Policy CT3 seeks to encourage walking and cycling by providing attractive, convenient, direct, safe and secure pedestrian and cycle routes which are connected to the existing networks. The Proposed Development is located adjacent to Milton Keynes. Sustrans Route 51 crosses the site and the scheme provides for walking, cycling and public transport infrastructure and facilities, which would connect to the existing networks in the surrounding area, thus providing future residents with the opportunity to travel by non-car modes of transport. MKC's reason for refusal did not allege any conflict with Policy CT3.

#### Transport & Connectivity Policy CT5

- 4.22 Policy CT5 expects development to be designed to meet the needs of public transport operators and users. Public transport services will be provided to serve the Proposed Development and all houses and most other uses within the Proposed Development would be no more than 400m from a bus stop (CD10/O/F Public Transport Plan). MKC's reason for refusal did not allege any conflict with Policy CT5.

### Concluding Comments

- 4.23 The Appeal Development was supported by expert officers of MKC as Local Highway Authority and by the Council's Planning Officer. Officers explicitly advised in the report to DCC of the 7th November 2019 (paragraph 7.5) that:-

*'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.'*

- 4.24 The officer report to the MKC DCC meeting of the 7th November 2019 explicitly stated, at paragraph 7.11 that:-

*'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.'*

- 4.25 In refusing planning permission for the Appeal Development the Council did not identify any conflict with Policies SD15, CT3, CT5 or CT8. Nor, in refusing planning permission for the Appeal Development by reference to Policies CT1 and CT2(A) did the Council identify any empirical or technical evidence to suggest that their officers' expert views were misplaced.
- 4.26 The Appeal Development is supported by an updated Transport Assessment and Framework Travel Plan (CD/10/H/A&B) and TRNs that serve to update the proposed highways mitigation. The transport evidence demonstrates that the Appeal Development is compliant with a range of national and local policies including the NPPF, the allocation for the for the Proposed Development in the emerging VALP and with relevant policies of Plan:MK including Policies CT1 & CT2.
- 4.27 I conclude that the Appeal Development accords with the relevant policies of the adopted development plan, i.e. policies SD15, CT1, CT2, CT3, CT5 & CT8 of Plan:MK and with the development plan overall. As such, for the purposes of S38(6) of the Planning and Compulsory Purchase Act 2004 the development accords with the statutory development plan, and in accordance with paragraph 11(c) of the NPPF, planning permission should be granted without delay.
- 4.28 I also consider that in reflection of paragraph 48 of the NPPF, significant weight should be given to the key strategic policy provisions of the emerging VALP which may only be realised through a grant of planning permission for the Appeal Development.

## 5. NATIONAL PLANNING POLICY FRAMEWORK

- 5.01 The NPPF sets out the Government's planning policies for England and how these are to be applied in plan making and development management. It is a material consideration in determining planning applications and appeals. The following paragraphs are of particular relevance to the consideration of the Appeal Development.

### Achieving Sustainable Development

- 5.02 Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 confirms that there are three dimensions to sustainable development:-

- *an economic role – contributing to building a strong responsive and competitive economy by ensuring that sufficient land of the right type is available at the right time and in the right places to support growth...*
- *a social role – supporting strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment with accessible services and open spaces...*
- *an environmental role – contributing to protecting and enhancing our natural, built and historic environment, including making effective use of land and helping to improve bio-diversity...*

- 5.03 Paragraph 9 states that the above objectives are to be delivered through the preparation and implementation of plans and the application of the policies in the NPPF. The Proposed Development is an allocation in the emerging VALP. In preparing VALP AVDC has complied with the Duty to Cooperate and a MoU has been agreed between AVDC and MKC. Plan:MK clearly anticipates growth adjacent to the City and has prepared a suitable planning policy framework setting out its approach toward development proposals in these circumstances. The VALP Strategic Policy S2 'Spatial Strategy for Growth' identifies that strategic growth and investment will be concentrated in sustainable locations including at '*(f) land in the North East of Aylesbury Vale to provide for 3,362 dwellings on a number of sites*'. The VALP has been subject to Examination in Public and the Inspector published interim findings on 29th August 2018 to identify those issues that may require modifications to address soundness concerns (see paragraph 2.17 above). The allocation of the Proposed Development Site was not identified as a concern in the interim findings, which indicates that the Inspector considers that the proposed allocation is sound and should be retained. The Appeal Development is necessary to ensure the realisation of the VALP's development strategy and the delivery of the Proposed Development.

- 5.04 At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). For decision-taking this means:-

- c) *approving development proposals that accord with the development plan without delay; or*
- d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless;*
  - i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or*
  - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

5.05 I have identified in Section 4 above how the Appeal Development accords with the relevant policies of the adopted Plan:MK and that planning permission should be allowed for the Appeal Development.

#### Determining Applications

5.06 Paragraph 38 states that decision-makers at every level should seek to approve applications for sustainable development where possible. Paragraph 47 states that:-

*Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise...*

5.07 Paragraph 48 states:-

*Local planning authorities may give weight to relevant policies in emerging plans according to:*

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

5.08 The Appeal Development will provide access to the Proposed Development which is an allocation in the emerging VALP. The Proposed Development benefits from a resolution to grant planning permission. It is anticipated that BC will confirm this resolution in response to the submitted minor amendments to the Proposed Development at the meeting of its Strategic Sites Committee on the 10<sup>th</sup> June 2021.

- 5.09 In allocating the site, the impact of the development and the capacity of the local road network to accommodate the planned growth were assessed in detail by the local planning and highway authorities. A clear policy framework established to ensure appropriate forms of sustainable development are forthcoming has emerged and which has been endorsed by the Inspector examining the VALP. Both the Proposed Development and the Appeal Development accord with the NPPF, the policy requirements of the emerging VALP (Appendix F) and the relevant policies of the adopted Plan:MK, as considered in Section 4 above.
- 5.10 In accordance with paragraph 48 of the NPPF and in light of the stage of preparation of the VALP, the consistency of draft policy NVL001 with the NPPF and the absence of unresolved objections to that policy, significant weight should be given to the VALP and its allocation of the Proposed Development site in the determination of the appeal. Granting planning permission for the Appeal Development will enable the realisation of the Proposed Development.

#### Promoting Sustainable Transport

- 5.11 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 for 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, street, parking and other transport considerations are integral to the design of scheme, and contribute to making high quality places.*
- 5.12 Paragraph 103 states that the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering genuine choice of modes.
- 5.13 Paragraph 108 advises that when assessing allocations in development plans or specific applications it should be ensured that:-

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

5.14 Paragraph 109 states that:-

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

5.15 Paragraph 110 states (in part) that:-

*... applications for development should give priority first to pedestrians and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport with layouts that maximises the catchment area for bus and other public transport services, and appropriate facilities that encourage public transport use.*

5.16 The Appeal Development application (15/00619/FUL) submitted in January 2015 was accompanied by an Environmental Statement (CD/1/N) and a comprehensive Transport Assessment (CD/1/I). Following extensive joint working with the Local Highways Authorities, including MKC, the Transport Assessment was subsequently updated in a formal revision of the application in August 2016 (CD/2/E).

