



To:

Planning Policy
Aylesbury Vale District Council
The Gateway
Gatehouse Road
Aylesbury
HP19 8FF

13 December 2019

Dear Sir / Madam

Response to VALP Main Modification Consultation on behalf of Highbarrow Holdings

Planning Insight provide planning advice to our client Highbarrow Holdings. Highbarrow Holdings previously made representations to the previous iterations of the Vale of Aylesbury Local Plan (VALP) in respect of their site at Dunsty Hill Farm, Calvert Green. This letter sets out our client's response to the VALP Main Modifications (MM) consultation ending 18 December 2019.

The response relates only to the proposed modifications and whether these modifications are *sound* in accordance with legal and procedural requirements and guidance set out in national planning policy contained in the National Planning Policy Framework (NPPF).

Background

The VALP was submitted to the Secretary of State for Housing, Communities and Local Government for examination on 28 February 2018. The examination hearings sessions were held in July 2018.

Following hearings, the Inspector published his *Interim Findings* on 29 August 2018, following which, agreement was reached on the need for modifications to the submitted plan to cover a range of matters, most importantly the spatial strategy, in respect of which, it was established that:

- a) the housing requirement for the Local Plan is 28,600 homes, which is an increase on the figure of 27,400 within the submission plan;
- b) there is a need for the VALP to provide for a land supply in the region of 30,100, i.e. 5% higher than the requirement (as per the submission plan), as a 'buffer' to reflect uncertainty;

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- c) the latest trajectory shows the submission strategy to support 28,985 homes during the plan period, leaving a shortfall of 1,117 homes to be provided for through main modifications in order to reach the 30,100 homes target; and
- d) additional housing land supply – i.e. additional land allocated for housing through modifications to the submitted VALP - should be on the Milton Keynes edge – the development known as Shenley Park. There is no need to allocate additional land for housing at Buckingham or at the villages.

The main modifications have been identified by the Inspector as necessary to make the plan *sound* in accordance with the requirement of national planning policy.

Tests of Soundness

As mentioned above, national planning policy, contained in paragraph 35 of the National Planning Policy Framework (NPPF), requires that local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are *sound*. Plans are *sound* if they are:

- a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- d) **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework.

Representations

Having reviewed the MM document in accordance with the tests of soundness, our client, Highbarrow Holdings, makes the following representations to the MM. The representations relate to the overall spatial strategy and the settlement hierarchy. These representations cover a number of the main modifications, although mainly relate to MM010 – MM014.

1. Overall Special Strategy and Allocation of Shenley Park

- a) *Justified – Use of Evidence Base*

The MM Local Plan seeks to accommodate a shortfall of 1,117 houses identified through the examination process. Post examination, the Inspector made recommendations to AVDC that this shortfall should be met through additional housing allocations on land adjacent to Milton



Keynes. The MM VALP has duly allocated a new site on the edge of Milton Keynes – *Shenley Park* - which accommodates this housing shortfall in full.

The allocation of Shenley Park, however, is not sound in accordance with the NPPF for a number of reasons.

The principle reason why this MM is not sound is that it has not been **justified** taking into account other reasonable alternatives and proportionate evidence. This matter has been dealt with at length by Milton Keynes Council (MKC) in their draft¹ representations VALP (enclosed). This is summarised as follows:

- MKC have identified that the evidence base findings (from the updated Housing and Economic Land Availability Assessment) which form a key piece of evidence in selecting Shenley Park are not justified.
- MKC identified the conclusions of the Viability Report published alongside the consultation do not appear to have been considered in the sustainability appraisal or selection of the proposed allocation. Those conclusions indicate that the deliverability of a policy compliant and acceptable development at Shenley Park is highly questionable. Further, the Viability Report excludes any allowance for known significant highways works that would be required, raising significant doubts about the robustness of this work and further compounding concerns about the deliverability of the proposed allocation. As a result, MKC does not consider that the proposed allocation would be effective in meeting the identified shortfall of housing or rebalancing the spatial strategy within the plan.
- MKC identified that the highway modelling evidence does not appear to provide a sufficiently robust assessment of the impacts upon the highway network in Milton Keynes in order to justify the proposed allocation of Shenley Park.
- MKC identified that there is no evidence of a robust yet proportionate site selection process underpinning the proposed allocation of Shenley Park, and therefore that the proposed allocation is not justified.

We would like to draw the Inspector's attention to the High Court Decision [Stonegate Homes Ltd & Anor, R \(On the Application Of\) v Horsham District Council](#) [2016] EWHC 2512. In this case, the High Court quashed the Henfield Neighbourhood Plan following adoption by Horsham District Council. Stonegate Homes' case was brought on grounds including that the council had failed to lawfully assess reasonable alternatives to the spatial strategy as established by the Neighbourhood Plan. The High Court ruled that the policies in the Neighbourhood Plan were not based on sound evidence.

