

TOWN AND COUNTRY PLANNING ACT 1990

Appeal by South West Milton Keynes Consortium, comprising: Taylor Wimpey UK Ltd, Hallam Land Management Ltd, William Davis Ltd, Bellcross Homes and Connolly Homes

Against the Refusal by Milton Keynes Council of an application for the following proposed development:

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)

At

Land At Buckingham Road, Tattenhoe Roundabout Standing Way To Bottle Dump Roundabout Milton Keynes

Planning Inspectorate ref: APP/Y0435/W/20/3252528

Local Planning Authority Ref: 15/00619/FUL

**Proof of Evidence of
Claire Bayley
On behalf of
Buckinghamshire Council**

13 April 2021

Contents

- 1. Introduction**
- 2. Scope of evidence**
- 3. Relevance of and weight to be given to policies and local guidance/strategies**
- 4. Background to BC application 15/00314/AOP and MKC application 15/00619/FUL**
- 5. Allocation in the emerging VALP**
- 6. BC responses to the MKC application 15/00619/FUL**
- 7. BC current position on the appeal scheme**
- 8. Conclusion**
- 9. Summary proof of evidence**

1. Introduction

- 1.1 My name is Claire Bayley, I hold a Bachelor of Science (Hons) degree in Town and Country Planning from the University of Dundee and I am a member of the Royal Town Planning Institute. I have been a chartered member of the Royal Town Planning Institute since 2004.
- 1.2 I am the Major Development Manager for Buckinghamshire Council (BC), and have been employed by the Council (including the former Aylesbury Vale District Council) since 2000, during which time I have worked in various roles and dealt with a number and variety of applications and appeals. I am the case officer for BC application 15/00314/AOP.
- 1.3 This proof has been prepared in accordance with the guidelines laid down by the Royal Town Planning Institute. The views and judgements expressed in this evidence represent my true and professional assessment of the appeal proposals and their compatibility with policy taking into account all material considerations. I have visited the site and am familiar with it and its surroundings.

2. Scope of evidence

- 2.1 BC is the local planning authority and highways authority for application 15/00314/AOP. MKC is the local planning authority and highways authority for application 15/00619/FUL. Application 15/00619/FUL is the subject of the appeal. This application (15/00619/FUL) seeks planning permission for development within MKC's area, not BC's area. The two applications, however, relate to the same overall scheme.
- 2.2 BC has sought rule 6 party status for this inquiry due to the fact that the appeal scheme is part of the wider scheme within BC's area. BC have resolved to grant permission for that wider scheme, subject to the agreement of a s.106 obligation. That wider scheme is an important allocation in the emerging Vale of Aylesbury Local Plan. There has been significant involvement by the BC highways department in the highways' implications of both the wider scheme and the appeal scheme, in co-operation with the MKC highways department and the appellant's consultants.
- 2.3 This proof of evidence will explain BC's position from a planning point of view on the wider scheme within BC's area and, to the extent that it relates to the wider scheme, the

appeal scheme within MKC's area. This will include explanation of BC's position and process in respect of the proposed amendments to the wider scheme which the appellant submitted in June 2020, January 2021, February 2021 and April 2021. I rely on the evidence of Mr James Bedingfield, Principal transport Planner, in relation to highways matters. I will explain BC's position with respect to the single reason for which MKC refused the appeal scheme, namely that:

“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.”

24 A Statement of Common Ground ('SoCG') in respect of planning matters, and also a separate one relating to highway matters, have been agreed between the Appellant and BC.

3. Relevance of and weight to be given to policies and local guidance/strategies

The Development Plan and Local Policy / Guidance

3.1 In respect of this appeal the MKC development plan is the applicable development plan against which the appeal scheme should be assessed in terms of s.38(6); nonetheless, given the location of the appeal scheme at the MKC / BC boundary, and its role in facilitating the SWMK allocation within BC's area, certain strategic and allocation policies within BC's emerging development plan are relevant as 'other material considerations'.

3.2 The draft local plan for Aylesbury Vale area of BC, named "Vale of Aylesbury Local Plan" (VALP), is currently under preparation.

Emerging Planning Policy for BC – the Vale of Aylesbury Local Plan (VALP) 2013-2033

3.3 The Council has set out proposed policies and land allocations in the draft VALP. The Plan was submitted for examination at the end of February 2018. The examination hearings ran from 10 July 2018 to 20 July 2018. Following completion of the examination hearings and the publication of the Inspector's Interim Findings the Council has worked with the Inspector to agree the modifications to the Plan that are

necessary to make it sound. Those modifications were subject to public consultation which closed on 17th December 2019.

3.4 The Council was asked by the Inspector to include modifications to clarify the infrastructure that is critical to the VALP delivery. In considering the relevant representations, the Council came to the conclusion that it was necessary to request some further transport modelling to support the existing evidence base.

3.5 The representations and the Council's responses were sent to the Inspector. Further main modifications have been produced and consulted on between 15 December 2020 and 9 February 2021. The Main Modifications hearing sessions have now been arranged and will take place virtually running from the 13 April 2021 to the 16th April.

3.6 The adoption of the Plan is anticipated to be later in 2021; this will be dependent on the Inspector's timeline in producing his final report.

