

**Representation to the Vale of Aylesbury Local Plan
Main Modifications consultation**

Shenley Park additional allocation

16th December 2019

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1.0 Introduction

1.1 This representation is submitted by Impact Planning Services Limited (IPS) on behalf of the Kingsmead Residents Group (KRG), who comprise a non-elected community group of people who live in the Kingsmead area in the west side of Milton Keynes.

1.2 The structure of this representation is as follows:

- Background to the Vale of Aylesbury Local Plan (VALP),
- Duty to Co-operate,
- Sustainability Appraisal Reports & related evidence,
- Details of the site proposed, including constraints,
- Alternative approach and sites to assist the VALP in meeting its additional housing need.

1.3 As this representation makes clear there is no justification for the selection of the additional allocation for housing at Shenley Park (Main Modifications 070 New Policy '*D2 Delivering site allocations in the rest of the district*' and accompanying pre-amble' and MM071,075 and 076 New Site Policy *D-WHA001 Shenley Park*' for at least 1,150 dwellings) and the decision to allocate it is unfounded. It is also contrary to the Aylesbury Vale District Council's own evidence base. The site should be removed from the Plan for a second time. Given this substantive change to the Plan at a very late stage in the process then at the very least, it is respectfully requested that the Examination hearings are re-opened to enable all parties, including KRG, the opportunity to make and augment their case directly to the Inspector.

2.0 Background to the VALP

2.1 Aylesbury Vale District Council (AVDC) has a poor record of plan making. It failed to adopt a Core Strategy in 2010 when the Secretary of State announced¹ that Regional Spatial Strategies (the South East Plan for Aylesbury Vale) were revoked. In a report

¹ Revocation of Regional Strategies first announced by Secretary of State 6TH July 2010

dated 8th September 2010 to the Council it was advised that the Core Strategy did not address in sufficient detail: sustainable development, employment targets nor energy. In addition, the report suggested that with the revocation of housing figures from the South East Plan, the Council could plan for a reduced number of new dwellings. On the 5th October 2010, the Secretary of State issued a Direction withdrawing this Plan.

- 2.2 Following this AVDC embarked on another plan- the Vale of Aylesbury Strategy which was submitted to the Secretary of State for examination in August 2013. On 7th January 2014 the Inspector, Kevin Ward wrote to the AVDC and in paragraph 27 of that letter he states '*There are particular issues concerning the relationship of Aylesbury Vale to Milton Keynes and its future growth. These issues have been left unresolved. The Council has been aware of these issues from early in the plan preparation process, if not before*'.
- 2.3 The Inspector concluded that AVDC had failed to comply with the Duty to Co-operate. This together with other failings including the insufficient overall provision for housing and jobs, the fact that the Plan had not been positively prepared, the fact that it was not justified nor effective and it was not consistent with national policy, led the AVDC to withdraw this Plan on 5th February 2014.
- 2.4 The Vale of Aylesbury Local Plan is the third attempt by AVDC to prepare a sound plan. Previous Local Plan Inspectors have made reference to development in this location and these are highlighted later. The sequence of events and timeline associated with this latest Plan is convoluted to say the least.
- 2.5 The Scoping for the Plan was carried out in the Spring of 2014 together with a Call for Sites. This was followed by the Issues and Options stage in October 2015 (which included 'extension to Milton Keynes/Bletchley' in five of the nine options but no plans in chapter 5), with accompanying evidence studies. The Consultation Plan was publicised in the Summer of 2016. The July 2016 VALP had the Shenley Park site depicted on a map and was the subject of an allocation together with Salden Chase. Subsequently, there was consultation on the Proposed Submission Plan from 2nd November 2017 to 14th December 2017. The November 2017 Submission VALP omitted the Shenley Park site.
- 2.6 The rationale for making changes to the Plan has not been always been clear and this matter is explained in more detail later in this representation.

3.0 Duty to Co-operate

- 3.1 As explained above AVDC has failed to meet this legal duty previously and although the information considered to date on the current emerging VALP may satisfy the duty up to that stage, it is clear that there has been no outcome from any co-operation between AVDC and Milton Keynes Council (MKC) regarding the edge of Milton Keynes strategic locations, other than for Salden Chase. There is no Memorandum of Understanding (MOU) between the two authorities concerning Shenley Park and this was confirmed at an informal meeting with the Development Plans Manager at MKC on 21ST November 2019. The only MOU between AVDC and MKC is dated February 2018 (reference CD.DTC. 008) and it just addresses the Salden Chase development.
- 3.2 The Planning Practice Guidance states at paragraph:022 Reference ID: 61-022-20190315: *'Inspectors will expect to see that strategic policy making authorities have addressed key strategic matters through effective joint working, and not deferred them to subsequent plan updates or are not relying on the inspector to direct them. Where a strategic policy-making authority claims it has reasonably done all that it can to deal with matters but has been unable to secure the cooperation necessary, for example if another authority will not cooperate, or agreements cannot be reached, this should not prevent the authority from submitting a plan for examination. However, the authority will need to submit comprehensive and robust evidence of the efforts it has made to cooperate and any outcomes achieved; this will be thoroughly tested at the plan examination'*.
- 3.3 At the MKC meeting held on 23rd October 2019² under item 5 b (ii) the Shenley Park Development Proposals were discussed. It was resolved by the Council that it:
- '(a) expresses concern that Shenley Park, or any of the other possible allocations may have a negative potential impact on Milton Keynes;*