5.17 In light of the reason for refusal, further work has been agreed and undertaken with BC and MKC as the Local Highways Authorities, which has included agreement on appropriate methodologies in the preparation of an updated Transport Assessment and Framework Travel Plan (CD/10/H/A &B) and subsequent TRNs. The transport evidence demonstrates that with the implementation of the proposed mitigation package the impact on highway safety would not present any unacceptable impacts (9.2.3) and that the residual cumulative impacts of the Proposed Development on the local highway network in the forecast year 2033 would not be severe (9.4.2). In consequence, the Proposed Development will not lead to unacceptable impacts on highway safety and the residual cumulative impacts on the road network will not be severe. The Appeal Development should not therefore be prevented or dismissed on highways grounds.

5.18 The Proposed Development Site is an allocation in the VALP that will deliver substantial public benefits and net environmental gains in a location that has long been recognised as sustainable and accessible which can be connected to good public transport services, either existing or to be provided by the Proposed Development, with sustainable connections to Milton Keynes and Bletchley. The FTP identifies trip characteristics and measures to secure a



realistic and achievable modal shift away from private car use and to promote the use of sustainable transport where possible. The Proposed Development provides a permeable and connected network of footpaths and cycleways within it; and will provide connections to the existing Redway system and the Public Rights of Way (PRoW) network.

- 5.19 A wide range of amenities, facilities and services will be provided within the Proposed Development, these will include a neighbourhood centre with community hall, local retail, sporting open space, employment, a primary school with early years provision, a secondary school and GP provision, reflecting the requirements of Policy SD15 of Plan:MK.

#### Concluding Comments

- 5.20 The Appeal Development accords with the adopted Policies of Plan:MK and therefore, in accordance with Paragraph 11 (c) of the NPPF, the appeal should be allowed and planning permission granted without delay. Furthermore, the Appeal Development will facilitate delivery of the Proposed Development. The status of the Proposed Development in the VALP should be accorded significant weight in the determination of the appeal in accordance with paragraph 48 of the NPPF.
- 5.21 In transport terms, the Proposed Development is in accordance with the NPPF. It is in an accessible location to maximise the use of existing public transport services and will encourage sustainable travel through the implementation of the FTP. The transport evidence shows that the Proposed Development would not have an unacceptable impact on highway safety and that the residual cumulative impacts on the local highway network in 2033 would not be severe. Therefore, in the context of paragraph 109 of the NPPF, the Appeal Development should not be prevented or refused.
- 5.22 Significant public benefits, social, economic and environmental will arise from allowing the Appeal Development, which will enable delivery of the Proposed Development, a strategic allocation in the VALP.

## 6. MKC & RULE 6 PARTY STATEMENTS OF CASE

### Introduction

- 6.01 I have reviewed the Statements of Case (SoC) provided by MKC as the LPA & LHA; and Newton Longville Parish Council and West Bletchley Council. I have noted key references within the SoC and provided commentary in response, albeit the intention will be to narrow issues down through the preparation of SoCG. Points relating to technical highways and transportation matters are addressed by Mr. Paddle in his Proof of Evidence.
- 6.02 Buckinghamshire Council has also secured Rule 6 Party status as adjoining LPA and in support of the Proposed Development. The Appellant will prepare a Statement of Common Ground with the Council.

### **MKC Appeal Statement of Case**

#### **Introduction**

- 6.03 At paragraph (5) MKC state that:-

*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.*

- 6.04 I have addressed the changes to the description of development sought by MKC in Section 3 above of this Proof of Evidence. In response to MKC's suggested amendments, it was agreed by the Appellant that the description of development could be amended to:-

*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 reference 15/00314/AOP.*

- 6.05 This was to reflect the focus in MKC on the access proposals. It was subsequently suggested by MKC (in August 2019) that the description should be amended to:-

*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).*

- 6.06 This reflected the changes to the access arrangements set out in the revised TA of August 2016 and a desire by officers to explicitly reflect the scale and quantum of development in AVDC and its status as an EIA scheme. The Appellant did not resist this change.
- 6.07 At paragraph (7) the MKC state that:-
- 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 notice 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".*
- 6.08 A similar point is made at paragraph (8) of MKC's statement of case. Both paragraphs acknowledge that the only issue for consideration at this appeal is the matter of the access arrangements. The Appellant agrees that the issue for determination in this appeal is the acceptability of the access arrangements proposed within MKC's administrative boundary.
- 6.09 At paragraph (10) MKC notes its understanding 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 Inspectorate 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.*
- 6.10 The Appellant understands that the amendments will be considered by the BC Strategic Sites Committee at its meeting of the 10<sup>th</sup> June 2021.
- 6.11 MKC then go on in paragraph (11) to state that:-
- 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."*
- 6.12 The Appellant considered that it might be of assistance to the Inspector and other participants to know the settled position of BC before hearing the Inquiry.

### **Proposed amendments to 15/00314/AOP**

- 6.13 In paragraph (12) MKC notes the amended proposals relating to matters in the BC administrative area. These are the minor amendments to the extant planning application as described in the revision pack covering letter of 19th June 2020, which have been accepted by BC as an amendment to application reference 15/00314/AOP. As noted above, further amendments to the application were submitted in October 2020 and February 2021. At the Case Management Conference on the 9<sup>th</sup> February 2021 no party indicated that they would have insufficient time to consider TRNs 1-3 in accordance with the Inquiry timetable. The Appellant has subsequently been provided with a copy of a 'holding objection' from MKC (CD12/I) which reserves the Council's position until it has had the opportunity to consider TRN3 (CD16/C).

### **Other Changes**

- 6.14 At paragraph (14) MKC acknowledges that 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 emerging VALP, the adoption of Plan:MK in March 2019 and the publication of proposed modifications to the VALP. These changes in circumstances are taken into account in the updated TA and ES that accompanied the appeal submission.

### **Changes to the Transport Assessment**

- 6.15 At paragraph (15) MKC notes that the application before it (15/00619/FUL) was considered and refused on the basis of the evidence before the Council, including the 2016 TA. On the basis of that evidence, MKC officers concluded that there was no conflict with the policies of Plan:MK and that planning permission should be granted.

- 6.16 At paragraph (16) MKC state that:-

*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.*

- 6.17 The updated TA was prepared on the basis of discussions and requests from the local highway authorities (i.e. BC and MKC) and to take account of changes since the previous TA was submitted. The methodology used in the updated TA was agreed with the LHAs. Further to the submission of the Updated TA, supplementary work has led to the production of TRN1, 2 and 3 in response to points raised by BC. However, it is understood that for the purposes of this appeal, MKC have now sought to criticise the agreed methodology and assert that the agreed methodology is not in fact suitable for assessing the impact of the Proposed Development or the Appeal Development. The justification for this change in the authority's position is not clear. . This matter is addressed by my colleague Mr. Paddle in his Proof of Evidence.