3.7 Paragraph 48 of the NPPF identifies that the weight to be given to emerging plans depends on the stage of preparation, unresolved objections and consistency with the NPPF. The emerging VALP is now at an advanced stage. The policies in the VALP can be given some weight in planning decisions given the stage it is at, and the evidence that sits behind it can be given weight.

3.8 The following are relevant background documents in relation to the wider development within Buckinghamshire Council's jurisdiction:

- VALP Housing Topic Paper, January 2018
- Updated Buckinghamshire HEDNA, October 2016
- Settlement Hierarchy Assessment, September 2017
- The Housing Economic Land Availability Assessment (HELAA), January 2017
- Transport Strategy Documents
 - Aylesbury Transport Strategy final report 2017
 - Buckingham Transport Strategy final report January 2017
 - Countywide Local Plan Transport Modelling - Phase 3 Technical Note (August 2017)
 - Countryside Local Plan Modelling (March 2017)
 - Transport topic paper January 2018

- Vale of Aylesbury Local Plan 2013-2033 Examination - Interim findings 29 August 2018 (Examination Document ED166)
- Proposed Submission Plan (November 2017) as Proposed to be Modified, October 2019
- Memorandum of Understanding (MoU) between Milton Keynes Council and Aylesbury Vale District Council in respect of the Milton Keynes Local Plan Plan:MK and the Vale of Aylesbury Local Plan (VALP), housing allocations, Housing Market Areas, and the Duty to Cooperate – February 2018

3.9 A number of policies within the VALP following the main modification consultation are afforded some weight in the decision-making process. Weight can be given to the relevant policies in the plan in accordance with the NPPF. The overall approach as a guide is:

3.10 Limited weight: if there is a new and untested policy introduced by a main modification and subject to consultation.

3.11 Moderate weight: where there are objections and the Inspector has requested main modifications and therefore objections can be regarded as being “resolved”; the context being that the Inspector has considered the proposed modifications and in agreeing them for consultation, has confirmed that he is reasonably satisfied that they remedy the points of unsoundness identified in the examination process so far (as set out in Inspector’s note ED185).

3.12 Considerable weight: where there are objections but the Inspector has not requested main modifications (and as such the policy will not be changed in a material way) and the objections can therefore be regarded as being “resolved”.

3.13 Significant weight: where there are no objections and no modifications. These policies are not going to be changed and the next step will be adoption and very significant weight.

3.14 The policies of the VALP which are considered to be of particular relevance in respect of the appeal scheme and the weight to be afforded to them are:

- S1 Sustainable development for Aylesbury Vale (considerable weight)
- S2 Spatial strategy for growth (moderate weight)

- S3 Settlement hierarchy and cohesive development (moderate weight)

3.15 In addition, D-NLV001 Salden Chase, Whaddon Road, Newton Longville is the allocation policy for the wider site within BC's area. It provides 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.

3.16 This policy is the subject of main modification and afforded moderate weight. Whilst the main modifications include some amendments to the policy allocating this site, these do not change the principle or substance of what had been considered, and they are more matters for clarity. This policy is now given greater weight than when the former AVDC Strategic Development Management Committee considered it in June 2017.

The Development Plan and Local Policy / Guidance for MKC

3.17 Plan:MK was adopted by MKC on 20th March 2019 and now forms part of MKC's Development Plan and sets out MKC's strategy for meeting the Borough's needs until 2031. This plan is up to date and the policies within it carry full weight.

3.18 Strategic objective no.4 of Plan:MK is to work jointly with neighbouring authorities and other key organisations on the planning of any development located on the edge of Milton Keynes (but outside the Borough boundary) so that these areas are integrated with the city and contribute to its role and character. Policy SD15 of Plan:MK provides the policy approach for place-making principles for sustainable urban extensions in adjacent local authorities.

3.19 The policies cited in the reason for refusal in respect of the appeal scheme are:

- CT1: Sustainable Transport Network
- CT2: Movement and Access,

4. Background to BC application 15/00314/AOP and MKC application 15/00619/FUL

4.1 The South East Plan (SEP) (2009) identified Aylesbury Vale as a major growth area,

Aylesbury as a 'regional hub' and required the Vale to expand by 26,890 dwellings from 2006-2026. The majority of those dwellings were indicated to be at Aylesbury, with lower numbers being accommodated in Rest of District and in the north east of Aylesbury Vale.

- 4.2 The Milton Keynes and South Midlands Sub-Regional Strategy identified land to the south west, between the A421 and the railway line as a growth location. The SEP identified a Strategic Development Area at South West Milton Keynes (SWMK), known as the SWMK SDA Area. Policy MKAV1 included a requirement of 5,390 dwellings as an urban extension to the south west of Milton Keynes. This proposal covered a larger site area than that currently proposed by this planning application. The levels and distribution of housing provision in Policy MKAV1 of the SEP were proposed to deliver the spatial vision for Milton Keynes.
- 4.3 The draft Aylesbury Vale Core Strategy (2009) sought to carry forward all relevant information and policies from the SEP. In the proposed submission Core Strategy, the strategic objectives proposed a distribution of growth across the district and policy CS1 identified the provision of 5,390 dwellings in the north east of Aylesbury Vale close to Milton Keynes.
- 4.4 The Government revoked the SEP in July 2010 at which time AVDC withdrew the Core Strategy. Whilst these plans are no longer in place the background policy position is considered material to planning application 15/00314/AOP and the appeal application 15/00619/FUL.
- 4.5 In April 2010 an outline planning application, reference 10/00891/AOP, 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. The planning application was withdrawn following the Council's decision to withdraw the former draft Aylesbury Vale Core Strategy 2010 from the examination process.
- 4.6 A planning application was submitted in January 2015 to both BC (15/00314/AOP) and MKC (15/00619/FUL) to enable both authorities to determine the elements of the proposed development that fall within their respective administrative areas.
- 4.7 Planning application 15/00314/AOP was initially considered at AVDC's Strategic Development Management Committee on 7th June 2017 (CD11/A). This report