² Minutes of Council Meeting: <https://milton-keynes.cmis.uk.com/milton-keynes/Document.ashx?czJKcaeAi5tUFL1DTL2UE4zNRBcoShgo=h3%2bmfmsEY3leBEtMQInRVXhVv73Hcd7Pdc%2bzS1WPL2GH29KSQPz9eg%3d%3d&rUzwRPf%2bZ3zd4E7lkn8Lyw%3d%3d=pwRE6AGJFLDNih225F5QMaQWCtPHwdhUfCZ%2fLUQzgA2uL5jNRG4jdQ%3d%3d&mCTIbCubSFfXsDGW9IXnlg%3d%3d=hFfIUdN3100%3d&kCx1AnS9%2fpWZQ40DXFvdEw%3d%3d=hFfIUdN3100%3d&uJovDxwdjMPoYv%2bAJvYtyA%3d%3d=ctNJFf55vVA%3d&FgPIIEJYlotS%2bYGoBi5oIA%3d%3d=NhdURQburHA%3d&d9Qji0ag1Pd993jsyOJgFvmyB7X0CSQK=ctNJFf55vVA%3d&WGewmoAfeNR9xqBux0r1Q8Za60lavYmz=ctNJFf55vVA%3d&WGewmoAfeNQ16B2MHuCPMRKZMwaG1PaO=ctNJFf55vVA%3d>

(b) expresses concern that the allocations have been brought up only towards the end of the plan-making process, meaning that community engagement on these sites has been minimal;

(c) expresses concern that ward councillors and parish councils were unaware of these proposals and asks the Cabinet to look at their protocol for informing and consulting ward and parish councillors when neighbouring authorities come forward with development proposals;

(d) believes that the development could place unacceptable strain on the infrastructure and services in Milton Keynes including on highways and transport infrastructure, quality public open space, GP services and school provision;

(e) notes that the development proposals lack any conformity or integration with the surrounding and adjoining infrastructure of Milton Keynes; and

(f) notes that as Shenley Park would likely be regarded informally and geographically as part of Milton Keynes, but falls outside the administrative boundaries of Milton Keynes Council so any planning decisions and future income would not fall to Milton Keynes Council'.

3.4 Further evidence of the co-operation difficulties is provided by the decision of MKC to refuse planning permission for the access to Salden Chase on 7th November 2019 (ref:15/00619/FUL) and on 16th December a Delegated Decision³ by the Cabinet Member for Planning and Transport will be made by MKC to formerly object to the VALP and the selection of the Shenley Park Allocation.

3.5 This all clearly demonstrates that AVDC has failed to meet the Duty to Co-operate on this most obvious cross authority matter and so the proposal fails on this legal requirement. This can be rectified by full engagement between the two authorities with all meetings outcomes recorded in writing and addressing all of the potential cross boundary sites and issues, not just Salden Chase.

³ <https://milton-keynes.cmis.uk.com/milton-keynes/Calendar/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/6381/Committee/1258/SelectedTab/Documents/Default.aspx>

4.0 The Sustainability Appraisal Reports & related evidence

Sustainability Appraisal

4.1 Section 19 of the Planning and Compulsory Purchase Act 2004 requires a local planning authority to carry out a sustainability appraisal (SA) of each of the proposals in a plan at each stage during its preparation.

4.2 Furthermore, the SA should provide conclusions⁴ on the reasons the rejected options are not being taken forward and the reasons for selecting the preferred approach in light of the alternatives.

4.3 The non- technical summary on page 3 of the SA Addendum report October 2019 (ED204), states in the conclusions to table B:

...it does not necessarily follow that this site (Shenley Park) is the most suitable or sustainable overall, as the various objectives are not assigned any weighting. For example, the appraisal serves to highlight Shenley Park as performing relatively poorly in respect of heritage objectives, and the Council - as decision-makers - might assign particular weight to this matter. Equally, Shenley Park is judged to perform less well than Salden Chase Extension in respect of 'Communities' objectives, due to uncertainties in respect of secondary school delivery, and the Council might assign particular weight to this'.*

* Impact Services Ltd addition for clarity

4.4 The SA Addendum October 2019 in Appendix 1 states on biodiversity issues that in conclusion Salden Chase is the less preferable site on balance (but it does have a favourable recommendation to grant planning permission). Eaton Leys and Shenley Park have pros and cons, however on balance it is considered appropriate to differentiate in accordance with the Ecology Headlines Study. As explained below under the sub heading 'Related Evidence', that leads to Eaton Leys being more suitable to allocate ahead of Shenley Park, not the other way around so this part of the SA 2016 is an error. The conclusion at 9.2.2 is restricted to the proposed allocation at Shenley Park and does not provide any comparison with the other two sites.