### **Changes to what is proposed in the appeal scheme**

- 6.18 At paragraph (17) MKC note that:-

APP/Y0435/W/3252528

Proof of Evidence of Mark Hyde

*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 TA) 'affect the access arrangements proposed within MKC'.*

6.19 Then at paragraph (18) MKC state that:-

*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 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.*

6.20 The extent of the proposed mitigation documented in the Updated TA has been superseded by Table 5-12 of TRN3 (CD16/C). This identifies refined mitigation at Bottledump roundabout in the form of widening on the exit of the A421 Buckingham Road and revisions to the widening on the entry of A421 Buckingham Road. In a similar vein, mitigation at Tattenhoe roundabout remains as proposed within the Updated TA, but also includes traffic signals across the remaining arms of the junctions plus widening on Snelshall Street.

6.21 At paragraph (19) MKC notes that:-

*... the Inspector has considered 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"*

6.22 The Updated TA does not contain or propose any changes to the design of the access arrangements, i.e. the proposed 'left-in' from A421 Standing Way or Buckingham Road junctions, to those proposed in the 2016 TA.

6.23 At paragraph (20) it is stated that:-

*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.*

6.24 The Appellant has given no indication that a further application would be submitted. Indeed, quite the contrary. MKC officers and consultants were actively engaged in the preparation of the updated TA. As noted above, the updated TA does not contain or propose any changes to the design of the access arrangements, i.e. the proposed 'left-in' from A421 Standing Way or the B4034 Buckingham Road junctions, to those proposed in the 2016 TA. Further to the submission of the Updated TA, supplementary work has led to the production of TRN1, 2

and 3 in response to points raised by BC which contain a revised assessment methodology and capacity analysis. In consequence there have been some further refinements to the proposed highways mitigation measures. These changes have been the subject of public consultation by BC and by MKC in response to formal consultation by BC as an adjoining authority (MKC reference 20/01656/CONS)

6.25 At paragraph (21) MKC go on to state that:-

*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*

6.26 As set out in Section 3 above, the reference to mitigation works at the Bottledump and Tattenhoe roundabouts in the description of development was instigated by MKC. The Appellant would not object to an amendment of the description of development, but this will now be a matter for the Inspector. In paragraph (22) the Council suggests that a revised description could be agreed in the Statement of Common Ground and we are content to discuss this further.

#### **LPA Approach to Appeal & Case**

6.27 At paragraphs (23) & (24) MKC notes that:-

*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.*

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

6.28 The Appellant has sought to engage constructively and comprehensively with MKC highways officers and their consultants; and indeed, has previously satisfied them that the Appeal and Proposed Development were acceptable in highways terms. The Appellant will continue to work with officers and their consultants to narrow any issues between them.

#### **Reason for refusal**

6.29 At paragraph (27) MKC notes that the application was refused for the following reason:-

*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.*

6.30 The reason given for MKC's refusal of permission is agreed as an accurate reflection of MKC's decision. However, I would note that it was contrary to the explicit advice of MKC's

planning and highway officers that, subject to appropriate conditions, the scheme would accord with policies CT1 and CT2.

- 6.31 In paragraph (28) the Council maintains that it was right to refuse planning permission as the evidence before it in November 2019 was inadequate and failed to adequately demonstrate the impact of the development and that this will be demonstrated in evidence.
- 6.32 This was not the advice provided by officers who were satisfied that the evidence before MKC was sufficient to determine that, subject to suitable conditions, the Appeal Development would comply with policies CT1 and CT2 and should be granted permission.
- 6.33 In paragraph (29) MKC states:-

*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.*

- 6.34 The proposed access arrangements have not changed with the submission of the updated TA or the subsequent TRNs. The Appellant has made minor amendments to the Proposed Development, which have been accepted by BC. The Appellant does not propose any changes to the access arrangements within MKC's jurisdiction, albeit there has been further refinement of the appropriate mitigation measures following discussions with BC.

#### **Development Plan Policy**

- 6.35 Paragraph (31) states that, as set out in the reason for refusal, MKC will explain that the proposed development is contrary to policies CT1 and CT2 (A1) of Plan:MK. I note that MKC alleged conflict with those policies solely on the basis that there was insufficient evidence to mitigate the 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" (see MKC's reason for refusal). Therefore, while policies CT1 and CT2 address a broad range of matters relating to the promotion of a sustainable transport network and creation of appropriate movement and access arrangements, the reason for refusal focuses exclusively on impacts of increased traffic flows and the impacts on the highway.
- 6.36 Again, I note that this was not the advice provided by officers who were satisfied that the evidence before MKC was sufficient to determine that, subject to suitable conditions, the Appeal Development would comply with policies CT1 and CT2(A1) and should be granted permission. Permission was refused on the basis that in the Council's view insufficient evidence was available to 'mitigate the harm' of the Proposed Development on the MK highway network. However, as noted above, the Council has now provided a holding objection to the Proposed Development within BC stating that 'based on the new TA, the development has an adverse impact on the road network in Milton Keynes which is still judged to be severe with the proposed mitigation in place'.

- 6.37 In paragraph (32) the Council explains that Policy CT1 'Sustainable Transport Network' requires the promotion of sustainable patterns of development; and in paragraph (33) that the Council will contend that the appeal site is not supported by robust evidence in relation to criterion 1 - 5 of the policy and that in consequence, the granting of planning permission for the Appeal Development would not accord with Policy CT1. As noted above, the reason for refusal focuses exclusively on the impacts of increased traffic flows and impacts on the highway, specifically Standing Way and Buckingham Road.
- 6.38 At paragraph (34) the Council notes that 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.*
- 6.39 In paragraph (35) MKC states that there is insufficient evidence to demonstrate that the proposals would minimise the need to travel, promote sustainable modes, improve accessibility or assist in reducing carbon and in paragraph (36) it states 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.
- 6.40 The Appeal Development relates to the access points. These points amount to criticisms of the transport sustainability of the Proposed Development in BC, in respect of which MKC has not previously raised objection, indeed to the contrary, it has supported in principle the allocation of the Proposed Development. Again, this position runs contrary to the advice provided by MKC officers to the DC Committee.
- 6.41 In paragraph (37) MKC states that many of the reasons for refusal matters relating to Policy CT1 are reinforced by the wider text of Policy CT2. It should be noted that the reason for refusal only alleged conflict with one aspect of Policy CT2, namely criterion A1. 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.
- 6.42 The Council's expert officers were satisfied that the evidence before MKC was sufficient to determine that, subject to suitable conditions, the Appeal Development would comply with all aspects of policies CT1 and CT2 and should be granted permission. The Appeal Development was supported by an updated Transport Assessment and Framework Travel Plan (CD/10/H/A&B). TRN1 (CD16/A) was prepared in response to the BC review of the updated TA; TRN2 (CD16/B) and TRN3 (CD16/C) were prepared subsequently to address the BC and MKC highway networks respectively in light of the BC review of TRN1. The TRNs serve to update the proposed highways mitigation. My colleague Mr. Paddle has concluded



in his Proof of Evidence (at 13.3 & 13.6) that based on the implementation of the proposed mitigation package comprising highway improvements, the enhancement of public transport services and active travel routes, and the implementation of a FTP across all land uses, the Appeal Development would fully comply with policies CT1 & CT2 and I concur with his conclusions.