provided a comprehensive evaluation of the application and considered in detail the acceptability of the scheme in respect of the impact of the proposals in relation to BC and MKC. The report appended in full the detailed highways considerations and conclusions which provided a comprehensive evaluation of the impacts and associated mitigation proposals of the development. The report before Members concluded that:

- The development is deliverable and would make a significant contribution to the housing land supply which is a benefit to be attributed significant weight;
- There is a benefit in the supply of affordable housing for this policy compliant scheme and this matter should also be afforded significant weight;
- There would also be economic benefits in terms of the creation of jobs associated with the commercial units proposed as well as the other commercial elements and further jobs created from the construction of the development itself and those associated with the resultant increase in population on the site which taken together should be attributed significant weight;
- It is likely that a net enhancement in biodiversity will also be achieved alongside the provision of extensive informal open space on site to which limited beneficial weight should be assigned;
- Compliance with some of the other planning principles of the NPPF have been demonstrated in terms of promoting healthy communities, the design of the development, flood risk, on archaeological matters and residential amenity to which neutral weight is applied;
- Negotiations have enabled the scheme to be amended such that the highway authority are satisfied that the development will achieve safe and suitable access and will not result in a severe individual or cumulative network impact and is acceptable subject to relevant conditions and completion of a S106 Agreement to secure the highway works, construction management and financial contributions. Overall, the highway matters must be afforded neutral weight in the planning balance;
- The report acknowledged that a detailed landscape scheme (together with sensitive layout and design) could ensure that the harm to the wider landscape is satisfactorily mitigated and the parameter plans indicate buffer areas to the development and restrictions to the positioning of buildings to mitigate the impact

of development on the ridge. Given its greenfield appearance it is considered that this matter should be afforded moderate negative weight.

4.8 In conclusion the report set out that weighing all the relevant factors into the planning balance, and having regard to the NPPF as a whole, all relevant policies of the AVDLP and supplementary planning documents and guidance, and in applying paragraph 14 of the NPPF, the adverse impacts would not significantly and demonstrably outweigh the benefits of the proposal.

4.9 Members, at their meeting resolved that the application be deferred and delegated to officers for approval subject to the completion of a legal agreement and appropriate conditions.

4.10 Following the resolution to grant permission taken at the Committee meeting, officers engaged in ongoing negotiations in relation to the S106. These discussions included officers from MKC alongside BC, and technical specialists in respect of the BC heads of terms. A draft S106 was published on the Council's website on 12th December 2018. In summary, the S106 Agreement is to include obligations for the following matters: affordable housing; open space; amenity land; allotments; SuDS; sports facilities; education provision and contributions; children's centre; health facilities and contributions (in BC and MKC); community facilities; employment land and neighbourhood centre; highways works and contributions (in BC and MKC). A copy of the CIL Schedule produced at that time is attached at Appendix H of BC's statement of case.

4.11 The application was subsequently reported back to SDMC on 24th April 2019 (CD11/I) to update members on the latest position on the S106 relating to the health contributions requested from MKC and provide updates in respect of the NPPF and policy position. The original officers report at paragraphs 10.177 and 10.183-10.184 (CD 11A) had concluded that the provision of secondary health facilities is the remit of the NHS and is to be provided for the population. Thus, were a contribution sought, it would amount to double funding, which would be contrary to CIL Regulation 122 because it is not necessary.

4.12 In February 2019, Milton Keynes Council submitted a supporting document from the NHS Trust regarding the likely impact of the SWMK development on the Milton Keynes University Hospital (MKUH) and provided evidence that demonstrates and

quantifies that impact in a manner which is more consistent with the requirements of CIL Regulation 122 and demonstrates that the request does not amount to double funding.

4.13 The update Committee report set out that the Council were satisfied that sufficient justification had now been provided to secure the contribution towards secondary health care at MKUH. The report also set out that the changes in circumstances since the application was considered by Committee could not justifiably alter the conclusion that the proposals constitute a sustainable and acceptable development. In this instance it was considered that the planning balance exercise was not affected by the change in circumstances to arrive at a different conclusion and recommendation to that which the committee previously considered and resolved to agree.

4.14 That resolution was agreed by Members at the meeting. This updated the resolution (previously taken on 7th September 2017) to include the additional S106 matter and subject to appropriate conditions.

5 Allocation in the emerging VALP

5.1 The wider site (the subject of application 15/00314/AOP) which would be accessed through the appeal scheme is allocated for development in the emerging VALP through policy D-NLV001 Salden Chase, as described above.