4.5 Under the community heading this SA recognises that Shenley Park performs less well

⁴ Planning Practice Guidance Para:018 Reference ID: 11-08-20140306

and although Eaton Leys is described as performing poorly it is important to emphasise there is no certainty that Eaton Leys needs to deliver a new secondary school on the site. Furthermore, as explained above under the Duty to Co-operate the consequences for education provision in Milton Keynes must be taken into account. That information has seemingly not been sought nor analysed and it is clearly lacking within the SA reports.

- 4.6 In terms of landscape the 2019 SA in the main report at paragraph 9.9.1, states that only 35% of the Shenley Park site is likely to be suitable for development. In the Appendix 1 the SA states that Shenley Park has low capacity in the north west and that it is considered inappropriate to highlight Shenley Park ahead of Salden Chase. Eaton Leys is described as having low capacity but this ignores the clear separation of this site from the open countryside beyond the dominant boundary formed by the A5 and the A4146 roads and associated developments. This separation from the wider landscape is acknowledged in paragraph 3.1.8 of the Landscape and Visual Capacity Comparison Assessment (ED210A).
- 4.7 In terms of the economy all three of the sites are described as being along the emerging growth corridor and there is no potential to differentiate the alternatives with any confidence.
- 4.8 Under the heritage topic Shenley Park is '*considered to present more constraints to development than the other two sites*'. This is confirmed in the document ED222, the Heritage Appraisal at paragraph 5.6 of that document.
- 4.9 Importantly the October 2019 SA refers to the justification for the Council supporting the preferred option can be seen in section 7. It refers to the HELAA as the assessment process which came out in support of Shenley Park as the preferred site. This ignores the advice from Government in the NPPG, which as explained above, states that the SA should provide conclusions on the reasons for the rejected options not being taken forward and together with the reasons for selecting the preferred approach in light of the alternatives. The October 2019 SA does not perform this function and is therefore flawed. The HELAA is addressed later.
- 4.10 Prior to this version of the SA, in July 2016 AVDC published the SA of the Reasonable Alternatives produced by Lepus Consulting. In that report Whaddon (WHA001) which is the reference given to Shenley Park, is considered with approximately 110 other sites and is one of only 13 sites to have just one minor positive score. All of the other sites (some 97 sites) had two or more positive scores. On page 106 of that document at paragraph 3.42.4

it states that with regard to the landscape at Shenley Park: *'This LCA is recorded as being in very good condition, with high sensitivity. The HELAA states that a large landscape buffer to Whaddon village will be included within the development of the site. Site WHA001 is likely to be visible from all sides except the east, which is lined with trees, limiting visual impact on Kingsmead'*.

- 4.11 The following paragraph refers to the predominant agricultural fields with linear patches of woodland lining the site to the north and east. It continues: *'These patches of woodland may be high in biodiversity and are likely to serve as a habitat corridor for a number of species, including birds and bats. Development could result adverse impacts on biodiversity (SA Objective 3)'*. In addition to these comments there is a well-established mature belt of deciduous woodland running along the southern boundary of the site with the A421 road and the mature tree and hedgerow boundary of the North Buckinghamshire P R of Way on the current western edge of Milton Keynes.
- 4.12 At paragraphs 3.42.6 the 2016 SA states: *'WHA001 is located within Flood Zone 1, which is at low risk of flooding. To the south of the site there is an area at high risk of surface water flooding. Development in this part of the site may therefore be at high risk of flooding (SA Objective 5)'*.
- 4.13 This in effect sterilises a significant area in the south of the Shenley Park site. When this is combined with the SA comments on the landscape in the north west of the site summarised in paragraph 4.6 above, very little land remains which may be suitable for development. The 35% figure of the total site at Shenley Park will be further reduced.
- 4.14 In the next paragraph of the 2016 SA it states:
- 'Sustainable transport servicing WHA001 is lacking. There are no train stations within 1km and the bus service that runs through the village is infrequent, running on a Wednesday only. As such, accessibility to and from Whaddon by public transport is limited and residents are likely to rely on travel by car, thus increasing the carbon footprint of the area (SA Objectives 4 and 9)'*.
- 4.15 This highlights the fact that the site is too far from the East-West rail line and even further from any rail station. As the Inspector makes reference to the Oxford to Cambridge Arc in paragraphs 5 to 9 in the document ED166 Interim Findings 29 August 2018, it is important to provide an update regarding the current circumstances of this corridor or arc.
- 4.16 On 18th September 2019 AVDC resolved to object to the Oxford to Cambridge

Expressway⁵ and this decision has been incorporated into the Main Modification 210 which revises Policy T3 to delete the reference to this proposed road.

- 4.17 The proposed Oxford to Cambridge Expressway will be reviewed should the Conservative Party form the next Government, following the previous announcement by the Rt Hon Grant Shapps (Secretary of State for Transport) on 21st November 2019. This means that the rail improvements are considered the more likely at this point in time and the findings made in August 2018 may require review dependent upon the outcome of the General Election. Irrespective of any decision about major transport improvements the main transport connections for Shenley Park, Salden Chase and Eaton Leys should be with Milton Keynes and as will be explained later Eaton Leys is clearly the more suitable location when this factor is considered.
- 4.18 All of this must be reviewed by the Inspector because this is a significant change since he wrote his Interim Findings. The strategic transport situation is far less clear now than when the Findings were published and given the ADVC decision to oppose the Expressway this throws even more uncertainty into the case for proposing Shenley Park because of the transport impacts.