6.43 In paragraph (38) the Council notes that it will address other policies referred to by the Appellant in its statement of case – including SD15, CT3, CT5 & CT8 and that Plan:MK is up to date and the relevant policies contained within it carry full weight.

6.44 As noted above, MKC's reason for refusal does not allege conflict with policies SD15, CT3, CT5 or CT8 and I agree that there is no conflict with those policies. I consider that the Appeal Development complies with these policies and have provided an assessment of the Appeal Development against these policies above.

6.45 Paragraph (39) states that:-

*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.*

6.46 MKC's reason for refusal does not allege conflict with policies SD15 and I agree that the Appeal Development would not conflict with that policy for the reasons set out above.

6.47 In paragraph (40) the Council notes that:-

*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.*

6.48 Again, I note that the Appeal Development was not refused permission by reference to Policy CT3. I have provided an assessment of the Appeal Development against Policy CT3 above. I conclude, as did the expert officers in their advice to the DC Committee, that the Appeal development complies with Policy CT3.

6.49 In paragraph (41) the Council notes that:-

*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.*

6.50 Again, I note that Appeal Development was not refused by reference to Policy CT5. I have provided an assessment of the Appeal Development against Policy CT5 above. I conclude, as did the expert officers in their advice to the DC Committee, that the Appeal Development complies with Policy CT5.

6.51 In paragraph (42) MKC notes that 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.*

6.52 This suggests that MKC is underplaying the relevance of Policy CT8 to schemes that adjoin the City where strategic highway linkages are sought. Both Policy SD15 and Policy CT8 seek to extend the grid road network into neighbouring areas for cross-boundary developments. The Proposed Development makes provision for a Grid Road Reserve to enable extension of the Grid Road Network through the site linking the A421 with the A4146 at a future point in time.

#### **National Planning Policy Framework**

6.53 In paragraphs (44) to (48) the Council references relevant policy on transportation matters contained within the NPPF, in particular paragraphs 102 & 108 to 111.

6.54 I note that the reason for refusal makes no reference to the NPPF. I have assessed the Appeal Development against the relevant provisions of the NPPF above and conclude that it accords with them.

#### **National Planning Practice Guidance**

6.55 In paragraphs (49) to (51) the Council refers to relevant guidance on transportation matters contained within the NPPG. My colleague Mr. Paddle addresses those matters in his Proof of Evidence.

#### **Transport Evidence Base & Case for the Council**

6.56 In paragraphs (53) to (64) the Council sets out its case in relation to the technical evidence base for the Transport Assessment. My colleague Mr. Paddle addresses those matters in his Proof of Evidence.

#### **Planning Balance**

6.57 In paragraph (65) the Council states:-

*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.*

6.58 I agree and in my view the Appeal Development does accord with the relevant policies of Plan:MK, a position with which the Council's officers agreed as set out in their report and recommendation to the DC Committee.

6.59 MKC then states in paragraph (66) that:-

*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.*

6.60 Once again, I note that Policies CT1 and CT2(A1) are the only elements of policy conflict alleged in the reason for refusal, i.e. the Council does not allege that the Appeal Development conflicts with any other policies of the adopted Plan:MK or indeed the subsequent sections of Policy CT2, i.e. (A2-10) or (B). The Appellant's evidence demonstrates that the Appeal Development accords with those policies.

6.61 In paragraph (67) the Council states that:-

*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.*

6.62 The updated transport evidence demonstrates that the Appeal Development is acceptable in highways terms subject to the proposed mitigation package.

6.63 At paragraph (68) the Council states that it:-

*... 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.*

6.64 The benefits of the Appeal Development are noted in Section 8 below and are substantial.

#### **Other Matters**

6.65 Paragraphs (69) to (72) sets out factual matters of relevance to the appeal process. I note in particular the statement that, 'A S106 is not required to be secured in relation to the proposals in this appeal.' I agree given that a S106 obligation will be secured with BC in relation to 15/00314/AOP which will secure appropriate obligations to mitigate the impact of the Proposed Development within Milton Keynes. However, as noted above, the transport mitigation in Milton Keynes would be secured and implemented under s278 of the

Highways Act 1980, although the Appellant remains open to the payment of an equivalent commuted sum towards achieving MKC's Mobility Strategy 2036 if this is preferred by MKC.

#### Summary

- 6.66 Planning permission for the Appeal Development was refused by MKC for a single reason, citing conflict with Policies CT1 and CT2(A) of the adopted Plan:MK. This is confirmed in the Statement of Case, albeit there is no acknowledgment that the refusal was contrary to the explicit technical advice of highways and planning officers who advised that the Appeal Development was in accord with Policies CT1, CT2 & CT3 and recommended that planning permission should be granted.
- 6.67 The Statement of Case provides a critique of the Transport & Framework Travel Plan submitted in 2016; and the updated Transport Assessment & Framework Travel Plan submitted as part of the appeal. A detailed response to that critique is set out in Mr. Paddle's Proof of Evidence. Notwithstanding, the Appellant is working closely with the Highways Consultant appointed by MKC with a view to narrowing the scope of technical disagreement in a Transport SoCG. My colleague Mr. Paddle will address any remaining areas of disagreement with MKC on highways & transportation matters in his evidence.
- 6.68 Finally, MKC have confirmed that a separate S106 Planning Obligation with MKC will not be necessary. Matters that need to be controlled post determination can be secured by the imposition of suitable conditions.

#### MKC Proof of Evidence on Planning Matters

- 6.69 Proofs of Evidence (PoE) were first exchanged in September 2020 in anticipation of the Inquiry commencing on the 13<sup>th</sup> October. In preparing an update of my own PoE on planning matters I have reviewed the evidence prepared by the Council's witness on planning matters Mr. Keen. I have the following brief observations whilst acknowledging that the proof will be superseded.

#### **Highways England**

- 6.70 Mr. Keen notes that at the time of exchange in September, Highways England had not formulated a response to consultation upon the updated 2020 TA & FTP (CD10/H/A & B). That response has now been received (27<sup>th</sup> November 2020) and raises no objection. A copy is contained in the Core Document Library (CD19/B).

#### **Scheme Benefits**

- 6.71 The Appellant's Appeal Statement of Case (paragraph 6.05 onwards) sets out the benefits of the Proposed Development which Mr. Keen has commented on in his PoE of September 2020. I have a number of observations on those comments that I set out below.
- 6.72 Social Benefits – Mr. Keen acknowledges that the provision of housing and a policy compliant level of affordable housing provision should attract significant weight in his assessment of the planning balance. However, I disagree with Mr. Keen's conclusion. The provision of housing and a policy compliant level of affordable housing on a site allocated to meet these requirements should, in my opinion, attract substantial weight.