5.2 The decision to allocate the land at SWMK in the emerging VALP was informed by the supporting evidence base to the VALP and in particular the Housing Economic Land Availability Assessment (HELAA) (January 2017), and the Sustainability Assessment Report (SA) and Technical Annex (SATA) (September 2017). As part of the site selection process, alternative locations for an urban extension to the south and west of Milton Keynes were considered and assessed. As part of considering Modifications to the VALP in 2019 the Council reconsidered strategic sites around Milton Keynes and Bletchley and these included land promoted for development west of Salden Chase. This proposed extension to the Salden Chase site was considered less suitable (ED208 VALP Examination Document HELAA Update). This sets out that the Council's preferred additional allocation in the Modifications stage, is site WHA001 (Shenley Park).

5.3 A Memorandum of Understanding (MoU) between Milton Keynes Council and Aylesbury Vale District Council was agreed in respect of the Milton Keynes Local Plan

Plan:MK and the Vale of Aylesbury Local Plan (VALP), housing allocations, Housing Market Areas, and the Duty to Cooperate – February 2018. This MoU records both Councils' agreement as to the suitability of the Salden Chase site, subject to details regarding infrastructure and masterplanning matters.

5.4 As set out above the Inspector found (in his ED166 (VALP Examination reference) Interim Findings, August 2018 and ED181 The Inspector's Reply to the Council's Response to Discussion Document D5 (March 2019)) that the plan could be made sound subject to modifications. Further main modifications have been produced and consulted on between 15 December 2020 and 9 February 2021.

5.5 The overall VALP housing requirement agreed with the Inspector subsequent to the preparation of his Interim Findings is 28,600 dwellings which amounts to 30,100 dwellings once a 5.2% buffer is applied. The VALP Modifications (2019) have updated this position further to reflect gains and losses in the planned growth around the former AVDC area since the plan was submitted. As set out in the modified VALP in Table 1 'Spatial strategy for growth in Aylesbury Vale' a total of 6,337 dwellings had been completed between 2013 to 2018. The total development figure 2013-2033 now includes a more generous 5.7% buffer on top of the 28,600 homes. This means that a total of 23,896 dwellings need to be provided to meet the housing target of 30,233 dwellings by the end of the plan period. Removing the 888 dwellings expected to be delivered via windfall between 2018 and 2033 leaves a requirement for 23,008 dwellings to be delivered in VALP allocations and commitments 2018-2033. The 1,855 dwellings expected to be facilitated via the accesses which the appeal scheme will provide therefore form a substantial proportion of the housing delivery proposed by the VALP. SWMK is anticipated to deliver 300 dwellings in the 20/21 – 24/25 (5YHLS) period (CD11/J).

5.6 The Inspector in his Interim Findings considered that the VALP spatial strategy did not sufficiently recognize the role of Milton Keynes with the quantity of housing allocated in the north of the plan area and allocated a disproportionate amount of housing in and around Aylesbury in the south of the plan area. He therefore concluded at para 37 on page 8 that "A modification to the plan is required to redress the balance, by increasing allocations in close proximity to Milton Keynes". This has resulted in the modification of the VALP by the introduction of a new allocation adjacent to Milton Keynes via a new policy D-WHA001 Shenley Park with a proposed capacity of at least 1,150

dwellings. Together with Salden Chase the site delivers the revised spatial strategy which the VALP Inspector considers is required to make the VALP sound.

5.7 On the matter of weight, the VALP has been found to be capable of being made sound subject to limited modifications, including allocating more housing close to Milton Keynes. In his Interim Findings at para 72 on page 17 he states “At the end of the hearing sessions, I offered the opinion that VALP is capable of being made sound. That remains my opinion”. In relation to the VALP site allocations the Inspector made very few comments and none of these related to the Salden Chase allocation. Subsequently main modifications were proposed to the Salden Chase policy, but these were limited, mainly moving supporting text to within the policy, and did not affect any significant details of the application with resolution to approve subject to Section 106, reference 15/00314/AOP. The quantity of housing and the site area did not alter for example. The Inspector considered the modifications and, in agreeing them for consultation, confirmed that he is reasonably satisfied that they remedy the points of unsoundness.

On this basis it has been assessed that the VALP site allocation policy D-NLV001 attracts moderate weight. This weight will increase to significant when the Inspector publishes his final report assuming that the Inspector maintains his position on soundness.

5.8 It is likely that the Council’s responses to the representations on the proposed modifications, and other matters such as updated housing delivery, lead to further modifications being proposed and consulted on. Subsequently the Inspector has determined that it is necessary to hold further hearings on a limited number of matters before he can write his final report. Further hearing sessions have been arranged from the 13th to 16th of April including a session relating to the further housing allocation close to Milton Keynes. Adoption of the VALP is therefore expected later in 2021. The new Council is legally required to prepare a new local plan within five years of the Council’s inception.¹ To ensure local plan coverage until this new plan is in place the adoption of the VALP remains a primary objective of the new Council.