Related Evidence

- 4.19 As the 2016 SA explains there are biodiversity issues with the Shenley Park proposal and the evidence contained in the Eco Headlines documents (refs ED205F Shenley Park, ED205D Salden Chase Extension and ED205B Eaton Leys) indicates that of the three strategic sites only Shenley Park has a range of Priority Habitats identified: Deciduous woodland, lowland meadows, Traditional orchard wood, pasture and parkland BAP. By contrast, Salden Chase under this heading lies adjacent to some priority habitats and Eaton Leys has only lowland meadows and Deciduous woodland. This indicates that Eaton Leys is the more suitable location for development.
- 4.20 The whole of the Shenley Park area is contained within the Whaddon Chase Biodiversity Opportunity Area (see Plan 1). Whilst this is defined as a regional priority area for the restoration and creation of Biodiversity Action Plan (BAP) habitats, it is not an area of constraint. However, it is a significant planning consideration.

⁵ <https://democracy.aylesburyvaledc.gov.uk/ieListDocuments.aspx?CId=135&MID=2656>

- 4.21 The Housing and Employment Land Availability Assessment (HELAA) May 2019 update, which is document ED 208 in the Examination Library, mentioned at paragraph 4.9 above, the three potential strategic sites adjacent to Milton Keynes are referenced. For Eaton Leys (site GRB002) the HELAA claims it is unsuitable because of the '*harmful landscape and visual impact*' and also the settlement pattern on this side of Bletchley. The HELAA continues to mention the fact that planning permission had been granted by MKC and explains this is a change to the original HELAA in regard to the built development to the north, but it then concludes for landscape reasons there should be no change.
- 4.22 This ignores the AVDC document ED 210A, evidence contained in the Landscape and Visual Capacity Comparison Assessment by BMD dated 11th June 2019. In paragraph 3.1.8 of that document it states about Eaton Leys: '*the existing green edge of Waterhall Park, to the west, and MK housing allocation to the north, result in the site being partial contained from the wider landscape*'.
- 4.23 This point is reinforced in the June 2017 Development Control Committee report by MKC on the planning application 15/01533/OUTEIS for Eaton Leys. The report makes clear in 5.57 that '*the LCA that 'the site' forms part of does provide a visually important setting*'. In paragraph 5.59 of the Committee report further states: '*The Milton Keynes Landscape Character Assessment (2015) identified the presence of the A5 within this setting as detracting from the area; the application would provide an opportunity to mitigate the impact of the road through the improvements scheme. Milton Keynes Council would welcome further involvements in these works to ensure earthworks are designed and planted to effectively screen residential properties and the road*'.
- 4.24 This development to the north is introducing an urban context to the area but the clear defensible boundaries of the A5 and the A4146 provide an obvious opportunity to deliver further improvements to mitigate the impact of both roads on the wider landscape setting.
- 4.25 The Eaton Leys site in AVDC is enclosed by these two major roads to the east and south together with the canal corridor to the west and the new housing under construction to the north. It can offer significant mitigation on the same principle as the planning permission to the north and consequently enhance and protect the wider landscape setting to the east and south beyond the A5 and A4146. The land is contained from the wider landscape as confirmed and explained in the AVDC'S own evidence in document ED210A.
- 4.26 Shenley Park has no such defensible boundaries, other than the very clear and well-established existing boundary with Milton Keynes which will be destroyed should the

proposal be confirmed. Shenley Park and has a landscape setting which is as important if not more important than Eaton Leys given the heritage, bio-diversity and ecological values mentioned above. The Strategic Landscape and Visual Capacity Study August 2017, ENV04 in Appendix A describes Shenley Park LCA condition as 'very good', which in that part of the table equates to Mentmore Ridge. Salden Chase is described as 'moderate' and there is no reference to the Eaton Leys site.

- 4.27 One of the most important factors in the selection of another strategic site recognised by the AVDC evidence is the issue of transport.
- 4.28 MKC responded to the July 2016 VALP and stressed the need to co-ordinate the Plan. It referred to the Bucks and River Ouzel Internal Drainage Board's call for coordination. The MKC response also called for AVDC to assess the impacts and mitigation for Milton Keynes and raised the traffic impacts as particularly concerning. Highway concerns were raised in many responses to the July 2016 consultation.
- 4.29 In the SA from July 2016 paragraph 3.15.8 states that the A421 is a key road in the strategic highway network defined in the Bucks Local Transport Plan 2011-2016. Later in that SA at paragraph 3.42.7 is clearly states: '*Sustainable transport serving WHA001 is lacking*'. However, in the October 2019 SA Addendum there is a sudden change on page 5 of that report. Nevertheless, in Table 7.1 Eaton Leys scores the highest in transport terms ahead of Shenley Park and Salden Chase.
- 4.30 The 2019 SA Addendum continues to highlight transport concerns and greenhouse gas emissions for the Shenley Park site at 9.4.1 and at 9.4.4 it refers to emissions from transport as a separate matter. Associated transport emissions are mentioned again at 9.11.1 where the report states: '*The allocation of WHA001 at the Milton Keynes edge will introduce new road users and associated transport emissions; however, there are no AQMAs in Milton Keynes, nor at Buckingham or Winslow. Site specific policy notably requires that: "An air quality and noise assessment shall be submitted to and approved in writing by the Council prior to development commencing."*
- 4.31 In the preparation of the Plan MK by MKC transport modelling of the A421 and the whole MK road network was undertaken. This work is independent of the Buckinghamshire modelling. The report: Milton Keynes Multi-Modal Model Update November 2017 (produced by AECOM), confirms at paragraph 1.6.9 that the A421 junctions are more overloaded at the 2016 reference case. The situation is forecast to become more severe as illustrated in the figure 33 in that report which shows the growth in delays for the 2031

