

**IN THE MATTER OF**  
**SOUTH WEST MILTON KEYNES**  
**APP/Y0435/W/20/3252528**

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**OPENING STATEMENT**  
**ON BEHALF OF THE APPELLANT**

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**Introduction**

1. The South West Milton Keynes Consortium seeks planning permission for highway works comprising physical improvements to the Bottledump roundabouts and a new access onto the A421 Standing Way to serve the proposed mixed use development of land in Aylesbury Vale District, known as South West Milton Keynes.
  
2. The vast majority of the development site lies within Aylesbury Vale and falls within the jurisdiction of Buckinghamshire Council. The principle of the South West Milton Keynes development is not in dispute: it is supported by Buckinghamshire Council (“BC”), which allocates the land for that purpose in its emerging Local Plan, and Milton Keynes Council (“MKC”) does not object to its allocation. This appeal is concerned with the mitigation of highway impacts arising from the wider scheme. Given that both authorities accept that the development in this location is acceptable, necessary to enable BC to meet its housing requirements and that it would deliver a wide range of benefits, the objective should be to find a solution that enables it to come forward.
  
3. However, the route to approval has been fraught, with a positive recommendation from planning and highway officers in November 2016 followed by two deferrals. Then in November 2019, in spite of further positive recommendations from its expert highways and planning advisers (and a positive resolution from Aylesbury Vale DC), MKC’s planning committee refused permission for a single reason, namely that there was insufficient evidence to mitigate the harm of the development in terms of increased traffic flow and the impact on the highway and Grid Road network, contrary to policies CT1 and CT2(A1) of Plan:MK. While planning committees are entitled to disagree with the recommendations of their officers, it is notable in this case that following a period

of careful review and liaison with the Appellant, the technical experts advising both Councils were satisfied that there was sufficient information to conclude that the proposals were sufficient to mitigate the highways impacts of the scheme and that they would comply with policies CT1 and CT2 of the Local Plan.

**Main issue: mitigating the impacts on the highway network**

4. The main issue for consideration in this appeal was identified by the Inspector in the first case management hearing as the effect of the traffic that would be generated by the proposed development on the free flow of traffic and congestion on the highway and Grid Road network, and in particular on Standing Way and Buckingham Road.

Assessment approach and the modelling methodology

5. Following the refusal of permission by MKC, and in light of the delays caused by the protracted determination process, the Appellant's transport experts engaged with BC and MKC in December 2019 and January 2020 to agree the scope of an updated Transport Assessment. Agreement was reached as to the assessment approach, including: the appropriate study area; the extent of data collection; trip generation and the modelling methodology.
6. As to the modelling methodology, BC was unwilling to countenance the use of the strategic Milton Keynes Multi-Modal Model ("MKMMM") and both Councils agreed that a common methodology should be adopted across both areas. As such, it was agreed that the Appellant would adopt a static spreadsheet model, collecting baseline traffic flows and applying TEMPro growth factors to 2033. It was agreed by MKC and BC that this would provide a robust assessment of impacts and mitigation. The static spreadsheet model approach does not account for modal shift (ie the use of alternative means of transport) or the re-timing of trips (ie drivers avoiding peak periods). It was also recognised that this modelling approach would not account for the benefits of dynamic reassignment away from congested areas which is one of the strengths of the MKC road network. MKC's transport consultants at SMT and BC's transport consultants at Jacobs both supported this approach on the basis that it would provide a robust, worst case analysis of traffic impacts.

7. Since the appeal was lodged, MKC has sought for the first time to suggest that the previously agreed modelling methodology is somehow inadequate because it does not quantify the extent of the potential traffic redistribution. Mr McKechnie suggests that if the Appellant relies upon that redistribution to reduce potential impacts, then it must be quantified in evidence. However, this is to misunderstand the Appellant's case, which does not rely on the benefits of redistribution. Mr Paddle notes that some redistribution of traffic is likely but does not rely on that redistribution to determine the mitigation or reach his conclusions as to the acceptability of the traffic impacts of the development.
8. In those circumstances, there is no reason for the Appellant to model the potential redistribution of traffic, and a number of good reasons why it would be impracticable to expect it to do so. Quite apart from the fact that this has never been suggested by MKC or BC in the past, it would be entirely disproportionate to undertake a microsimulation modelling exercise for all the reasons given by Mr Paddle in his evidence.
9. Moreover, MKC's own model is helpful in this context. As Mr Paddle explains, whilst direct comparisons cannot be made between the approach in the TA and TRNs and the strategic model, the MKMMM Reference case, which includes the proposed development, provides additional comfort as to the benefits of dynamic reassignment.
10. The MKMMM is also of relevance in the context of planning for growth and around in Milton Keynes. As part of the examination of Plan:MK, MKC advised the Local Plan Inspector that the MKMMM assumed little in terms of behavioural change and so was likely to represent a worst-case scenario given the realistic ambitions of the Council to achieve significant modal shift in accordance with its Mobility Strategy for 2018 – 2036. Notwithstanding the Council's confidence in achieving modal shift, the Appellant's assessment and mitigation similarly do not rely on that behavioural change to inform the proposed mitigation. This is a further example of the robust nature of the transport assessment. This is one of a number of reasons why Mr Paddle's assessment can be regarded as extremely robust.
11. In short, the methodology adopted by the Appellant was agreed with BC and MKC as being robust. BC has acted proactively in raising and seeking solutions to certain

