
Landscape and Visual Statement

Prepared on behalf of L&Q Estates Ltd

December 2019

Eaton Leys, Milton Keynes: Landscape and Visual Statement

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Appendix L1: Commentary on the LUC 2016 Report Criteria for the Brickhills AAL (as provided in Barton Willmore’s Response to the Proposed Submission Vale of Aylesbury Local Plan 2013-2033 (December 2017))

Appendix L2: Suggested modifications to VALP Submission Draft Policy NE5 (as provided in Appendix 1 of Barton Willmore’s Further Written Statement to the Vale of Aylesbury Local Plan Examination (June 2018))

Appendix L3: Suggested Modifications to VALP Main Modifications Draft Policy NE5 (November 2019)

1.0 INTRODUCTION

- 1.1 This Landscape and Visual Statement (LVS) has been prepared on behalf of L&Q Estates Ltd to provide consideration of landscape and visual matters relevant to land promoted for residential development ('the Proposed Development') at Eaton Leys ('the Site'). As shown on **Figure 1**, the Site lies to the west of the A4146 Fenny Stratford/Water Eaton by-pass, on the south-eastern edge of Milton Keynes. The Site and land to the north have been subject to an outline planning application (2015) for development of residential properties. The development of land to the north, within Milton Keynes Council administrative area, has been consented and is under construction. **Figure 2** shows the illustrative layout proposed within the Site, in the context of the consented development to the north.
- 1.2 The LVS has been prepared to respond to the Proposed Main Modifications to the Submission Vale of Aylesbury Local Plan (VALP) and Policies Maps (November 2019) published by Aylesbury Vale District Council (AVDC) following Examination in Public (EIP) in the summer of 2018. In addition, the LVS responds to the supporting evidence published alongside the Proposed Main Modifications including the Bradley Murphy Design Landscape and Visual Capacity Comparison Assessment 2019 (LVCCA), in respect of the Site.
- 1.3 The LVS first sets out that there is no need for the Area of Attractive Landscape (AAL) designation under Policy NE5. The LVS then considers the application of the Brickhills AAL designation to the vicinity of the Site, including with reference to the evolving context of development under construction immediately to the north of the Site, recent infrastructure modifications to the A4146 and the wider expansion of the Milton Keynes urban area within the logical landscape setting provided by the slopes of the Brickhills Greensand Ridge.
- 1.4 This evolving context is illustrated in **Figure 1** and **Landscape and Visual Appraisal Photographs 1-12**, which provide a representative selection of views of the Site and from the wider area. The photographs show the approximate horizontal and vertical extents of development under construction to the north of the Site, based on the consented parameters as modelled in GoogleEarth and then transposed to the photographs as indicative illustration.
- 1.5 The LVS then considers the development potential of the Site in this context. In this respect the LVS reviews the conclusions of the Bradley Murphy Design (on behalf of AVDC) Strategic Landscape and Visual Capacity Study (SLVCS) of 2017 and the Landscape and Visual Capacity Comparison Assessment (LVCCA) of June 2019.
- 1.6 The LVS describes how the mitigation-by-design of the Proposed Development allows for the retention of key characteristics, including those associated with the AAL designation; and

therefore, that there is no insurmountable landscape and visual reason why the Proposed Development would not be appropriate.

- 1.7 Finally, the LVS sets out that, if the designation is retained, policy NE5 should be modified to avoid being unduly restrictive such that appropriate development such as that proposed at the Site, is not prevented. In this respect, the LVS provides comment on the proposed modifications to the policy.