- 6.73 Mr. Keen then ‘downplays’ the associated provision of onsite education provision (early years, primary and secondary); the neighbourhood centre and associated community and retail space; and sporting and children’s playspace. He suggests that as these are provided to secure policy compliance and to serve the needs of future occupiers and in consequence that they should attract no more than limited weight. I disagree with this. If something is beneficial, then I do not consider that the weight attributed to that benefit should be discounted solely because it happens also to be compliant with policy. I attribute significant weight to the identified social benefits in the context of a high quality sustainable development; and substantial weight to the provision of housing and a policy compliant level of affordable housing.
- 6.74 Environmental Benefits – Mr. Keen acknowledges (paragraph 7.24 onwards) that the proposed Green Infrastructure provision would be a benefit of the Proposed Development, but that he only gives it ‘limited weight’ as he is unsure if it simply meets policy requirements, mitigation requirements or in some way goes beyond these.
- 6.75 The Appellant’s Ecology Response Note (CD15/B) sets out the Appellant’s proposals in Section 3 Biodiversity Net Gain. It notes substantive net gains in habitat and hedgerow units that will arise from the proposed development. Regardless of whether the delivery of green infrastructure is required by policy, the net gains represent a benefit of the Proposed Development that I consider should attract moderate weight.
- 6.76 Sustainable Transport – Mr. Keen again places only limited weight to this matter, given it would be a *‘requirement for any new development on greenfield land to ensure policy compliance, and is not a unique benefit of the development’*. This comment fails to acknowledge that the site is in a sustainable location and will enable the provision of sustainable transport links, a key reason for its allocation in the VALP. I would conclude that substantial weight should be attributed to the scheme in this respect.
- 6.77 Reduce Commuting by Car – Mr. Keen comments that *‘Notwithstanding the fact that an increased amount of development where currently it is absent will lead to more emissions, I also arrive at the same conclusions here as mentioned directly above. This is not considered to be a benefit of the development as a result.’* This demonstrates a failure to understand the development strategy that underpins the VALP and the relationship of northern Aylesbury Vale with Milton Keynes (paragraphs 34 to 37 of CD11/B refer). The opportunity to meet identified housing needs in the former Aylesbury Vale in a way that reduces reliance on the private car and commuting distances is a considerable benefit accruing from the Proposed Development. This aspect should carry substantial weight in my opinion.
- 6.78 Grid Road Reserve (GRR) – Mr. Keen states that *‘It is unclear whether this has been put forward as an offer from the appellant or if this is to ensure policy compliance and a requirement to ensure the proposal is acceptable in planning terms. I currently give no weight to this.’* Again, Mr Keen seeks to downplay a clear benefit of the Proposed Development on the basis that it may be delivered to secure policy compliance. The position relating to the GRR is set out in paragraph 3.14 of CD10/C. The adopted development plan for AVDC and MKC include a requirement for a link road between the A4146 and A421; see Policy RA34 and RA35 of AVDLP2004 and Policy SD8 of Plan:MK. It is understood that both Councils have an aspiration for the link road to be delivered and it also has significant political support. The provision of a link road does not arise as a direct consequence of the

Proposed Development, but provision has been made within the scheme to enable the link to be provided. This is a clear benefit of the Proposed Development which I consider should attract moderate weight.

- 6.79 Mr. Keen concludes at paragraph 7.26 by stating that *‘Having considered the above benefits put forward by the appellant, and the amount and mix of development the appeal scheme would facilitate the delivery of AVDC’s (BC) local plan, collectively the benefits of these are considered to be significant in my opinion’*. I believe that Mr. Keen has downplayed the benefits that will arise from the Proposed Development. Securing the delivery of a policy compliant strategic allocation in the VALP is, in my opinion, a substantial benefit.

#### **Planning Balance**

- 6.80 Subsequently in paragraph 7.30, Mr. Keen states the following:

*‘Should the Inspector find that benefits and disbenefits of the scheme to be finely balanced, I respectfully request that the nature of the Council’s concerns should be considered above that of the benefits of the development within BC. Not simply because the majority of the harm would be felt within the administrative boundary of MKC, but dismissing the appeal would not put into question the delivery of the site and its development within BC’s administrative boundary. MKC has agreed to the principle of the site within BC as a suitable allocation for development, and acknowledged that the site is an allocation within the AVDC local Plan.’*

- 6.81 I am of the opinion that substantial benefits arise from the Proposed Development and that the balance is firmly and clearly struck in favour of the scheme. I disagree with Mr. Keen’s proposition that matters may be finely balanced. NPPF Paragraph 109 does not preclude any harm to highway safety nor residual cumulative impacts on the road network, but rather it suggests that it is only where the residual cumulative impacts are severe or the safety impacts unacceptable that refusal of permission might be justified. The Proposed Development will not result in any severe or unacceptable impacts but the grant of permission will facilitate the delivery of the Proposed Development (a strategic site allocated in the emerging VALP) and the benefits that will flow from that, should carry substantial weight in the planning balance.
- 6.82 Furthermore, it is suggested that dismissal would not call into question the delivery of the Proposed Development. Dismissal of the appeal would have clear implications for the delivery of the Proposed Development, in particular the significant delay (and further significant cost) in securing a grant of planning permission from MKC for the proposed access points and the consequential postponement of the benefits of the proposed development. It is clear that notwithstanding robust transport evidence benefiting from expert assessment and officer support, there can be no certainty that the MKC DCC will grant planning permission when faced with local opposition.

#### **Newton Longville Parish Council & West Bletchley Council Rule 6 Party Statement of Case**

- 6.83 The Rule 6 Party Statement of Case submitted by NLPC/WBC does not address the relevant planning policy framework meaningfully. However, it sets out a limited critique of the updated Transport Assessment & Framework Travel Plan submitted as part of the appeal. A detailed response to that critique is set out Mr. Paddle’s Proof of Evidence. Notwithstanding,

the Appellant will endeavour to work closely with the Highways Consultant appointed by NLPC/WBC with a view to narrowing the scope of technical disagreement in a Highways SoCG. My colleague Mr. Paddle will address any remaining areas of disagreement with NLPC/WBC on highways & transportation matters in his evidence.

## 7. THIRD PARTY OBJECTIONS

- 7.01 As noted in the Planning Statement of Common Ground with MKC, representations objecting to the planning application for the Appeal Development were received from West Bletchley Council & Newton Longville Parish Council who have taken Rule 6 Party status, Shenley Brook End & Tattenhoe Parish Council, Whaddon Parish Council, local councillors, local residents' associations and members of the public.
- 7.02 The objections are principally focussed on the Proposed Development which is subject to a resolution to grant planning permission from AVDC (now BC). The objections, together with my responses are set out in the table below.