queries, to which the Appellant has responded in TRNs 1 - 3. However, unlike MKC, it has never sought to resile from the agreed approach. Having agreed to that approach, it is unreasonable for MKC to suggest that a different or additional model is now required.

### Mitigation

12. The Appellant has proposed a comprehensive package of mitigation to address the impacts of the development. These would be secured through a Grampian style condition and a s.278 agreement, in accordance with a Highway Works Delivery Scheme (see MJP17).

13. Mr McKechnie appears to dispute the deliverability of some of the proposed mitigation and has raised a number of detailed concerns on the Appellant's drawings relating to junction geometry, visibility, tracking, speed limit changes and signage (which in some cases he says affects the junction modelling). We are glad to report that a number of those concerns appear from the highways Statement of Common Ground to have been resolved. However, some remain. Mr Paddle will explain why they are not justified; his views are shared by Mr Bedingfeld, the transport expert advising BC, who is satisfied that the drawings provide a suitable and acceptable level of detail; that the junction modelling carried out by Mr Paddles is reliable for assessment purposes; and that the proposed mitigation is deliverable.

### Residual impacts

14. Subject to the mitigation proposed by the Appellant, the residual cumulative impacts of the development on the highway network will not be severe. While there will be increased congestion on some arms of some junctions, as can be expected in an urban area such as Milton Keynes, when all parts of the junctions are considered across the AM and PM peaks, there will be an improvement in 2033 compared to the Do Nothing scenario. Considering the study area as a whole, there will be an overall improvement in the operation of the relevant parts of the highway network with the appeal scheme and mitigation in place, as compared to the Do Nothing scenario.

15. Overall, far from a severe impact, the proposed development with the mitigation in place will result in an improvement to the highway network and will have no unacceptable safety impacts. The appeal scheme complies with policies CT1 and CT2 of Plan:MK as well as policies CT3, CT5, CT8 and SD15 and pursuant to the guidance at paragraphs 108 and 109 of the NPPF, there can be no reason for refusing permission on highways grounds

### **Benefits of the SWMK scheme**

16. The grant of planning permission for the appeal scheme would secure substantial benefits in facilitating the delivery of a key strategic development in a highly sustainable location. Mr Keen, on behalf of MKC, recognises that significant weight should be accorded to those benefits.

17. It would contribute to boosting the supply of housing, in accordance with the Government's policy imperative through the delivery of 1,855 new homes which BC relies upon to meet its housing needs over the plan period. Of those, 30% (557) would be affordable homes. The proposed development would deliver a mix of uses including residential, community, retail, employment and education, promoting social interaction and reducing the need to travel off-site as well as walking, cycling and public transport infrastructure which would connect into the existing networks and provide genuine alternatives to the private car. The Framework Travel Plan secures a number of measures to support the use of sustainable transport modes.

18. The scheme would also deliver biodiversity net gain, open space for the benefit of existing and future residents, landscaping, woodland planting and green infrastructure to both mitigate and enhance the surrounding landscape. It would also create jobs both in the construction and operational phases and support local business and services through the additional expenditure from future residents.

### **Conclusion**

19. In summary, the Appellant's evidence will show that there are no highways grounds for refusing permission. The appeal scheme complies with the development plan and would facilitate the delivery of significant benefits as part of the wider SWMK development.

In due course, the Appellant will invite the Inspector to grant permission in accordance with s.38(6) PCPA and paragraph 11(c) of the NPPF.

**Craig Howell Williams QC**

**Isabella Tafur**

Francis Taylor Building

Inner Temple

London EC4Y 7BY

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