¹ MKC Representations are draft at the time of writing. MKC Representations are to be approved by a delegated Cabinet decision on 16 December 2019. Draft documents are available here <https://milton-keynes.cmis.uk.com/milton-keynes/Calendar/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/6381/Committee/1258/SelectedTab/Documents/Default.aspx>



As evidenced by MKC in their representation, the MM does not assess reasonable alternatives and for this reason the plan is not sound. The High Court case is a clear indication that if the VALP is taken forward to adoption, then there will be grounds for a legal challenge. On the basis that the selection of Shenley Park as a housing allocation has not been made taking into account the reasonable alternatives and based on proportionate evidence, the VALP is not justified and therefore is not sound.

b) Effective - Duty to Co-operate

The VALP is also unsound due to the MM not being **effective**. Whilst AVDC and MKC may have stated that they have fulfilled their statutory obligations in accordance with the Duty to Co-operate in the earlier stage of the plan's preparation, it is evident that cross-boundary strategic matters arising through the MM and allocation of Shenley Park have not been addressed.

There is no evidence in the form of an updated Statement of Common Ground (SoCG) or other such declaration which confirms that strategic cross-boundary issues have been dealt with by AVDC and MKC in relation to the allocation at Shenley Park. A SoCG was published in March 2018 prior to submission version of the VALP, however, at this juncture, Shenley Park was not allocated.

The March 2018 SoCG identifies a Strategic Cross Boundary Issue as "*Strategic Growth sites on authority boundaries: Salden Chase, Eaton Leys*". Accordingly, strategic growth on authority borders is a matter which was deemed to be of strategic importance, wherein matters should be expressly agreed by authorities through the SoCG.

As the MM introduces a new strategic growth site on the authority boundary, an updated SoCG should have been prepared. In the absence of this, the authority have failed to comply with their obligations under the Duty to Co-operate, therefore the plan is not effective and not sound in accordance with national planning policy.

Indeed, MKC's draft representations to the MM document raise "*Significant concerns about the Soundness of the proposed allocation of Shenley Park*". This statement in itself, unequivocally demonstrates that cross boundary issues and Duty to Cooperate have not been dealt with, as such the plan is not effective and not sound in accordance with national planning policy.

In relation to the question – *How will the Duty to Co-operate be considered at Local Plan examination?* - Planning Policy Guidance (Paragraph: 031 Reference ID: 61-031-20190315) states "*As the duty to cooperate relates to the preparation of the plan it cannot be rectified post-submission, so if the Inspector finds that the duty has not been complied with they will recommend that the local plan is not adopted and the examination will not proceed any further. The most appropriate course of action is likely to be for the local planning authority to withdraw the plan and engage in the necessary discussions and actions with other relevant local planning*



authorities and bodies. In these circumstances the local planning authority will need to re-publish the revised plan for consultation before it is re-submitted for examination”.

Accordingly, Planning Policy Guidance recommends that the plan should be withdrawn and the necessary discussions with the neighbouring authority held. We believe that the introduction of Shenley Park at this stage undermines the purpose and intention of the Duty to Cooperate. Whilst the respective authorities may consider that they have fulfilled their statutory obligations, the NPPF is clear in stating that cross boundary issues should be “dealt with” prior to examination – by virtue of the fact that MKC have significant concerns about the VALP – this is evidently not the case. For this reason, the plan is not sound and, in line with national planning policy in the PPG, the plan should be withdrawn.

c) *Consistent with National Planning Policy*

The MM is not **consistent with national planning policy** in relation to the allocation of Shenley Park. The introduction of the Shenley Park allocation at the MM stage (and the non-inclusion of Shenley Park at the Regulation 19 – Submission Version – stage) significantly undermines fundamental principles in the plan making process. Indeed, the NPPF defines a Local Plan as:

“A plan for the future development of a local area, drawn up by the local planning authority in consultation with the community” (our emphasis)

Patently, the allocation of Shenley Park has not been subject to consultation with the local community. This is a critical and unacceptable flaw in the plan making process. Should the plan go forward from this point, its adoption will undermine the principles of the NPPF which seeks to be “*plan-led by empowering local communities*”. Adoption of the VALP will also fly-in-the-face of the Localism Act 2011 which underpins the NPPF. The Localism Act seeks to reform the way Local Plans are made by putting power back in the hands of people; the allocation of Shenley Park would be contrary to this most fundamental planning principle.

The representations of MKC confirm that “*the reappearance of such a strategically significant prospective allocation at Shenley Park via the Examination in Public and the Proposed Main Modifications consultation has, understandably, come as a significant surprise to the communities of Tattenhoe, Kingsmead and Oxley Park within Milton Keynes, as well as those in Whaddon. These communities would not have felt it necessary to engage in the Regulation 19 consultation on the VALP as Shenley Park had been removed as proposed allocation, and therefore have not had a voice in the examination proceedings to date. Considering this, as well as the scale and significance of the Proposed Main Modification and the Council’s own concerns over the soundness of the proposed allocation, the Council urges you to reopen the examination hearings. This is necessary allow those communities most likely to be affected by the proposed allocation of Shenley Park the ability to further explain any written objections and*



challenge any further submissions or statements made by AVDC in support of the proposed allocation. It is critically important that residents in Milton Keynes are not seen to be disadvantaged through the consideration of such a significant change to the VALP at this late stage of the plan-making process. This change has been put forward in response to the Inspector's interim findings that additional growth should be identified around Milton Keynes, which needs to be fully tested"