6 BC current position on BC application 15/00314/AOP

6.1 Since the resolutions taken on application 15/00314/AOP set out above, the applicants

¹ Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008, reg. 19

have submitted a package of updated documents and associated plans proposing amendments to the scheme under a cover letter dated 19th June 2020. These updates have sought to address changes in regulation, policy and guidance since the original application was submitted in 2015. The revisions do not alter the application site area itself but amount to amendments to the proposed development parameters within the site and to the proposed mitigation package.

6.2 The supporting documentation submitted with the amendments advises that the changes have arisen for the following reasons:

- The alignment of the oil pipeline crossing the Application Site was not identified correctly in the original Planning Application drawings, and as a result needs to be amended to show the correct alignment. The oil pipeline was and 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 changes in the size and disposition of the proposed development parcels;
- The housing needs of older people is identified as a specific issue in the emerging Vale of Aylesbury Local Plan and this type of housing is supported by policy (Policy H6b as modified) on those sites identified as suitable in the Housing and Economic Land Availability Assessment. The application site is identified as a suitable housing site and is a draft housing allocation. As a result, the applicant has decided that an element of elderly persons' accommodation (within use class C3) should be included in the proposed development within the total quantum of housing.

6.3 In summary as amended, the development will comprise the following uses:

- up to 1,795 mixed tenure dwellings;
- 60 extra care housing units (class C3),
- employment area;
- neighbourhood centre including retail and community uses;

- primary school;
- secondary school,
- grid road reserve;
- multi-functional green space;
- sustainable drainage system; and
- associated access, drainage and public transport infrastructure.

6.4 The proposed land uses are defined as follows:

Land Use	2015 submission (Ha)	2020 amendments (Ha)
Allotments	1.22	1.18
Employment inc GP surgery	2.07	2.07
Green infrastructure	55.75	53.97
Grid Road Reserve	7.24	7.28
Infrastructure	4.87	2.2
Neighbourhood Centre	0.67	0.67
Primary School	3.00	3.00
Secondary School	5.20	5.12
Secondary school open space		1.69
Water Attenuation	5.05	7.74
Residential (C3)	54.16	53.00
Extra Care Housing (C3)	N/a	0.90
Sub-Total	139.21	138.82
Highway Improvements	5.56	6.03
Total	144.77	144.85

6.5 The amended Development Framework Parameter Plan (Drawing No. CSN4857/100 RevK) shows the proposed distribution of uses across the site. The proposed distribution of uses includes:

- New highway access points at two locations on the A421 comprising an 'at grade' roundabout located on Buckingham Road that would cater for all traffic movements and a left turn 'access only' slip further west along Standing Way;
- A new 'Ghosted Right Turn' access that would cater for all traffic movements off Whaddon Road to the south east of Bottledump roundabout.

6.6 The development includes a variety of residential densities, as shown on the Residential Density Parameter Plan (Drawing No. CSN4857/119 RevC). The average density is 36 dwellings per hectare (dph), an increase from the previously considered 35 dph.

6.7 A revised transport assessment (TA) has been prepared for the submission of this appeal and provided within the package of amended documents to update the transport evidence base associated with the planning applications prepared in January 2015 and subsequently updated in August 2016. This followed scoping discussions held with BC and MKC in December 2019 and January to April 2020 which agreed the methodology with both parties.

6.8 An updated ES has been prepared to address the proposed amendments that have been made to application 15/00314/AOP and to reflect changes in regulation, policy and guidance. The updates have been prepared to address changes to relevant adopted and emerging development plan documents and policies since the application was submitted. These include Plan:MK, which was adopted in 2019, and the emerging VALP.

6.9 The updated ES supersedes the ES prepared in January 2015 and its Addendum in August 2016. There are three environmental topics that were not assessed in the original ES but are included in the updated ES to meet the requirements of the EIA Regulations 2017, which are as follows: human health, climate change and disaster management. Furthermore, the updated ES has reconsidered alternative sites and alternative site layouts as required by the EIA Regulations 2017.

6.10 BC have formally registered the amendments to the planning application. Full

publicity and re-consultation have been undertaken following the receipt of the amended plans and supporting documentation. Site and press publicity was undertaken for a 30 day period in July 2020. Full technical reconsultation was also undertaken together with formal consultations with MKC and the Parish Councils of Newton Longville, Whaddon and Mursley.

6.11 Since this period ongoing discussions have taken place in respect of highway matters. The application package has subsequently been updated in February 2021 with the submission of Transport Response Notes (TRNs) 1, 2 & 3 and associated Road Safety Audits & Designers' Response; and an ES Addendum updating Chapters 10-12 inclusive (Traffic & Transport, Noise and Air Quality) of the Environmental Statement (June 2020). These updates have been submitted both for the appeal scheme, and as further documentation in the application 15/00314/AOP. Site and press publicity were undertaken for a further 30 day period in February / March 2021 together with a full technical reconsultation with specialists and Parishes.

6.12 These updates are pertinent to BC's formal consideration of the application revision package that was submitted in summer 2020. The submitted updates included:

- TRN2 was submitted on 18th December 2020. This was prepared to respond to comments from Buckinghamshire Council as LHA on TRN1 and relates primarily to the Buckinghamshire road network.
- A Stage 1 Road Safety Audit & Designer's response was submitted on 15th January 2021 and considers the proposed mitigation work at junctions on the Buckinghamshire road network.
- On 29th January 2021 TRN3 was submitted, along with a Stage 1 Road Safety Audit and Designer's Response (Junctions in Milton Keynes) and an Addendum to the Environmental Statement dealing with Traffic & Transport, Noise and Air Quality. TRN3 applies the methodology of TRN2 to the Milton Keynes highway network. The Addendum ES has been prepared to assess the application scheme in light of the additional work that has been undertaken.