reference case junction delay (MK wider area).

- 4.32 In the AVDC document ED 214C page 50-100, Jacobs in section 6.2, table 6.4 identifies Eaton Leys with three green ratings which means the transport impacts from this site are slight. Shenley Park however has three amber ratings which are described as moderate impacts on transport.
- 4.33 When the Buckinghamshire modelling is taken into account the Eaton Leys site is most suitable to allocate. If the MKC data is added then the case is made significantly stronger for Eaton Leys.
- 4.34 Whilst there may not be Air Quality Monitoring in MKC, the junctions of the A421 are already experiencing serious peak time congestion and the length of delay is increasing meaning more vehicles will be standing with engines running and air pollution increasing. This affects a number of routes including the V1, and most of the east- west routes like the H6, especially in the morning rush hour.
- 4.35 One specific junction (of many) on the A421 in Milton Keynes, is with Watling Street. It has serious delays now. It is physically constrained by the A5 bridge and then the West Coast Mainline railway bridge, so it has limited scope for increased capacity. This suggests that people living close to this junction will see a worsening of their air quality in the immediate future. The addition of Salden Chase will make this more severe, but the Shenley Park proposal would add even more pressure and pollution onto these roads and junctions.
- 4.36 It is also important to recognise the significant open green space in the Kingsmead area adjacent to the proposed allocation. A new grid road here would introduce noise, disturbance, pollution and destroy this valuable visual and social amenity. In addition, wherever the link or links are planned they will 'punch through' the North Bucks Way and the bridleway to the south which has well-established belts of mature deciduous woodland. This long-distance path runs 34 miles from the Ridgeway at Chequers Nature Reserve to the county boundary at Pulpit Hill Nature Reserve. It links to the bridleway along the western boundary of Milton Keynes and these rights of way are an important amenity for people along the Milton Keynes boundary. It should not be surrounded by new development.
- 4.37 In the Viability Report (ED 216) the transport costs have been excluded and this is a fundamental omission. It means that the selection process of the strategic sites on the edge of Milton Keynes has not been fully addressed.

- 4.38 A final comment on the transport issues is that Shenley Park is a long way from the centre of Milton Keynes where the shopping and cultural facilities tend to congregate. Eaton Leys is closer and has the dual benefit of being much closer to Bletchley which requires more footfall to improve its town centre.
- 4.39 In previous Plans the emphasis has been on strategic extensions to the south east and south west of Milton Keynes. This was clear in the now revoked South East Plan and the accompanying Panel Report. The Salden Chase development accords with this regional strategy and Eaton Leys lies to the south east of Milton Keynes. Shenley Park is west of Milton Keynes and is not in accordance with this strategy although it is acknowledged it has been revoked.

5.0 Details of the site proposed and constraints

- 5.1 As explained above Shenley Park has a high quality of landscape being within the Whaddon Chase Biodiversity Opportunity Area and it has significant heritage and ecological qualities. The eastern boundary is an historic long-distance route now safeguarded as the North Bucks Way. It consists of hedgerows and trees and it clearly provides a defensible boundary in this part of the western edge of Milton Keynes.
- 5.2 Furthermore, the layout of open space roads and footpaths in Milton Keynes relates well to the open countryside beyond and provides valuable open space which has visual as well as physical and social benefits for the people who live here.
- 5.3 Within the site itself there are ancient woodlands, hedgerows and other remnants from the historic parkland. As the AVDC evidence shows the area of the site to the north west is highly sensitive because of the topography as well as the conservation importance of the nearby Whaddon village. Snelshall Priory earthworks lie just to the north of the site.
- 5.4 The southern part of the site has surface water flooding and there is a tributary to the Little Ousel which flows westwards. A well-established line of mature deciduous woodland runs along the southern boundary of the site with the A421.
- 5.5 There are several historic buildings within the site and Shenley Road runs through the site.
- 5.6 In addition, there is the Kingsbury to Buncefield Oil Pipeline (see Plan 2), which runs in a

general north to south alignment on the east part of the Shenley Park site. It runs close to the North Bucks Way in the north east corner of the site and then follows the bridleway and right of way to the south before turning south - eastwards. Information provided from deeds and conveyance and supplemental deed documents shows parallel pipelines. Entry and use in exercise of the easements and rights granted by the Original Deed and the New Deed (can be supplied if required) provide for so much of the land as lies within a lateral distance of 3.048 metres (10 feet) from a point vertically above or below a part of the parallel pipelines or either of them and to obtain access to and egress from shall be agreed.