MKC have "urged" AVDC to re-open the hearings to enable residents to discuss matters in relation to Shenley Park. In our view, this is not enough. The VALP should be withdrawn and matters of strategic importance should be subjected to all necessary stages of consultation. Re-opening the hearings would enable some consultation, however this would not enable residents to respond to the fundamental question of "where should development go?"; rather it would become an exercise of residents having to demonstrate why the allocation is not sound in accordance with national policy. It is our view that re-opening the hearings to discuss Shenley Park would be a token gesture to democracy. Asking residents to demonstrate why the allocation of Shenley Park is 'sound' or 'unsound' is not democratic as these matters are only consulted upon when, in effect, decisions have already been made in relation to the spatial strategy, i.e. residents will have little choice in the matter. The VALP should be withdrawn to enable full consultation on the spatial strategy taking into account the reasonable alternatives.

For reasons of failing to engage with communities in the plan-making process, the VALP is clearly not consistent with national planning policy and is not sound.

2. Settlement Hierarchy

During, and subsequent to, the hearing sessions, a number of representations have been sent to the Inspector in relation to the Settlement Hierarchy (reference ED143B and ED228). These representations question the accuracy of the evidence base – the Settlement Hierarchy Assessment (September 2017) - which has informed the Settlement Hierarchy as set out in Table 2 of the VALP.

There are a number of inaccuracies in relation to this document which has informed the overall spatial strategy. A proposed alternative to the allocation of Shenley Park was to consider additional development around the villages, on the basis that the evidence to inform the Settlement Hierarchy is incorrect, this alternative should be reconsidered.

In relation to Calvert Green, to which our clients land adjoins, there are a number of inaccuracies in the assessment of the village. For example, the population information is from the 2011 Census, however, the village has grown significantly in this period. There are also inaccuracies in relation to the level of service provision within the village (as seems to be a common concern in relation to the Settlement Hierarchy evidence base).



It is our contention that the VALP is not sound. This element of the VALP is not justified because it is not based on an appropriate evidence base. We recommend that the plan is withdrawn to address these fundamental concerns.

Sincerest regards

Garry Hutchinson
Associate Director

Mr Paul Clark
c/o Planning Policy
Aylesbury Vale District Council
The Gateway, Gatehouse Road
Aylesbury
HP19 8FF



Dear Mr Clark,

16 December 2019

Milton Keynes Council (the Council) objects to and raises significant concerns about the soundness of the proposed allocation of Shenley Park via Policy D-WHA001. The submission below explains these in more detail, however in summary they are:

1. That the conclusions drawn in the updated Housing and Economic Land Availability Assessment relating to Eaton Leys, a key piece of evidence underpinning the sustainability appraisal and selection of Shenley Park as a proposed allocation, are not justified.
2. That the conclusions of the Viability Report published alongside the consultation do not appear to have been considered in the sustainability appraisal or selection of the proposed allocation. Those conclusions indicate that the deliverability of a policy compliant and acceptable development at Shenley Park is highly questionable. Further, the Viability Report excludes any allowance for known significant highways works that would be required, raising significant doubts about the robustness of this work and further compounding concerns about the deliverability of the proposed allocation. As a result, the Council does not consider that the proposed allocation would be effective in meeting the identified shortfall of housing or rebalancing the spatial strategy within the plan.
3. That the highway modelling evidence does not appear to provide a sufficiently robust assessment of the impacts upon the highway network in Milton Keynes in order to justify the proposed allocation of Shenley Park.
4. That there is no evidence of a robust yet proportionate site selection process underpinning the proposed allocation of Shenley Park, and therefore that the proposed allocation is not justified.

Should you not be persuaded by the Council's argument that the proposed allocation of Shenley Park is unsound, the Council requests certain changes are made to Policy D-WHA001 to ensure that the policy wording, in isolation, is effective. However, the Council wishes to make it clear that the proposed changes to Policy D-WHA001 would not remedy the more fundamental issues of soundness associated with the selection of Shenley Park as an additional allocation in the VALP.

The Council acknowledges that the allocation of Shenley Park was initially proposed at Regulation 18 stage of the Vale of Aylesbury Local Plan (VALP). However, this was removed from the Regulation 19 version of the VALP and the VALP as submitted for examination. The reappearance of such a strategically significant prospective allocation at Shenley Park via the Examination in Public and the Proposed Main Modifications consultation has, understandably, come as a significant surprise to the communities of Tattenhoe, Kingsmead

and Oxley Park within Milton Keynes, as well as those in Whaddon. These communities would not have felt it necessary to engage in the Regulation 19 consultation on the VALP as Shenley Park had been removed as proposed allocation, and therefore have not had a voice in the examination proceedings to date. Considering this, as well as the scale and significance of the Proposed Main Modification and the Council's own concerns over the soundness of the proposed allocation, the Council urges you to reopen the examination hearings. This is necessary allow those communities most likely to be affected by the proposed allocation of Shenley Park the ability to further explain any written objections and challenge any further submissions or statements made by AVDC in support of the proposed allocation. It is critically important that residents in Milton Keynes are not seen to be disadvantaged through the consideration of such a significant change to the VALP at this late stage of the plan-making process. This change has been put forward in response to the Inspector's interim findings that additional growth should be identified around Milton Keynes, which needs to be fully tested.