### Third Party Representations

Representation Received	Appellant's Comments
<b>Planning</b>	
The principle of the development is not supported by a planning policy document	The principle of the site's development has been established in the emerging VALP. Strategic Policy S2 identifies North East Aylesbury Vale as a location for the development of 3,362 dwellings. This is in part met through the allocation of the Proposed Development site as a Strategic Allocation in Policy D-NLV001 for the provision of 1,855 new dwellings.
The development will open the door for the larger Salden Chase development to come forward	The VALP does not allocate any of the former Salden Chase development site beyond that identified in Policy D-NLV001
Newton Longville's Neighbourhood Plan identifies the application site as agricultural land	The Newton Longville Neighbourhood Plan Neighbourhood Area was approved in September 2014. In late 2020 consultation was undertaken by the Neighbourhood Plan Group on the definition of a settlement boundary for the village and a 'call for sites' exercise was undertaken.
MKC has a sufficient housing land supply and there is consequently no need for the additional housing	The allocation of the site in Policy D-NLV001 is in order to provide housing to meet the identified needs of the former Aylesbury Vale area in a sustainable location. It has not been allocated to meet the housing needs of MKC.
There is no requirement for additional employment land	The provision of employment land within the Proposed Development is a requirement of Policy D-NLV001. It will provide local job opportunities for future occupiers of the development and the local community and a more sustainable development overall.
There is no provision of space within the development for worship or a burial ground	The Proposed Development includes provision for new community space & facilities which may be used for worship. No requirements for new burial space have been identified.
The development will involve an unacceptable loss of 'Best & Most Versatile' agricultural land	The Proposed Development will lead to the loss of a number of parcels of Grade 3a B&MV agricultural land totalling 16.2 Ha. This loss is not considered to be significant or unacceptable in light of the site's allocation for development.
<b>Highways &amp; Transportation</b>	
The development will lead to unacceptable congestion on the local road network that will not be mitigated by the proposals	The Appellant has prepared an updated Transport Assessment and Framework Travel Plan (June 2020) for the Proposed Development. Subsequently further TRN have been prepared. It has demonstrated how with suitable mitigation, the impact of the Proposed Development will be acceptable.
The submitted Transport Assessment is inadequate and contains significant errors	This criticism was levelled at the Transport Assessment submitted in August 2016. However, it was not accepted by officers of either LHA who concluded that the TA demonstrated that the Proposed Development is able to be accommodated on the highway network subject to the identified mitigation measures.
The proposed 'left in' from the A421 will lead to an increase in 'rat-running' through Newton Longville	See comment above. There is no evidence to support the assertion.



A suitable scheme of traffic calming must be provided to discourage 'rat-running' through Newton Longville	The Transport Assessment includes a traffic calming scheme for Newton Longville that has been identified as a mitigation measure.
The impacts of construction traffic in Newton Longville will be unacceptable	The routing of construction traffic can be controlled through conditions and the operation of a Construction Environmental Management Plan.
The proposed public transport and cycle / pedestrian linkages are considered to be inadequate	The allocated site benefits from good pedestrian and cycle linkages to the Redway system and to Bletchley. NCN Route 51 crosses the site. This network will be improved and enhanced both within and beyond the site. The Appellant will enter into a S106 Planning Obligation to secure a high standard of public transport provision to serve the Proposed Development.
<b>Local Facilities &amp; Services</b>	
Future occupiers of the development will lead to demands on local services provided / funded by MKC	The Appellant will enter into a S106 Planning Obligation to secure suitable provision / funding of local services to meet the needs of future occupiers of the Proposed Development. The S106 has been the subject of discussions with MKC and BC and other relevant stakeholders and the content of the S106 agreed with them.
It is not clear how the proposed community facilities / schools / GP provision will be secured and funded	See the comment above. Where additional funding needs have been identified and justified by reference to the relevant regulatory tests, this has been accommodated within the draft S106 Planning Obligation.
The development will lead to an increased demand on 'blue light' services	Such services are funded by central Government on the basis of the increase in population arising from development. No justification has been provided that would require provision for 'blue light services' within the S106.
<b>Design</b>	
The proposed Grid Road Reserve follows the route of a gas main. This is not viable and will be a health & safety risk.	There is no evidence to suggest that such an arrangement is 'unviable' and the updated Environmental Statement (2020) includes a chapter on Major Accidents & Disasters in reflection of the changes to the EIA Regulations 2017. The ES concludes that there is no significant risk of accident arising subject to appropriate mitigation.
The location of the proposed allotments will not be convenient for new residents, should be on high grade ag land, insufficient level of provision.	The location of the proposed allotments is not considered unacceptable, they are sited on Grade 3b B&MV which constitutes most of the allocated site. There are no adopted standards of provision applicable.
The development contains a poor mix of house types.	House type mix is not stipulated within the Proposed Development and will in any event be the subject of subsequent Reserved Matters applications.
How is the inclusion of open space within the secondary school to be secured / managed?	A detailed mechanism for this land is set out in the draft S106 Planning Obligation
The development will lead to noise, air & light pollution	The impacts of the Proposed Development in terms of noise, air and light pollution have been considered in detail in the Environmental Statement that has been prepared. The ES has been updated in reflection of the EIA Regulations 2017. With mitigation no significant adverse impacts at completion have been identified in terms of noise, light or air pollution.
<b>Landscape &amp; Visual Impacts</b>	
The development will have an adverse visual impact particularly when viewed from Newton Longville	The visual and landscape impacts of the Proposed Development have been considered in detail in the Environmental Statement that has been prepared. The ES has been updated in reflection of the EIA Regulations 2017. Moderate adverse impacts have been identified post completion. The site, however, is a proposed allocation in the emerging VALP and the benefits that will arise from the development are considered to outweigh the identified adverse impacts.
The development will lead to coalescence with Newton Longville	The site is physically separate from Newton Longville and will not lead to physical or visual coalescence.

Ecology	
The development will have an adverse impact on native wildlife on the site.	The ecological impacts of the Proposed Development have been considered in detail in the Environmental Statement that has been prepared. The ES has been updated in reflection of the EIA Regulations 2017. With mitigation no significant adverse impacts at completion have been identified. A Biodiversity Net Gain assessment has concluded a net gain in biodiversity will arise in consequence of the Development Proposal.