- 5.7 This adds a further constraint to the woodland and hedgerow belt which runs along the entire eastern boundary of the site,

6.0 Alternative approach and sites to assist the VALP in meeting its additional housing need

- 6.1 It has been made clear in the preceding paragraphs of this representation that despite AVDC claiming that there is little to choose between the three strategic sites on the edge of Milton Keynes which are being considered at this very late stage in the Plan preparation process, there is a clear justification for selecting Eaton Leys. This is based on transport, landscape, ecology and heritage grounds.
- 6.2 The fact that Salden Chase has a resolution to grant permission means that this has moved forward as a more realistic option. The fact that the northern part of Eaton Leys has permission and more importantly is under construction means that in planning terms this location has moved forward even further than Salden Chase. It is clear that the planning evidence points to Eaton Leys ahead of Shenley Park.
- 6.3 In the Inspector's Interim Findings dated 29th August 2018 he explained that he had sufficient concerns to recommend AVDC that the VALP required some further work before it could be found sound. This representation establishes that insufficient further work has been undertaken by AVDC.
- 6.4 Firstly, AVDC has not engaged with MKC and has failed to demonstrate that it has met the legal Duty to Co-operate in these Main Modifications.

- 6.5 Secondly AVDC has 'jumped' to allocate Shenley Park, and then retrospectively commissioned evidence to try and justify the decision to allocate it. It produced a set of Frequently Asked Questions in an attempt to assist people responding to the consultation. Unfortunately as inadequate as it is, it was unsupported by comprehensive information and was therefore somewhat misleading. A copy of this document is attached in Appendix 1 with notes highlighting the errors.
- 6.6 Thirdly, AVDC has published the main modifications without a full explanation about why a larger allocation or allocations were not investigated more fully in Buckingham to help deliver the Western By Pass. It has also failed to revisit any prospect of some development adjacent to Leighton Buzzard. They have also failed to fully address the Inspector's finding that there was a disproportionately small role of villages.
- 6.7 Notwithstanding the above comments, KRG strongly believe that the major change to the VALP at such a late stage in the process warrants a re-opening of the Examination hearings if the AVDC decides to disregard or challenge the matters raised in this representation.
- 6.8 Should the AVDC agree and delete the Shenley Park allocation and replace it with an allocation at Eaton Leys then the KRG would support the Plan. This will require more work but in the interests of fairness the hearings should be subject to a re-opened examination hearing in either scenario.

Appendix 1

Frequently Asked Questions AVDC (Nb. Impact P S Ltd comments in red font)

Vale of Aylesbury Local Plan (VALP) Proposed Allocation of Shenley Park FAQs September 2019

These questions and answers are intended to clarify technical and procedural matters relating to the new proposed allocation at Shenley Park (WHA001), including information about how to make comments during the Main Modifications consultation that ends at 5.15pm on Tuesday 17 December 2019. This document should be read in conjunction with the other consultation material.

Why has this site been allocated at this stage?

The Inspector's Interim Findings (ED166) which were issued in August 2018 following the examination hearing sessions set out that a modification to the Plan was required to redress the balance of housing development across Aylesbury Vale by increasing allocations in close proximity to Milton Keynes. The Inspector's instruction in document **The Inspector also finds the lack of allocation adjacent to Leighton Buzzard 'remarkable'**.

ED181 Inspector's reply to AVDC's response to his Discussion Document D5 (4 March 2019), which we have no option to ignore or disagree with, said that the increased growth being met entirely by an allocation in the Milton Keynes area "would adequately address the specific recommendation of paragraph 37 of my Interim Findings". The choice of the site to be allocated was left to the council's discretion.

What sites did the council consider?

The housing requirement was also revised following comments from the Inspector. **A significant factor leading the Inspector to propose this is the Oxford Cambridge arc with the new rail link and the Expressway. The Expressway remains uncertain at the moment and there are more suitable sites which could be much closer to the rail and proposed road if it happens. This should be clarified when we then know the precise route, but as AVDC now oppose the Expressway and there have been calls for a review the future of this road is significantly less certain.** This led to the need for a site for over 1100 houses to be found on the edge of Milton Keynes. Three sites were identified and examined in more detail:

- Shenley Park;
- Extension to the existing Salden Chase Allocation; and □ Eaton Leys (area within Aylesbury Vale).

A site analysis was undertaken on the three alternative allocations during spring/summer 2019 and the evidence was published as examination documents in June and July 2019 <https://www.aylesburyvaledc.gov.uk/examination-documents> On the basis of the evidence, **AVDC concluded despite their own evidence which raised concerns (transport, landscape and biodiversity, heritage & the SA) about the site.** It was concluded that, on balance, Shenley Park was the preferred site.

Did this site feature in any earlier versions of the Plan?

Shenley Park has figured in previous versions of the VALP. In October 2015, the VALP Issues and Options consultation identified nine alternative development scenarios, of which five related to an extension to Milton Keynes/Bletchley **but these did not identify sites**. In July 2016 the Draft

Ref: KRG/001

VALP included potential housing allocations at Salden Chase and Shenley Park with a specific consultation event being held in Whaddon. **Shenley Park was then removed from the Submission Plan.**

Following debate of the site at the Examination hearings, the publication of the Interim Findings and initial preparation of the Proposed Modifications, the council then held a briefing for parish and town councils in July 2019.