Evidence base, sustainability appraisal and site selection

The Council welcomes the fact that Aylesbury Vale District Council's (AVDC) Sustainability Appraisal¹ assesses the effect of Proposed Main Modifications (those screened in) individually as well as the effects of the modified Local Plan as a whole.

The Council also supports the rationale of seeking to allocate strategic scale sites to address the shortfall in the revised housing requirement instead of more numerous but smaller sites. This approach provides greater opportunity for securing the necessary site and wider strategic infrastructure requirements to support growth, provided the scale of such strategic allocations is sufficient to achieve this.

Landscape

Eaton Leys was screened out as a Reasonable Alternative in the 'Sustainability Appraisal of the Vale of Aylesbury Local Plan September 2017' accompanying the submission VALP. Its exclusion was based on the conclusion within AVDC's 'Housing and Economic Land Availability Assessment version 4 January 2017' that the site was unsuitable, primarily on landscape grounds.

AVDC has published the 'North East Aylesbury Vale May 2019 Update' to its Housing and Economic Land Availability Assessment (HELAA) which also concludes that the site is unsuitable on landscape grounds. This is despite the fact that the Landscape and Visual Capacity Comparison Assessment (LVCCA) published in June 2019 concludes that Eaton Leys has the capacity to accommodate 1,000 dwellings within the confines created by site constraints and the policy framework (the same conclusion is reached in the LVCCA for Shenley Park and Salden Chase Extension). It is not clear why the conclusions of the LVCCA are not reflected in the updated HELAA. It is suggested that the HELAA assessment of Eaton Leys is not justified in this respect. As a result, the Council has significant concerns about how the three 'MK edge' site options could possibly be compared to each other by AVDC within the Sustainability Appraisal report and any wider site selection process.

¹ Sustainability Appraisal (SA) of the Vale of Aylesbury Local Plan (VALP) SA Report Addendum, October 2019

Viability

The Council also has concerns about how the conclusions of the Vale of Aylesbury Local Plan Hearings – Viability – Review of Additional Sites – Southern Edge of Milton Keynes’ (the Viability Report) have been reflected in the updated HELAA and AVDC’s considerations when deciding which of the ‘MK edge’ sites to allocate. The base appraisals within the Viability Report clearly show that all three sites are challenging in terms of viability (Shenley Park is markedly unviable, with Salden Chase Extension also unviable and Eaton Leys marginally unviable). Yet the Viability Report concludes, on page 6, that:

“Overall, in our view again the information and variation within it indicates reasonable prospects for viable development over time at these locations, albeit necessarily subject in the usual way to establishing the exact extent of the necessary and deliverable infrastructure provision/planning obligations in due course; including in respect of how that may vary on matters such as highways and flood risk mitigation.”

This conclusion relies on sensitivity appraisals and the unquantifiable possibility of higher market sales values being achieved in future years to turn clear and significant deficits for all three sites (unviable) into surpluses (viable). However, the base and sensitivity appraisals fail to include known but unquantified additional development costs. Most notably, they exclude site specific highway costs that would arise in Bucks and Milton Keynes². It is of significant concern that the Viability Report makes no reference to highways infrastructure costs within Milton Keynes

In respect of Shenley Park, there are likely extensive and costly highway works to enable access to the Milton Keynes built up area via the H6 or H7 and to construct an extensive link road from the A421 to the H6 or H7 (as per the requirements of Policy D-WHA001 within the Proposed Main Modifications, subject to this Council’s suggested changes to wording outlined further below). Nor are significant costs associated with wider public transport interventions which the Council consider are necessary, as outlined in the proposed changes to Policy D-WHA001 further below. Once these unquantified but likely significant costs are factored in, the reasonable assumption is that any gains made through higher market sales values would be largely if not entirely offset by the additional development costs. In light of this, the Council considers the reliance on the sensitivity appraisals to claim that the three sites are broadly viable to be overly optimistic, unrealistic and not justified. This raises significant concerns about the ability of AVDC and the developers to deliver a policy compliant and acceptable scheme (where connectivity, highways mitigations and social infrastructure are crucial matters) that to all intents and purposes would be a new community of Milton Keynes. On this basis, the Council has significant concerns about the deliverability of a sustainable and policy compliant scheme and, therefore, the effectiveness of the proposed allocation.

Highway modelling

² Page 2 of the Viability Report states that “in order to enable the appraisals to be progressed, the (BCC) highways related infrastructure costs estimates were not available.” The Council notes that this statement does not reference MKC highways infrastructure costs.

