

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

APPEAL BY THE SOUTH WEST MILTON KEYNES CONSORTIUM

APP/Y0435/W/20/3252528

LPA ref. 15/00619/FUL

**OPENING SUBMISSIONS
AND LIST OF APPEARANCES
ON BEHALF OF BUCKINGHAMSHIRE COUNCIL**

Appearances for Buckinghamshire Council

Advocate: Hugh Flanagan

Barrister, Francis Taylor Building, Temple, London EC4Y 7BY

Witnesses:

James Bedingfeld MCIHT

Principal Transport Planner, Jacobs Ltd

Claire Bayley BSc MRTPI

Major Development Manager, Buckinghamshire Council

Opening submissions

1. Buckinghamshire Council (“**BC**”) is the local planning authority and highway authority for the neighbouring local authority area in respect of this appeal.

The development for which permission is sought in this appeal is part of a much larger scheme within BC's area, which is the subject of application 15/00314/AOP for outline permission for up to 1,855 dwellings and associated development ("**the BC application**"). The appeal scheme will facilitate access to the scheme in BC's area. The entirety of the wider site is located within BC's area, with the exception of the proposed site access points on the A421 and Buckingham Road in Milton Keynes' area. Accordingly, BC has a strong interest in the appeal and for that reason appears at this inquiry as a rule 6 party.

The BC application

2. The BC application site has long been identified as a growth location, with study work going back over 25 years. The South East Plan (adopted May 2009) ("**SEP**") identified a Strategic Development Area ("**SDA**") at SWMK, which was larger than but incorporated the BC application site. The SEP SDA was carried forward into the draft Aylesbury Vale Core Strategy in 2009, before the SEP was revoked in July 2010 and the Core Strategy withdrawn. The BC application was subsequently submitted in 2015, alongside the MKC application which is the subject of the appeal.
3. The BC application was considered at Aylesbury Vale District Council's ("**AVDC**") Strategic Development Management Committee ("**SDMC**") on 7 June 2017, supported by a comprehensive officer report evaluating the application, which included detailed consideration of highways matters. Members supported the application, resolving that it be deferred and delegated to officers for approval subject to the completion of a legal agreement and appropriate conditions. Following the resolution, officers engaged in discussions regarding a s.106 agreement, including with MKC officers. A draft s.106 was published in December 2018.
4. The BC application was reported back to SDMC on 24 April 2019 to update members on the latest position on the s.106 and consider any changes of

circumstance. Members again resolved in support of the scheme, updating the resolution with an additional s.106 matter concerning a health contribution.

5. The applicant subsequently submitted a package of updated documents for the BC application in June 2020. These responded to changes in legislation, policy and guidance since the application was submitted, and included revisions arising out of the alignment of an oil pipeline, enhanced climate change mitigation standards, and the inclusion of an element of elderly persons' accommodation. An updated Transport Assessment was part of the package. BC highway officers commented on the submission and the application package was subsequently updated with Transport Response Notes 1, 2 and 3 ("**TRNS**"), updates to the Environmental Statement, and further proposed revisions.
6. These amendments to the BC application, supported by the June 2020 package of documents and subsequent updates, have been publicised and consulted upon. It is anticipated that the application as amended will be reported to BC's Strategic Sites Committee in June 2021.
7. At this stage, in advance of that committee meeting, BC as a Council has not reached a resolved position on the acceptability of the amendments to the application or the updated package of information (including the updated highways information). BC highways officers, however, have fully considered the updated highways information and concluded that the application as amended is acceptable in highways terms, subject to a s.106 agreement and conditions. A formal consultation response to this effect dated 13 April 2021 has been issued by the highways department to the development control department. Without prejudice to any conclusions which BC members might reach, BC presents these officer views to the inquiry to assist the inquiry and against the background of the two positive resolutions in 2017 and 2019.
8. BC considers that this appeal can proceed and be determined in advance of a decision notice being issued or a s.106 being entered into on the BC

application, given that a suitably worded negative condition can be imposed on the appeal scheme preventing its implementation until a decision notice on the BC application is issued (see draft condition no.9 in Appellant / MKC planning statement of common ground, appendix 1 (CD19E)).

The development plan

9. The development plan for the area in which the appeal scheme lies is Plan:MK (adopted 2019). In addition to the policies cited in the reason for refusal, Policy SD15 is important in providing a policy approach to cross-boundary development.
10. Also relevant as an important material consideration in this appeal is the adopted and emerging development plan in BC. Of particular relevance is the emerging Vale of Aylesbury Local Plan (“**VALP**”) which is at an advanced stage, with hearing sessions on main modifications having recently taken place. The wider site which is the subject of the BC application and which would be accessed through the appeal scheme is allocated in the emerging VALP in policy D-NLV001 Salden Chase. In light of the stage at which the VALP is at and the content of the examining Inspector’s Interim Findings, the allocation policy attracts moderate weight. It is an important component of the VALP and will comprise plan-led sustainable development.
11. MKC and BC (in its former guise as Aylesbury Vale District Council) have agreed a memorandum of understanding (February 2018), which confirms both Councils’ agreement as to the suitability of the Salden Chase site, subject to details regarding infrastructure and master-planning.