Outside of the VALP Milton Keynes Council, as part of the preparation of Plan MK, consulted on Strategic Development Directions (SDD) in January 2016 which included "Direction of Growth 1 - Development to the west, south west and/or south east of the city". That document said:

"The growth envisaged in this direction takes the form of extensions to the existing urban area. This form of development has advantages in that it could be relatively straightforward to strengthen connections to the existing transport corridors and services within Milton Keynes whilst still being large enough to provide the additional facilities and infrastructure to meet the needs of residents."

A Plan MK consultation event about the SDDs was held in Whaddon on 23 March 2016 which an AVDC officer attended.

The MK Futures 2050 Commission Report **This is not a statutory plan and should not carry weight.** states that "we see some of the preferred locations for growth as beyond the boundaries of the Milton Keynes Council area in adjacent local authorities".

Is there a detailed concept plan for what the development will look like as there are for other sites in the plan?

No there isn't at this stage. **Yes there is. AVDC do not do comprehensive research. There are two schemes prepared by Scott Brownrigg for Crest Nicholson in 2014 & 2016.** There is no requirement for detailed concept plans of local plan allocations as they are strategic in nature. **but they do assist in setting out the strategic issues and most importantly the ownership and control over the site.**

A similar sized allocation at RAF Halton does not have a concept plan. Those sites with concept plans are those where planning consent has been granted or detailed plans have been submitted as part of a planning application. This site has not yet reached this stage.

The Shenley Park allocation **should it progress** requires the preparation of a Supplementary Planning Document which will include a concept/masterplan plan. Public consultation will be an integral part of the process of progressing Shenley Park, through both the production of the SPD and the planning application process.

What discussions have you had with Milton Keynes Council about this site?

We have talked to Milton Keynes Council. Discussions between AVDC and MKC officers took place following the publication of the Interim Findings and during the site analysis process. Meetings were held in December 2018, May 2019 and September 2019 and dialogue continues between officers **what was the outcome, why were no councillors involved and where are the records of these meetings?**

Milton Keynes Council is being formally consulted about the proposal as part of the Main Modifications consultation process. Milton Keynes Council has been kept informed throughout the preparation of VALP and they made representations about the Shenley Park site at the draft plan stage **which raised concerns about traffic impacts, the need for mitigation of other**

impacts on MK & raised objection to the wording of the draft policy and disputed the Housing Market Areas.

Notably, MKC has consulted **Duty to co-operate is not just consultation** about the option of housing development within AVDC during the preparation of their Plan MK.

Why do you need so many houses?

As well as needing to satisfy a higher housing figure for the district that the Inspector has imposed, a major site at Buckingham **which is shown as a reserve housing site in the 'made' Neighbourhood Plan.** has been deleted because it is not deliverable and planning applications have been made for other site allocations with lower amounts of housing than the plan envisaged. We are also concentrating development on one site, rather than splitting provision over a number of sites, to ensure the delivery of infrastructure and community facilities.

What provision will be made for infrastructure and community facilities?

The VALP's overall approach to infrastructure is set out in Policy S5 (page 51 of the [Proposed Submission VALP as proposed to be Modified](#)). The specific policy for Shenley Park includes, amongst other requirements:

- the need to provide primary school education; a new local centre; contribution to health facilities;
- a new link road from the A421 through the site to connect into the existing MK grid road network;
- high quality walking and pedestrian links throughout the site also linking up to the existing networks and;
- contributions to the public transport network.

What control does AVDC have on the countryside/green buffer to Whaddon, how big that will be and what form it will take?

The policy for Shenley Park includes criteria to conserve the setting of Whaddon village and Conservation Area by establishing a substantial and well designed countryside buffer. The buffer is within the site boundary shown on the policies map but more detail and the exact amount of land for the buffer will be determined in considering the Supplementary Planning Document (SPD) or in any future planning application.

Will this be part of Milton Keynes?

No, there are no plans to change the district boundary **Not as simple.... should this go ahead it will need to be designed to the MK standards and integrate with the grid road system. This is one of the issues which is not straightforward and involves agreement between AVDC and MKC. This needs to be addressed and so far it has not been done.**

Why can't you just put this housing somewhere else in the district?

The Inspector has been very clear that a new site must be identified in close proximity to Milton Keynes.

How can you go ahead with this consultation when there is a general election?

The decision to proceed with the consultation was taken before the election was announced so there is no legal justification to delay the consultation and the council is aiming to have an up to date, adopted local plan in place as soon as possible.

How can I see the documents if I have no access to the internet?

There are deposit locations at Westcroft Library, Wimborne Crescent, Westcroft; Bletchley Library, Westfield Road, Bletchley and 11 other deposit locations throughout Aylesbury Vale where paper copies of the main consultation material can be viewed. Whaddon Parish Council has been supplied with a printed copy of the Main Modifications and submission VALP as proposed to be modified which will be made available for inspection.

Where are the documents on the internet?