Highway modelling has been carried out by AVDC to assess 'MK edge options', as evidenced in the 'NE Bucks Local Plan Tests -Technical Report May 2019'.

There are various caveats in the documentation about the degree of accuracy to which the Bucks County Transport Model (BCTM) is able to represent the likely traffic effects of specific developments, including several areas (such as counts and journey times) where the validation is some way from the targets set in the WebTAG Guidance. It is also the case that underlying trip patterns are largely derived from census data and 'synthesised' rather than from surveys. These issues appear to be acknowledged by AVDC and it is noted that the strategic model is intended for high-level comparisons, which is supported by more detailed modelling in other areas such as Buckingham and Aylesbury. However, these do not cover the areas near to the MK Borough boundary where the three sites considered are located.

In forecasting mode, the BCTM used planning assumptions for Buckinghamshire as the basis for estimating the future increases in traffic. Outside the county, including Milton Keynes, planning assumptions used projections from TEMPRO/NTEM to estimate the growth in homes and jobs. The Council is aware that TEMPRO very significantly underestimates the current growth forecasts for jobs in Milton Keynes, being around a third the latest figure (some 20,000 jobs short). Whilst this should not affect the number of trips assumed to be generated by Shenley Park (or the other two sites), it could have a marked effect on the distribution and destination of those trips, potentially leading to an underestimate of the proportion attracted to jobs within Milton Keynes and of the resulting mitigation required.

In the assessment of which of the three sites to take forward, the Sustainability Appraisal report ranked Shenley Park second on the Transport category, behind Eaton Leys, suggesting in purely these terms it was not the optimum site. The Council understands that various scenario tests were carried out by AVDC using BCTM to look at different combinations of the three sites with different development assumptions as follows:

Scenario	Additional Homes		
	Shenley Park	Eaton Leys South	Salden Chase Extension
DS	1600	0	0
DS1	1800	0	0
DS2	1400	1200	0
DS3	1200	0	1100
DS4	0	1200	0
DS5	0	0	1100

(From Table 3.2, VALP Modelling NE Bucks Local Plan Tests – Technical Report 30/05/19)

The development assumptions across scenarios, including the total number of additional homes in Aylesbury Vale, appear to be inconsistent and therefore do not lend themselves to comparing the three sites on a 'level playing field' in order to arrive at the ranking set out in the Sustainability Appraisal Report .

Notwithstanding the Council's concerns over the assumptions and design of scenario tests carried out by AVDC, the results suggest that the largest impact on Milton Keynes is from Scenario DS3 with additional homes at Shenley Park and Salden Chase Extension, affecting the A421 into MK, while scenarios including Eaton Leys have negligible effect on the Do Minimum conditions. As noted above, this is reflected in the Sustainability Appraisal report although it is not clear how AVDC has factored this important consideration into the overall site selection process.

The Council is therefore concerned that the highway modelling does not satisfactorily assess the impact on Milton Keynes and therefore does not provide justification for the proposed allocation of Shenley Park. The Council is of the view that this ought to be remedied as part of the examination process and tested through an additional hearing sessions(s).

Site selection

The Council is concerned about the lack of a clear site selection methodology and process for selecting further strategic allocations on the edge of Milton Keynes, with an apparent reliance on the Sustainability Appraisal to perform this function. Notwithstanding the issues associated with the evidence base outlined above, which relate to the merits and assessment of the three sites in question, the Sustainable Appraisal report is clear that sustainability appraisal is not a site selection methodology. Its primary purpose is to understand if any significant effects are likely to arise as a result of the spatial strategy, allocations or policies within the VALP. It is noted in Table 7.1 of the Sustainability Appraisal that:

“The appraisal serves to highlight Shenley Park as performing relatively well in respect of several objectives; however, it does not necessarily follow that this site is the most suitable or sustainable overall, as the various objectives are not assigned any weighting.”

Whilst the above statement suggest Shenley Park performs better, this masks the fact that the differences between the three sites in the Sustainability Appraisal are marginal, with Salden Chase and Eaton Leys performing better than Shenley Park on some of the objectives. Since sustainability appraisal is not a site selection methodology, a separate site selection methodology or process, as detailed in a topic/background paper, would be expected that factors in other evidence not considered by the Sustainability Report, notably the Viability Report The only commentary on how Shenley Park was chosen over the other two sites is set out in section 7.2 of the Sustainability Appraisal report, which concludes that:

“Following a Housing and Economic Land Availability Assessment update three strategic sites were selected for further investigation and evidence gathering:

- *Shenley Park;*
- *Eaton Leys; and*
- *Extension to allocated Salden Chase site*

Considering the HELAA, constraints and updated evidence base (transport, flood assessment, landscape, ecology etc.) enabled a conclusion on which site performed best and should be included as an allocation in VALP. This assessment process came out in support of Shenley Park as the preferred site.”