6.13 At this stage BC have not reached any conclusions on the overall acceptability of the proposed amendments or reached a conclusion on the application as amended. At present the updated package of information including the Transport Assessment and

TRNs have been assessed by BC officers only. There has been insufficient time ahead of the inquiry to schedule a formal Strategic Sites Committee meeting where members could review the amendments to the application in BC's area. Therefore, all conclusions detailed in this Proof of Evidence are those of BC officers and not of relevant BC Committee members. The officer views in this Proof of Evidence are provided to assist the inquiry only and cannot prejudice any conclusions which BC Committee members may reach.

6.14 Upon receipt of all the technical consultee responses and public comments on the amended package the proposed revisions will be fully reviewed and assessed and a detailed committee report will be drafted fully evaluating the merits of the application as amended and this will be reported to members of the Strategic Sites Committee for consideration. It is anticipated that the application as amended will be reported to committee, following the local elections, in June 2021.

7 BC current position on the appeal scheme

7.1 With particular reference to MKC's reason for refusal, I rely on the evidence of James Bedingfield regarding transport matters. The methodology for determining the impact of the development on the local road network was subject to detailed scrutiny and agreement by officers of both Buckinghamshire and Milton Keynes Councils respectively. Various Technical Notes were submitted by the applicants' transport consultant and agreed prior to the submission of the 2016 revised Transport Assessment with subsequent further agreements on various transport related issues post Transport Assessment submission. BC were aware initial concerns were raised by MKC officers but subsequent negotiations and agreement between MKC and AVDC officers addressed these concerns with the s106 agreement proposing to secure the provision of contributions to mitigate against the impact of the development on facilities within Milton Keynes. The reason for refusal based on insufficient evidence to mitigate the harm of the development in terms of increased traffic flow and impact on the highway and Grid Network, specifically to Standing Way and Buckingham Road, is not supported by previous officer (both AVDC and MKC) discussions and recommendations. The new Transport Assessment (May 2020) produced for the appeal has updated its traffic impact assessment with the methodology once more agreed (prior to the submission) between the applicant's transport consultant and officers of

both BC and MKC.

7.2 The May 2020 Transport Assessment and subsequent TRNs have been reviewed in detail by highways officers of BC as the LHA. This review process has included discussions between BC highways and the appellant's transport consultant. The detailed consideration of the package of highway amendments to the application in BC's area and the subject of this appeal are explained and evaluated fully in the Proof of Evidence of James Bedingfeld. A copy of the highway consultation response (CD11/K) Overall, the LHA officers are satisfied with the various methodologies used to assess the various impacts on the highway network. The assessment is considered to be robust and the overriding conclusion is that the development, along with the proposed mitigation, is acceptable. The residual impacts after mitigation would not be severe and the mitigation is proportionate and reasonably related in scale to the impact of the development, as required by the NPPF.

7.3 A full evaluation of the BC application as amended has not yet taken place and is in the process of being considered and reported to committee, as set out above. That amended application includes material which is the subject of this appeal, i.e. the updated TA and the TRNs and associated information. For that reason, BC's position on the appeal at present is that they are not yet able to confirm that they are satisfied that the appeal scheme is acceptable in planning terms such that planning permission should be granted. Notwithstanding, BC do present in this appeal the LHA officer views to the effect that the appeal scheme is acceptable in highways terms. It is also appropriate to have regard to the BC committee resolutions in support of the BC application (before amendment) made in 2017 and 2019, along with the fact that the appeal scheme would facilitate an emerging allocation and assist in realising the significant benefits of the wider scheme.

7.4 Having regard to these matters, it is agreed that the MKC appeal can proceed, without full evaluation of the BC amended application having taken place or a BC S106 having been completed, subject to a suitably worded negative condition preventing the implementation of the MKC decision until a BC permission is issued.

8 Conclusion

8.1 The wider BC application, reference 15/00314/AOP has been considered by the former Strategic Development Management Committee in 2017 and 2019. The resolutions at

that Committee were to support the application subject to the satisfactory resolution of a S106 legal agreement.

8.2 The wider site is a proposed strategic housing allocation, D-NLV001 Salden Chase in the emerging VALP, which allocation policy is afforded moderate weight. The 1,855 dwellings expected to be delivered by the wider site that the appeal site would serve forms a substantial proportion of the housing delivery proposed by the VALP. This appeal scheme is important to facilitate the delivery of the allocation. In this way, the appeal scheme would bring significant benefits in planning terms, in the form of facilitating the delivery of an emerging allocation, and facilitating the delivery of much needed market and affordable housing in an area of high housing need, along with the economic benefits of the wider scheme. These are important material considerations weighing in favour of the appeal scheme.