## **8. BENEFITS OF THE APPEAL DEVELOPMENT**

- 8.01 The Appeal Development is located within Milton Keynes and the relevant development plan is Plan:MK. I have identified the relevant policies of Plan:MK in Section 4 above (Strategic Development Policy SD15 and Transport & Connectivity Policies CT1, CT2, CT3, CT5 & CT8) and I have demonstrated how the Appeal Development accords with them. Subsequently in Section 5 I have also identified the relevant provisions of the NPPF and I have demonstrated how the Appeal Development accords with them.
- 8.02 The Appeal Development provides access points to serve the Proposed Development which is a strategic allocation in the emerging VALP that will contribute to the three strands of sustainable development - social, environmental and economic - identified in Paragraph 8 of the NPPF. A grant of planning permission for the Appeal Development will ensure delivery of the benefits of the Proposed Development at the earliest opportunity. An assessment of the Proposed Development against the planning policy context provided by the saved policies of the Aylesbury Vale District Local Plan 2004 and the emerging VALP is set out in Appendix F. Granting planning permission for the Appeal Development will enable development in accordance with the emerging VALP to come forward and facilitate the Proposed Development helping to realise the benefits of the emerging and well-advanced Draft Allocation as identified below (including those identified by Buckinghamshire Council in its Statement of Case - paragraph 48). It should be noted that MKC's SoC does not seek to dispute the benefits identified in the Appellant's SoC and which are addressed below. Indeed Mr. Keen in his Proof of Evidence of September 2020 acknowledges at paragraph 8.2 that the Council does not raise objection to other elements of the scheme (see also 7.1 (iii) of the agreed SoCG)

### Social Benefits

- 8.03 In summary the social benefits are as follows:
- Boost the supply of land for housing, and provide high quality market and affordable housing on the edge of Milton Keynes;
  - Deliver up to 557 affordable dwellings, which equates to 30% of the total housing provision;
  - Deliver 60 extra care dwellings;
  - Generate additional funding from the New Homes Bonus;
  - Generate additional Council Tax and Business Rates which would directly enhance the future finances of the local authority.
  - Provide a wide range of community and recreation facilities, including a local park and district park, formal sports pitches, tennis courts, games area, a skateboard park, children's play areas, and allotments;
  - Provide a neighbourhood centre with retail and community facilities; and
  - Provide land and funding for a primary school and secondary school.

- 8.04 The housing that would be delivered at the Proposed Development will contribute towards the housing requirements identified in Policy S2 of the emerging VALP and is needed to maintain a sufficient housing land supply in the area over the plan period. The delivery of affordable housing that exceeds minimum policy requirements is consistent with Policy GP2 of AVDLP2004. The delivery of additional community and recreation facilities would be consistent with Policies GP84, GP86, GP87, GP90 and GP91 of AVDLP2004; and with criterion (8) of Policy SD15 of Plan:MK.

#### Environmental Benefits

- 8.05 In summary the environmental benefits are as follows:

- Provide substantial areas of Green Infrastructure which include new habitats of native broadleaved woodland, species-rich grassland and wetland to enhance wildlife;
- Provide a substantive net gain for biodiversity;
- Provide additional strategic landscaping, woodland planting, green infrastructure and open space to enhance the surrounding landscape;
- Promote sustainable forms of transport by including walking, cycling and public transport infrastructure and facilities, which connect to the existing networks in the surrounding area;
- Implementation of a FTP across all land uses to effectively manage and promote walking, cycling and public transport strategies in to and around the Site;
- Provide alternative transport opportunities to reduce the reliance on the private car which would have positive benefits for air quality;
- Contribute towards traffic calming in local villages, including Newton Longville, to discourage 'rat-running', reduce vehicle speeds and improve highway safety;
- Reserve land to secure a possible extension of the Grid Road network so that in the longer term, and subject to securing required funding, a connection can be made between A421 and A4146, which would assist in reassigning 'through' traffic (including HGVs) from local villages.

- 8.06 The substantial additional areas of green infrastructure provided within the Proposed Development would be in accordance with the design and landscape approach in Policies GP35, GP38 and GP39 of AVDLP2004. The net biodiversity gains delivered by the Proposed Development would be in accordance with Policy NE3 of Plan:MK, Policy NE1 of the emerging VALP and Paragraph 174 of the NPPF. The delivery of walking, cycling and public transport infrastructure and facilities would be consistent with the transport policies of Plan:MK and SVALP2017 and transport guidance in the NPPF that seek to encourage the use of sustainable modes of transport. The inclusion of the Grid Road Reserve within the Proposed Development Site is in accordance with Policies RA34 and RA35 of AVDLP2004 and Policy CT8 and criterion (7) of Policy SD 15 of Plan:MK.

#### Economic Benefits

- 8.07 The economic benefits of the Proposed Development are as follows:

APP/Y0435/W/3252528

Proof of Evidence of Mark Hyde

- Provide employment opportunities during the construction phase;
- Deliver employment opportunities at the employment area, neighbourhood centre, and schools;
- Provide employees for local businesses and services in Aylesbury Vale and Milton Keynes;
- Support local businesses, services and facilities through additional expenditure of future residents;
- Provide housing for employees of local businesses, services and facilities; and,
- Reduce commuting distances.

8.08 The delivery of employment land within the Proposed Development and the creation of additional jobs would be in accordance with Policy D5 of the emerging VALP and with Paragraph 80 of the NPPF.

#### Contribution towards Housing Land Supply

8.09 The VALP as proposed to be modified sets out a spatial strategy for growth and development. Table 1 provides an assessment of housing provision at March 2020.

- Housing Requirement 2013-2033 is 30,134
- Completions + Commitments at March 2020 = 23,012
- Allocations in the LP = 6,362

8.10 The NPPF in Section 5 notes the importance of ensuring a sufficient supply of land for housing. Under the heading 'Maintaining Supply & Delivery' paragraph 73 indicates that strategic policies in local plans should include a housing trajectory illustrating the expected rate of housing delivery over the plan period. The latest Housing Trajectory published as a Further Main Modification to the VALP is contained in the Core Document Library (CD11/E).

8.11 SWMK is included as a 'commitment' at March 2020 and sits within the North East Aylesbury Vale (NEAV) 'strategic location' which is anticipated to provide for 3,356 dwellings 2013-2033. After Aylesbury itself (16,207 dwellings) it is the largest strategic location for growth in the VALP. NEAV has seen 275 completions 2013-20 and benefits from 1,931 commitments, of which 1,855 are SWMK. NEAV is the most important 'strategic location' beyond Aylesbury itself and SWMK is the most important key component of NEAV and the most advanced. SWMK is anticipated to deliver 300 dwellings in the 20/21 – 24/25 (5YHLS) period; and subsequently from 2025/26, 250 dwellings per annum for the following six years.

8.12 Substantial benefits will arise if planning permission is granted for the Appeal Development. It will secure the delivery of the Proposed Development which is a key strategic allocation in the emerging VALP and ensure a significant contribution to housing provision over the nine year period 2023/24 - 2031/32, any further delay in securing planning permission will have serious implications for housing delivery. As identified above, the Proposed Development will itself enable delivery of a wide range of benefits which will extend to the local community and to Milton Keynes as a whole.