No further documentation or explanation of the assessment process alluded to above has been provided as part of the Proposed Main Modifications consultation, so it is not clear how the evidence base has informed the decision or how certain issues were weighted. The lack of any clear site selection process is compounded by the concerns over the evidence base studies outlined above. For instance, it is not clear how much weight is given to the HELAA conclusions for Eaton Leys or the conclusions of the Viability Report (both of which are flawed in the opinion of the Council), or other evidence such as the highway modelling which shows clear differences in impacts between the three sites (favouring Eaton Leys over Shenley Park). In summary, the Council does not consider the decision to allocate Shenley Park instead of Eaton Leys or Salden Chase Extension to be adequately evidenced and is therefore not justified.

Impacts of Shenley Park and Policy D-WHA001

The Council's stated planning policy position on urban extensions to Milton Keynes that reside outside of the Council's boundary is set out within Policy SD15 of Plan:MK (see Appendix B). Policy SD15 provides a framework for how such urban extensions should be planned and designed so that they integrate well with the existing city, adopting many of the distinctive principles and features of Milton Keynes. The comments and suggested changes to Policy D-WHA001 below are provided in light of Policy SD15. For ease of reference, the composite changes being sought to Policy D-WHA001 are set out in Appendix A. As noted at the beginning of the Council's submission, the changes proposed by the Council would not remedy the more fundamental soundness concerns related to the process of selecting Shenley Park as a proposed allocation to meet the identified shortfall in housing needs across Aylesbury Vale or to redress the imbalanced spatial strategy within the VALP that you have posited in your interim findings.

Highways and transport

The Council's concerns relating to the robustness of the highway modelling underpinning the principle of the proposed allocation of Shenley Park should be remedied as part of the plan-making process, as outlined above. However, should you not be persuaded by this then the Council would expect a prospective proposal for Shenley Park to utilise, as a minimum, the Milton Keynes Multi-Modal Model (MKMMM) to inform any transport assessments. Whilst the MKMMM is a strategic model, it is essentially WebTAG-compliant and has already been used to test other prospective developments in Milton Keynes. This would, alongside more detailed local junction modelling, ascertain in more detail and with greater confidence the level of impacts on highways within Milton Keynes and the mitigations required.

Policy D-WHA001 indicates that more detailed traffic modelling will be required to inform the extent of off-site highway works to determine whether the section of A421 between the Bottledump Roundabout and the site access roundabout needs to be dualled. As noted

above, the Council would add that mitigation may not be limited to this proposed improvement (based on the BCTM findings), and would reserve judgement until further modelling is done. This reinforces the Council's more fundamental concern that robust and proportionate testing of highway impacts in Milton Keynes has not been carried out to inform the proposed allocation of Shenley Park, or indeed the viability testing published alongside the consultation. Notwithstanding these more fundamental concerns, the Council proposes a change to Policy D-WHA001 to ensure the appropriate modelling is carried out satisfactorily.

The Council supports many of the provisions within Policy D-WHA001 relating to transport and movement. However, it is considered that the wording of the policy needs to be expanded, strengthened and clarified to ensure sustainable and acceptable development of the site and for the policy to be effective.

Firstly, the Council considers that the existing grid road system should be extended through the site to allow for access into the existing built up area of Milton Keynes. The proposed policy currently refers to a Link Road being provided. The Council considers this should be a grid road in line with Policy SD15 of Plan:MK. Further, the Council considers that the policy should make it explicit that the grid road provides a connection from the A421 to the H6 Childs Way, and that this road should be designed to carry through traffic along a landscaped corridor away from built up areas of the site whilst still providing access to development parcels. Alongside routes and connections for pedestrians and cyclists permeating the development, the grid road should also provide a Redway offering a direct connection for cyclists and pedestrians into the city's existing Redway network.

Secondly, the Council considers that a separate public transport link should be provided between the A421 and H7 Hayton Avenue with associated upgrades to H7 Hayton Avenue. Such a link would be consistent with the Council's adopted Mobility Strategy and Policy SD15 of Plan:MK as well as the emerging proposals for a Mass Rapid Transit route serving this area of the city linked to the wide range of amenities available at Westcroft . This link should serve any local centre within the Shenley Park site as well as a new Park and Ride in the southern area of the site (as supported by Milton Keynes Council's Mobility Strategy and the evidence underpinning it³), and have appropriate segregation and priority junctions along its length.

Education

The proposed allocation would be expected to approximately generate an additional 2-3 forms of entry demand (60-90 places per year) for primary and secondary school. The site borders The Hazeley Liaison Group area, which contains three Primary Schools and one Secondary School. All schools bar one Primary School are currently full, and with further development still to come forward at Tattenhoe Park and Kingsmead South, it is not anticipated there will be capacity to accommodate demand from this development. Therefore, the Council expects that all pupil demand from this development should be accommodated on site or within schools elsewhere in Bucks in close proximity to the site.