8.3 As set out above, at present the updated Transport Assessment and TRNs have been assessed by BC officers only. There has been insufficient time ahead of the inquiry to schedule a formal Development Control Committee meeting where members could review the amendments to the application in BC's area. Therefore, all conclusions detailed in this Proof of Evidence are those of BC officers and not of relevant BC Committee members.

8.4 In relation to the highway matters before the Inspector, LHA officers are satisfied that the assessment is considered to be robust and the overriding conclusion is that the development, along with the proposed mitigation, is acceptable. The residual impacts after mitigation would not be severe and the mitigation is proportionate and reasonably related in scale to the impact of the development, as required by the NPPF.

8.5 A full evaluation of the BC application as amended has not yet taken place and is in the process of being considered and reported to committee. That amended application includes material which is the subject of this appeal. For that reason, BC's position on the appeal at present is that they are not yet able to confirm that they are satisfied that the appeal scheme is acceptable in planning terms such that planning permission should be granted. Notwithstanding, BC present in this appeal the LHA officer views to the effect that the appeal scheme is acceptable in highways terms. It is also appropriate to have regard to the BC committee resolutions in support of the BC application (before amendment) made in 2017 and 2019, along with the fact that the

appeal scheme would facilitate an emerging allocation and assist in realising the significant benefits of the wider scheme.

9.0 Summary Proof of Evidence

Introduction

9.1 My name is Claire Bayley, I hold a Bachelor of Science (Hons) degree in Town and Country Planning. I am a chartered member of the Royal Town Planning Institute.

9.2 I am the Major Development Manager for BC, and have been employed by the Council since 2000, during which time I have worked in various roles and dealt with a variety of applications and appeals. I am the case officer for BC application 15/00314/AOP.

Scope of evidence

9.3 BC is the local planning and highways authority for application 15/00314/AOP. MKC is the local planning and highways authority for application 15/00619/FUL. Application 15/00619/FUL is the subject of the appeal. This application (15/00619/FUL) seeks permission for development within MKC's area, not BC's area. The two applications, however, relate to the same overall scheme.

9.4 This summary proof of evidence will explain BC's position from a planning point of view on the wider scheme within BC's area and, to the extent that it relates to the wider scheme, the appeal scheme within MKC's area. This will include explanation of BC's position and process in respect of the proposed amendments to the wider scheme which the appellant submitted in June 2020. I rely on the evidence of Mr James Bedingfield, Principal Transport Planner, in relation to highways matters. I will explain BC's position with respect to the single reason for which MKC refused the appeal scheme.

The Development Plan and Local Policy / Guidance

9.5 The MKC development plan is the applicable development plan against which the appeal scheme should be assessed. Certain strategic and allocation policies within BC's emerging development plan are relevant as 'other material considerations'.

9.6 The draft local plan for Aylesbury Vale area of BC, VALP, is under preparation. VALP and its evidence base can be given some weight in planning decisions.

9.7 The policies of the VALP of particular relevance to the appeal scheme are:

- S1 Sustainable development for Aylesbury Vale (considerable weight)
- S2 Spatial strategy for growth (moderate weight)
- S3 Settlement hierarchy and cohesive development (moderate weight)

9.8 In addition, D-NLV001 Salden Chase, Whaddon Road, Newton Longville is the allocation policy for the wider site within BC's area.

The Development Plan and Local Policy / Guidance for MKC

9.9 Plan:MK forms part of MKC's Development Plan setting out MKC's strategy for meeting the Borough's needs until 2031.

9.10 Strategic objective no.4 of Plan:MK is to work jointly with neighbouring authorities. Policy SD15 of Plan:MK provides the policy approach for place-making principles for sustainable urban extensions in adjacent local authorities.

9.11 The policies cited in the reason for refusal in respect of the appeal scheme are:

- CT1: Sustainable Transport Network
- CT2: Movement and Access,

Background to BC application 15/00314/AOP and MKC application 15/00619/FUL

9.12 The SEP (2009) identified Aylesbury Vale as a major growth area requiring the Vale to expand by 26,890 dwellings from 2006-2026.

9.13 Policy MKAV1 included a requirement of 5,390 dwellings as an urban extension to the south west of Milton Keynes.

9.14 The draft Aylesbury Vale Core Strategy (2009) policy CS1 identified the provision of 5,390 dwellings in the north east of Aylesbury Vale close to Milton Keynes.

9.15 The Government revoked the SEP in July 2010, at which time AVDC withdrew the Core Strategy.

9.16 In April 2010 application 10/00891/AOP, was submitted for development to the south west of Milton Keynes, for a mixed-use sustainable urban extension. The application was withdrawn.

9.17 A planning application was submitted in January 2015 to both BC (15/00314/AOP) and MKC (15/00619/FUL).

- 9.18 Planning application 15/00314/AOP was initially considered at AVDC's SDMC on 7th June 2017. This report provided a comprehensive evaluation of the application and considered in detail the acceptability of the scheme in respect of the impact of the proposals in relation to BC and MKC.
- 9.19 Members resolved that the application be deferred and delegated to officers for approval subject to the completion of a S106 and appropriate conditions.
- 9.20 Following the resolution to grant permission, officers engaged in ongoing negotiations in relation to the S106. A draft S106 was published on 12th December 2018.
- 9.21 The application was reported back to SDMC on 24th April 2019. The update report set out that sufficient justification had been provided to secure the contribution towards secondary health care at MKUH and the planning balance exercise was not affected by the change in circumstances.
- 9.22 That resolution was agreed by Members at their meeting.