The [Statement of Availability](#) sets out the relevant consultation documents and where they can be accessed online (as well as providing details of the deposit point locations where all the documents can be seen). A USB stick containing the documentation is available if required.

There is so much information, how do I know what to look at?

In the Proposed Main Modifications document, **Also highlight the SA of the Modifications. Most will not want to wade through this but it shows the other sites are as good and, in some cases, better than Shenley Park.** the proposed allocation at Shenley Park can be found on pages 44 – 46. The policy title is D-WHA001 Shenley Park and the modification reference is MM076. A location plan is also included in the Policies Maps at the back of the document (reference MM289) under the heading Northeast Aylesbury Vale.

In the Proposed Submission Plan as proposed to be modified, the Shenley Park allocation can be found on pages 133 – 135.

How can I comment if I can't access the internet? Can I just write in?

Yes, you can write in to Planning Policy, AVDC, The Gateway, Gatehouse Road, Aylesbury, HP19 8FF. You do not need to use the representation form, a letter will do. However you must give us your name, address and email (if you have one) so we can contact you if necessary. Without these details, we can't accept a representation. Where possible your representation should state whether you support or object to the modifications and if and how the plan should be changed.

Can you accept my comments if I just add my name to a list or petition?

We cannot accept a representation with just a name. As above, you must give us your name, address and email if you have one so we can contact you if necessary. Without these details we cannot accept a representation.

Can I just write in to say that I support the Parish Council's response

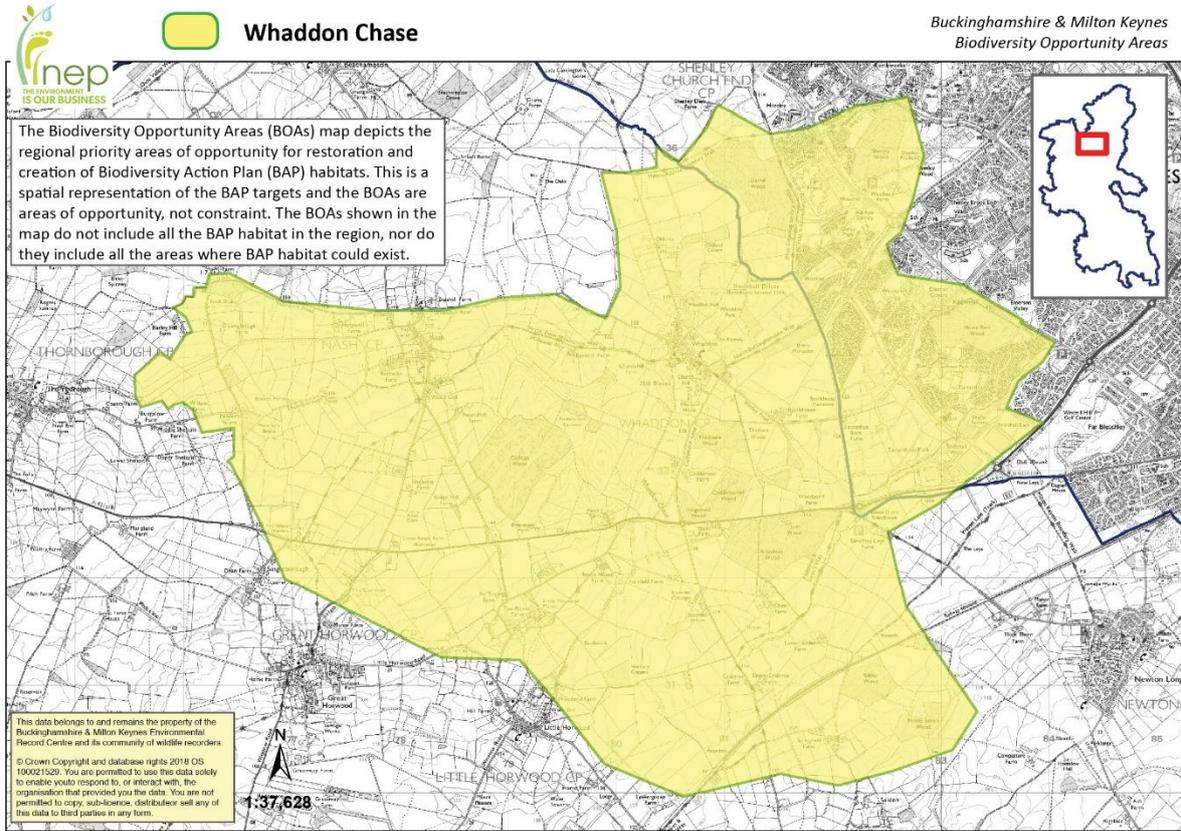
We need more information than this. If you wish to support the Parish Council's response, you would need to reproduce this in your comments so that we can be sure what your comment is. You can make additional comments if you wish.

Can residents in the Milton Keynes Council area make representations?

Yes – representations are not limited to residents of Aylesbury Vale.

Plan 1

Whaddon Chase Biodiversity Opportunity Area



Ref: KRG/001

Plan 2

Kingsbury to Buncefield Oil Pipeline

Ref: KRG/001

Detail of Kingsbury (K) to Buncefield (B)