Health

³ <https://www.milton-keynes.gov.uk/highways-and-transport-hub/policy-and-strategy-hub/transport-policy>

The Council notes criteria 'e' within Policy D-WHA001 requiring "...a contribution towards or delivery of a healthcare facility either by way of site provision or direct funding (including temporary buildings if necessary)." It is unclear from the documents published alongside the consultation as to whether the Milton Keynes Clinical Commissioning Group (CCG) and/or Aylesbury Vale CCG have had any input into the proposed allocation of Shenley Park and criteria 'e' of Policy D-WHA001. AVDC's Infrastructure Delivery Plan, published in September 2017, notes the overlapping jurisdiction of the CCGs in this area of Aylesbury Vale bordering Milton Keynes (paragraph 6.3), however it appears that Shenley Park would fall into the Aylesbury Vale CCG. The Infrastructure Delivery Plan notes the lack of GP services within the Aylesbury Vale CCG that cover the proposed allocation of Shenley Park. The Council therefore has concerns about the effectiveness of criteria 'e' in delivering suitable provision to accommodate additional demand on health care services in the area. The Council believes this matter should be tested during the examination through a further hearing session, with the input of the CCGs. As a result, the Council reserves its position on the wording and effectiveness of criteria 'e' of Policy D-WHA001 until this matter has been further explored during the examination.

Green Infrastructure

The Council considers that any development of Shenley Park should integrate with, and ensure the continuation of, green infrastructure and wildlife networks and corridors in and out of Milton Keynes. The reference to the continuation of Tattenhoe Valley Park into the site is welcomed in this regard, but the Council considers additional wording is needed in the policy to ensure wider and more comprehensive integration of these networks and corridors.

I trust the comments of Milton Keynes Council will be considered seriously and I hope they prove helpful in addressing points of soundness within the VALP and the Proposed Main Modifications. The proposed development of Shenley Park would, to all intents and purposes, be part of Milton Keynes and it is therefore the express wish of the Council that the process of allocating such growth on the borders of Milton Keynes is robust and sound. Any final planning policy governing the delivery of such growth needs to ensure the necessary mitigation of impacts upon Milton Keynes and the successful integration of new communities with the city.

Yours sincerely,

Cllr Martin Gowans

Cabinet Member for Planning and Transport

Appendix A Changes sought to Policy D-WHA001 BY Milton Keynes Council

D-WHA001 Shenley Park

Site reference

WHA001

Size (hectares)

About 99ha

Allocated for (key developments and land use requirements)

To create an exemplar development, of regional significance, which will be a great place to live, work and grow. Built to a high sustainable design and construction standards, the development will provide a balanced mix of facilities to ensure that it meets the needs and aspirations of new and existing residents, at least 1,150 homes, 110 bed care home/extra care facility, new primary school, subject to need a site for new secondary school, multi-functional green infrastructure (in compliance with Policies I1 and I2 and associated Appendices), mixed use local centre, exemplary Sustainable Drainage Systems, new **Grid Road Link Road** between A421 Buckingham Road and H6 ~~and or H7~~ Childs Way/, **new public transport link between the A421 and H7** Chaffron Way, **a new Park and Ride site in the southern area of the site**, **other** public transport **improvements linking to the wider area**, **and a comprehensive network of Redway**, cycling and walking links.

Source

HELAA

Current neighbourhood plan status

N/A

Expected time of delivery

The site is expected to be delivered between 2024 and 2033

Site-specific Requirements

Development proposals must be accompanied by the information required in the Council's Local Validation List and comply with all other relevant policies in the Plan. To ensure a comprehensive development of the site an SPD is to be prepared for the site and in addition, proposals should comply with all of the following criteria:

- a. The site will make provision for at least 1,150 dwellings at a density that respects the adjacent settlement character and identity. To ensure that strong place shaping, community safety and sustainability principles are embedded throughout, creating a socially diverse place with a mix of dwelling types and tenure mix including a minimum of 25% affordable housing 'pepper-potted' throughout the site.
- b. Provision of 110 bed care home/extra care facility

- c. Provision of land, buildings and car parking for a 2FE primary school (capacity 420) with 52 place nursery. Infrastructure will need to be provided and phased alongside development, the details of which will be agreed through developer contribution agreements.
- d. Subject to detailed discussions and agreement with the Education Authority, a financial contribution towards existing secondary schools will be required or provision of a site for a new secondary school if the need for an on site facility is proven; and a financial contribution to special needs education
- e. Provision of land, buildings and car parking for new local centre including community hall and a contribution towards or delivery of a healthcare facility either by way of site provision or direct funding (including temporary buildings if necessary). To create a sustainable community providing a mix of uses to ensure that housing development is accompanied by infrastructure services and facilities
- f. The site will be designed using a landscape-led and green infrastructure approach that integrates the site into the landscape and the existing network of green infrastructure within Milton Keynes and the wider area. The development design and layout will be informed by a full detailed landscape and visual impact assessment (LVIA) It will provide a long term defensible boundary to the western edge of Milton Keynes. This recognises that, whilst being located totally within Aylesbury Vale, the development will use some facilities in Milton Keynes, given its proximity. Milton Keynes also provides an access point into the site
- g. Conserve the setting of Whaddon village and Conservation Area by creating a substantial, well designed and managed countryside buffer (not formal open space) and enhanced Briary Plantation woodland belt between the development and the village of Whaddon
- h. Create high quality walking and cycling links to and from Whaddon, Bletchley and Milton Keynes as an integral part of the development and shall include an extension of the Tatternhoe Valley Park into the site
- i. An ecological management plan shall be submitted to and approved in writing by the Council covering tree planting, hedge planting, pond creation and ongoing management of the site
- j. Existing vegetation should be retained where practicable, including existing woodlands and hedgerows. Specific attention should be made to enhancing Briary Plantation, Bottlehouse Plantation and other significant blocks of woodlands/hedgerows within or on the edge of the site
- k. Hard and soft landscaping scheme will be required to be submitted for approval
- l. Archaeological assessment and evaluation shall be required to be submitted to the Council. Development must minimise impacts on the Statutory Ancient Monument of Site of Snelshall Monastery on the northern boundary of the site m. The scheme layout shall have regard to the findings of an archaeological investigation and preserves in situ any remains of more than local importance
- n. The development must provide a satisfactory vehicular access from the A421 Buckingham Road