Allocation in the emerging VALP

- 9.23 The wider site (15/00314/AOP), accessed through the appeal scheme is allocated for development in the emerging VALP through policy D-NLV001 Salden Chase.
- 9.24 A MoU between MKC and AVDC was agreed in respect of the Milton Keynes Local Plan Plan:MK and the VALP, housing allocations.
- 9.25 The overall VALP housing requirement set out in the VALP Modifications (2019) identifies a total of 23,896 dwellings need to be provided to meet the housing target of 30,233 dwellings by the end of the plan period. Removing the 888 dwellings expected to be delivered via windfall between 2018 and 2033 leaves a requirement for 23,008 dwellings to be delivered in VALP allocations and commitments 2018-2033.
- 9.26 VALP has been found to be capable of being made sound subject to limited modifications. The Inspector made no comments on the Salden Chase allocation. Main modifications were proposed to the Salden Chase policy, which did not affect any significant details of the application. VALP site allocation policy D-NLV001 attracts moderate weight. This weight will increase to significant when the Inspector publishes his final report assuming that the Inspector maintains his

position on soundness. Adoption of the VALP is expected later in 2021.

BC current position on BC application 15/00314/AOP

- 9.27 Since the resolutions, updated documents proposing amendments to the scheme have been submitted, seeking amendments to development parameters within the site and to the mitigation package.
- 9.28 A revised TA, updating its traffic impact assessment, has been provided updating the transport evidence base associated with the planning applications prepared in January 2015 and updated in August 2016.
- 9.29 An updated ES has been prepared to address the proposed amendments to 15/00314/AOP and reflect changes in regulation, policy and guidance.
- 9.30 Since this period ongoing discussions have taken place in respect of highway matters. The application package has subsequently been updated in February 2021 with the submission of Transport Response Notes (TRNs) 1, 2 & 3 and associated Road Safety Audits & Designers' Response; and an ES Addendum updating Chapters 10-12 inclusive (Traffic & Transport, Noise and Air Quality) of the Environmental Statement (June 2020). These updates have been submitted both for the appeal scheme, and as further documentation in the application in BC's area (i.e. 15/00314/AOP). BC have formally registered the amendments and full publicity and re-consultations have been undertaken.
- 9.31 Upon receipt of consultee responses and public comments the proposed revisions will be fully reviewed and assessed. The application is anticipated to be returned for consideration by the Strategic Sites Committee in June 2021.

BC current position on the appeal scheme

- 9.32 The wider site is a proposed strategic housing allocation, D-NLV001 Salden Chase in the emerging VALP, and afforded moderate weight. The 1,855 dwellings expected to be delivered by the wider site, that the appeal site would serve, forms a substantial proportion of the housing delivery proposed by the VALP. This appeal scheme is important to facilitate the delivery of the allocation.
- 9.33 The appeal scheme would bring significant benefits, facilitating the delivery of an emerging allocation, much needed market and affordable housing in an area of high

housing need, along with economic benefits of the wider scheme. These are important material considerations weighing in favour of the appeal scheme.

- 9.34 With particular reference to MKC's reason for refusal, the methodology for determining the impact of the development on the local road network was subject to detailed scrutiny and agreement by officers of both Buckinghamshire and Milton Keynes Councils respectively. Various Technical Notes were submitted by the applicants' transport consultant and agreed prior to the submission of the 2016 revised Transport Assessment with subsequent further agreements on various transport related issues post Transport Assessment submission.
- 9.35 The reason for refusal based on insufficient evidence to mitigate the harm of the development in terms of increased traffic flow and impact on the highway and Grid Network, specifically to Standing Way and Buckingham Road, is not supported by previous officers (both AVDC and MKC) discussions and recommendations.
- 9.36 At present the updated Transport Assessment and TRNs have been assessed by BC officers only. There has been insufficient time ahead of the inquiry to schedule a formal Committee meeting where members could review the amendments to the application in BC's area. Therefore, all conclusions detailed in this Summary Proof of Evidence are those of BC officers and not of relevant BC Committee members and without prejudice to the conclusions that members may reach.
- 9.37 In relation to the highway matters before the Inspector, LHA officers are satisfied that the assessment is considered to be robust and the overriding conclusion is that the development, along with the proposed mitigation, is acceptable. The residual impacts after mitigation would not be severe and the mitigation is proportionate and reasonably related in scale to the impact of the development, as required by the NPPF.
- 9.38 A full evaluation of the BC application as amended has not yet taken place and is in the process of being considered and reported to committee. That amended application includes material which is the subject of this appeal. For that reason, BC's position on the appeal at present is that they are not yet able to confirm that they are satisfied that the appeal scheme is acceptable in planning terms such that planning permission should be granted. Notwithstanding, BC present in this appeal the LHA officer views to the effect that the appeal scheme is acceptable in

highways terms. It is also appropriate to have regard to the BC committee resolutions in support of the BC application (before amendment) made in 2017 and 2019, along with the fact that the appeal scheme would facilitate an emerging allocation and assist in realising the significant benefits of the wider scheme.