## Contribution Towards Affordable Housing

- 8.13 The updated Planning Statement (CD10/C) accompanying the revision package submitted to BC in June 2020 includes an 'Affordable Housing Statement' prepared by Tetlow King attached as Appendix 5. An update to this report is contained in the Core Document Library (CD19/A). It sets out the following conclusions noting an increase in the shortfall of affordable housing provision from 250 to 286 dwellings:-

*5.1 The provision of affordable housing is a key part of the planning system. A community's need for affordable housing was first enshrined as a material consideration in PPG3 in 1992 and has continued to play an important role in subsequent national planning policy, including the National Planning Policy Framework.*

*5.2 Saved Local Plan Policy GP2 requires the provision of 20-30% affordable housing on qualifying sites, whilst the Council's 2019 Affordable Housing Policy Interim Position Statement seeks 30% affordable provision. The proposed development is compliant in both respects.*

*5.3 There is a range of evidence demonstrating the needs for affordable housing in the district, as a result of which the emerging VALP identifies a target of 343 net affordable homes per annum between 2013 and 2033.*

*5.4 In the period since 2013 a shortfall of -286 affordable homes has arisen against the emerging VALP target. Critically, this is based upon comparing gross affordable housing completions (as this is all the Council records) against a net target, as such if losses to stock through demolitions and Right to Buy, Preserved Right to Buy and Right to Acquire sales were taken into account then the shortfall is likely to be considerably larger.*

*5.5 A wide array of signals indicates that there is a worsening trend in affordability in Aylesbury Vale. There can be little doubt that this is a district in the midst of an affordable housing crisis, the remedy to which must be to deliver more affordable homes.*

*5.6 The proposal to deliver up to 567 affordable dwellings would make a substantial contribution to the delivery of affordable housing in the district and towards meeting the acute affordable needs of the Aylesbury Vale.*

*5.7 A community's need for affordable housing is integral to the social dimension of the golden thread of sustainable development running through the NPPF. It is highly unlikely that the backlog of need will be met in the foreseeable future. The affordable housing offered should be given very significant weight in the determination of this appeal.*

### Concluding Comments

- 8.14 The Appeal Development accords with the relevant policies of Plan:MK (Strategic Development Policy SD15 and Transport & Connectivity Policies CD1, CT2, CT3, CT5 & CT8) and with the development plan overall. It also accords with the relevant provisions of the NPPF.
- 8.15 Granting planning permission for the Appeal Development will facilitate the realisation of the Proposed Development. Substantial social, environmental and economic benefits will arise from the Proposed Development which will secure the delivery of a sustainable development, a key objective of national planning policy as expressed in the NPPF and as required through the preparation and delivery of local plans.
- 8.16 As demonstrated above, the Appeal Development accords with the policies of the adopted Plan:MK and the presumption in paragraph 11 of the NPPF applies so that permission should be granted without delay. In terms of s.38(6) there are no material considerations which would indicate a decision other than in accordance with the development plan. Indeed, the Appeal Development would deliver substantial benefits and accord with national policy in the NPPF.

## **9. Summary and Conclusions**

- 9.01 In Section 1 I identify the scope of the evidence that I will set out in my Proof of Evidence. I distinguish between the Appeal Development, an application for the means of access to the Proposed Development, a strategic scale mixed use development in the adjoining Unitary Authority area of Buckinghamshire.
- 9.02 In Section 2, I set out the planning background, including the identification of the Proposed Development Site area as a suitable location for development for over twenty years. I explain that the Proposed Development is an allocation in the emerging VALP, the principle of which has been supported by MKC through the completion of a Memorandum of Understanding and in representations. I note that MK2050 serves to reinforce the continued suitability of the SWMK area as a sustainable location for growth I also explain that a planning application for the Proposed Development (15/00314/AOP) has been the subject of resolutions to grant by AVDC and is currently subject to consideration by BC. The Appellant anticipates that the resolution to grant planning permission in June 2017 will be reconfirmed shortly.
- 9.03 In Section 3, I address the Appeal Development, i.e. the means of access to the Proposed Development, which was the subject of a planning application to MKC (15/00619/FUL) and is now the subject of this appeal. I set out the consideration of the Appeal Development and the consistent support of MKC officers in recommending that planning permission should be granted; and in their doing so, explicitly advising that the Appeal Development did not conflict with the policies of Plan:MK.
- 9.04 In Section 4, I identify the policies of the adopted Plan:MK that I consider to be relevant to the Appeal Development, these being Strategic Development Policy SD15 and the Transport & Connectivity Policies CT1, CT2, CT3, CT5 & CT8. I assess the Appeal Development against those policies with the benefit of the expert highways opinion provided by my colleague Mr. Paddle in his Proof of Evidence, noting that MKC's reason for refusal only alleges conflict with policy CT1 and part of policy CT2.
- 9.05 I note that the Appeal Development is supported by robust and up to date transport evidence (CD/10/H/A&B & CD16/A/B/C&D) that demonstrates that the Appeal Development is compliant with a range of national and local policies including Policies CT1 and CT2 of Plan:MK; the NPPF and the allocation for the Proposed Development in the emerging VALP.
- 9.06 In Section 5, I identify the key paragraphs of the NPPF of relevance to the Appeal Development. I draw attention to the purpose of the planning system in contributing towards sustainable development (paragraphs 7 & 8) through the preparation of plans and the application of the policies of the NPPF (paragraph 9). I identify the presumption in favour of sustainable development (paragraph 11). I also note the policies relating to the determination of planning applications, including paragraphs 38 & 48. I draw attention to the progression of the VALP and conclude that significant weight should be given to its provisions in the determination of the Appeal. I go on to note the key transportation policies (paragraphs 108 to 110) noting the TA conclusion that any residual cumulative impacts arising from the Proposed Development would not have an unacceptable impact on highway safety. I conclude that the Appeal Development should not be prevented or refused on highways or transportation grounds.



- 9.07 In considering policies relating to sustainable transport, I note that the transport evidence continues to demonstrate that subject to the implementation of appropriate, proportionate and cost effective mitigation, the impacts of the Appeal Development and the Proposed Development on the transport network would not lead to either an unacceptable impact on highway safety, or to severe residual cumulative impacts on the local road network in the forecast year 2033 (NPPF paragraph 109).
- 9.08 In Section 6 I review and comment on the Appeal Statement of Case provided by MKC and the evidence provided by the Council's Planning witness Mr. Keen in his Proof of Evidence of September 2020; the Rule 6 Appeal Statement of Case provided by Newton Longville Parish Council & West Bletchley Council. I conclude that the approach to the assessment of the Proposed Development undertaken by Mr. Keen is unjustified and downplays the substantial benefit that will arise from the scheme. In Section 7, I review and provide comment on the representations made by third parties.
- 9.09 In Section 8 I note that the Appeal Development accords with the relevant policies of Plan:MK (Strategic Development Policy SD15 and Transport & Connectivity Policies CD1, CT2, CT3, CT5 & CT8) and with the plan overall and complies with the relevant provisions of the NPPF. Furthermore, I note that granting planning permission for the Appeal Development will enable development in accordance with the allocation in the draft VALP to come forward and facilitate the delivery of the Proposed Development, bringing with it substantial social, environmental and economic benefits in terms of a sustainable development, in accordance with a key objective of national planning policy as expressed in the NPPF.
- 9.12 I have demonstrated that the Appeal Development complies with the development plan and that there are no material considerations which justify the refusal of permission. Therefore, in accordance with S38(6) of the Planning & Compensation Act 2004 and Paragraph 11 (c) of the NPPF, I respectfully request that the appeal is allowed and planning permission is granted for the Appeal Development.