- o. More detailed traffic modelling will be required to inform on the extent and design of off-site highway works to both the Bucks and Milton Keynes highway networks, and in particular to determine the extent which the ~~whether the section of~~ A421 ~~between the Bottledump roundabout and the site access roundabout~~ needs to be dualled. The scope and design of any detailed traffic modelling must be agreed with both the Bucks and Milton Keynes highways authorities.
- p. Provide for a Grid Road Link Road connection for general traffic from the A421 through the site to Grid Road H6 Childs Way and upgrade the existing H6 Childs Way to accommodate additional traffic movements arising from the new access and link road whilst maintaining safe and suitable access arrangements off the H6 Childs Way for existing communities. The Grid Road connection should be aligned and designed to carry through traffic away from built up areas within the site. ~~or H7 Chaffron Way~~

NEW CRITERIA

Provide a public transport and Mass Rapid Transit route through the development, from the H7 Chaffron Way to the A421, and where necessary upgrade the existing H7 Chaffron Way/Hayton Avenue to enable acceptable routing of public transport and Mass Rapid Transit services along it. The route should directly serve any local centre within the site as well as a new Park and Ride site to be located in the southern area of the site. Where appropriate and feasible, the route should be segregated from other traffic and benefit from priority junctions.

q. Existing public rights of way need to be retained, enhanced and integrated into the development with safe and secure environments as part of a wider network of sustainable routes (utilising amongst others the Redway and Sustrans network), to directly and appropriately link the site with surrounding communities and facilities. A new Redway should be provided alongside the grid road link to provide direct connection through site to the existing Redway network.

r. Provision of other public transport service improvements and associated new facilities into Milton Keynes, including new or improved links to Bletchley railway station, and to surrounding areas

s. An air quality and noise assessment shall be submitted to and approved in writing by the Council prior to development commencing

t. A surface water drainage strategy will be required for the site, based on sustainable drainage principles and an assessment submitted to the Council for approval and should ensure that development does not increase flood risk elsewhere. The strategy will create new green infrastructure corridors along major surface flowpaths. Development on this site, which would drain into the management area for the Loughton Brook, will seek to reduce flood risk downstream on the Loughton Brook

u. Detailed modelling will be required to confirm 1 in 20, 100 and 1,000 year extents and 1 in a 100 year plus climate change extents on the ordinary watercourse. Climate change modelling should be undertaken using the up-to-date Environment Agency guidance for the type of development and level of risk and should consider surface water risk. The impact of culvert blockage should be considered for the modelled watercourse. The impacts of climate

change must be taken into account in designing the site's SuDs and in any other flood mitigation measures proposed

v. A foul water strategy is required to be submitted to and approved in writing by the Council

w. An updated assessment of sewerage capacity and water supply network shall be carried out, working with Anglian Water, to identify the need for infrastructure upgrades and how and when these will be carried out to inform site delivery.

x. The road access to the A421 will be designed to avoid areas of flood zone 3a with climate change and remain operational and safe for users in times of flood

Policy SD15

PLACE-MAKING PRINCIPLES FOR SUSTAINABLE URBAN EXTENSIONS IN ADJACENT LOCAL AUTHORITIES

- A. It is expected that development proposals on the edge of Milton Keynes are likely to have significant impacts upon the infrastructure and services of Milton Keynes, particularly given the significant attractor Milton Keynes will be for any future residents.
- B. When and if development comes forward for an area on the edge of Milton Keynes which is wholly or partly within the administrative boundary of a neighbouring authority, this Council will put forward the following principles of development during the joint working on planning, design and implementation:
1. The local authorities will work jointly, and with infrastructure and services providers, to achieve a coordinated and well designed development.
 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.
 3. A strategic, integrated and sustainable approach to water resource management (including SUDS and flood risk mitigation) should be taken.
 4. The design of development should respect its context as well as the character of the adjoining areas of the city.
 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.
 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.
 7. A route for the future construction of a strategic link road(s) and/or rail link should be protected where necessary.
 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.
 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.
 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.