Benefits

12. The appeal scheme, in providing necessary access to the wider scheme in BC’s area, will facilitate a very significant range of benefits which should weigh heavily in the planning balance. 1,885 market and affordable homes will be provided, which will respond to high levels of housing need in the area and

help to deliver the aspirations of the emerging development plan. Significant economic benefits will also arise.

13. BC will respond to the detailed highways points raised by MKC and the R6 objectors in this case, and for reasons outlined below will say that they are not well-founded. But it is also important to set these detailed points of objection in the context of the profound benefits of the wider scheme which the appeal scheme will facilitate.

Highways

14. The appeal scheme, along with the wider scheme in BC's area, has been subject to extensive transport assessment over many years. MKC officers recommended approval for the MKC scheme in 2017 and again in 2019, in both instances based on highways officers being satisfied that the scheme was acceptable in highways terms. After members' refusal contrary to officer recommendation, there has been yet further assessment including an updated Transport Assessment ("**the 2020 TA**") and three Transport Response Notes ("**TRNs**").
15. The scope of the 2020 TA was the subject of detailed discussion and agreement by the Appellant, BC highways and MKC highways in early 2020. It was agreed by all three parties that a manual spreadsheet approach should be taken. This was due to issues with using the strategic models, i.e. the Milton Keynes Multi-modal Model ("**MKMMM**") or the Buckinghamshire Countywide Strategic Model, including whether the models were suitable for scheme specific assessment, the age of underlying data, and the fact that neither model would cover the full network area that would need to be modelled.
16. The parties identified and agreed 18 junctions for modelling, on top of the three access points. At no point did MKC suggest that the scope of assessment needed to include any additional form or extent of modelling.

17. The scope was agreed in full knowledge that a manual spreadsheet approach does not take into account the benefits of any dynamic reassignment that might take place. This point was expressly recognised in the scoping discussions and indeed noted by MKC to be a strength of the agreed approach, leading as it does to a robust worst case assessment.
18. BC highways have thoroughly scrutinised the 2020 TA over a period of nine months or so. Their scrutiny has extended to the whole of 2020 TA, including those junctions within MKC's area, given that the acceptability in highways terms of the scheme needs to be taken in account in considering the amended BC application, and given that although the wider scheme sits in BC's area it of course has the potential for highways impacts outside BC's area.
19. BC highways officers are now satisfied as to the acceptability of the highways impacts, including that any residual impacts after mitigation are not severe in policy terms.
20. BC's evidence to the inquiry will respond to the highways evidence submitted by MKC and the R6 objectors. Mr James Bedingfeld, who has extensive experience in modelling having been employed for 10 years at the Transport Research Laboratory as Technical Reviewer and Lead Trainer for the industry standard junction modelling software ARCADY and PICADY, will deal on behalf of the Council with the two main arguments raised by MKC and the R6 objectors.
21. First, there is the suggestion by MKC and the R6 objectors that, contrary to MKC's agreement to the scope of the 2020 TA, a wholly new modelling approach needs to be adopted. BC will say that such an approach is neither necessary nor practicable and that the agreed approach is robust.
22. Secondly, a series of criticisms are raised by the objectors regarding the MKC site accesses and the off-site junctions, including the mitigation proposed. The points are unfounded. They are generally either based on a misunderstanding or misrepresentation of the modelling, or they stray into the kind of fine detail

relevant to the s.278 detailed design stage and which is not necessary to reach a view on the deliverability and effectiveness of the mitigation at the present stage. Indeed, MKC's own officer report included the following accurate summary of the position (CD12/J/A) (emphasis added):

"5.14 ... We would also stress that 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."

"7.8. ... **It should be noted that there is also scope for further improvement at the detailed design stage.**"

23. The necessary highway works in MKC's area can be secured by condition and appropriate agreements under the Highways Act 1980 (Appellant / MKC statement of common ground section 9 and draft condition no.10 in appendix 1 (CD19E)).

24. In respect of the BC application, the current draft of the s.106 agreement secures off-site highways works in BC's area and also makes financial contributions in respect of infrastructure in MKC's area.

Conclusion

25. For all the above reasons BC will in due course invite the Inspector to have due regard to the evidence presented by BC in support of the appeal scheme.

HUGH FLANAGAN
Francis Taylor Building
Temple, London
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