2.0 CONSIDERATION OF AREA OF ATTRACTIVE LANDSCAPE DESIGNATION

- 2.1 As set out in Barton Willmore's December 2017 response to the Proposed Submission VALP, the retention of the local landscape designation of AAL into the Proposed Submission VALP ran contrary to the previous local plan inspector's advice (2002) and repeatedly-expressed national-level policy guidance, which stressed the use of character assessment as the key tool to recognising and protecting the character of the landscape rather than the use of local landscape designations. Whilst the current National Planning Policy Framework allows for local designations, Planning Practice Guidance stresses the need for the identified characteristics of the landscape to form the basis for assessment of development proposals affecting such areas and that necessary mitigation measures should be set out.
- 2.2 It is noted that the Land Use Consultants 'Landscape Advice to Aylesbury Vale DC' (March 2015), whilst accommodating an option for the retention of local landscape designations, recommended in paragraph 5.43 that AVDC:

'...Considers replacing local landscape designations with a more evidence-based character approach...'

- 2.3 Paragraph 5.43 of the 2015 advice goes on to note that designation-specific policies are only required for the Chilterns AONB.
- 2.4 It is noted that whilst land within the Brickhills Greensand Ridge lies within the administrative area of Milton Keynes, the recently-adopted PLAN:MK (March 2019), removes the AAL designation altogether (including land within the Brickhills that was previously designated as such) and relies instead on PLAN:MK Policy NE5, which is based on a Landscape Character Assessment (LCA) approach. The preamble to PLAN:MK Policy NE5 states that:

'The 2016 LCA identifies the distinctive characteristics of the landscapes across the Borough. It provides the basis for their protection and the enhancement of the landscape, plus guidance for future policies on development, restoration and management...'

- 2.5 The PLAN:MK Topic Paper Report of Comments, May 2015, states on page 136 that:

'On the question of landscape protection, there was a consensus [among public and statutory stakeholders] that in order to protect and enhance landscape a criteria-based approach is more appropriate than an area designation.'

- 2.6 As this example, relevant to land in the vicinity of the Site shows, there is no need for the inclusion of landscape designations within VALP Policy NE5. A landscape character-based approach provides sufficient protection of landscape character. It is noted that not only are Milton Keynes Council no longer using the formerly Buckinghamshire county-based AAL designation, but Chiltern, South Buckinghamshire and Wycombe Districts have also abandoned the designation, as shown in their latest proposals/policy maps and development plans. It is only AVDC which is attempting to retain the designation.

3.0 CONSIDERATION OF AAL DESIGNATION IN THE VICINITY OF THE SITE

AAL Boundary in the context of the expansion of Milton Keynes

- 3.1 As set out in Appendix 2 of Barton Willmore's Further Written Statement of June 2018, a key concern with the extent of the Brickhills AAL boundary, from a Landscape and Visual perspective, is that it has been in place since at least 1979 (on the basis of available mapping records, although it is understood that the designation has been in place since the 1950s), and that in the intervening period, there has been no evident consideration by AVDC of review of these boundaries, notwithstanding clear and significant changes in circumstances on the ground.
- 3.2 Historic mapping included with Appendix 2 of the Further Written Statement demonstrates that since the 1950s, there has been fundamental change in the landscape of the vicinity, through the extension of the Milton Keynes urban area to incorporate Fenny Stratford and Water Eaton and the consequent construction of by-pass road development around this edge of Milton Keynes. This includes the A4146 which was constructed to extend directly north-east from a new roundabout on Stoke Road at the southern end of the Water Eaton urban area, as far as another roundabout on the alignment of Galley Lane. To the north, Galley Lane was renamed the A4146 and upgraded to a similar scale of roadway as that to the south-west, to link to the A5.
- 3.3 These features have created a major structural element in the landscape, as part of establishing a strategic road network by-passing the expanding urban area of Milton Keynes, linking the A5 trunk road to the north with the Aylesbury Vale to the south. The A4146 is a wide, busy, engineered roadway corridor with associated infrastructure and creates the perception of almost constant noise and movement of fast-moving traffic.
- 3.4 These features represent a significant change in the landscape between the designation of the extent of the Brickhills AAL by Buckinghamshire County Council (on the basis of the earliest conclusive mapping available, from 1979); and the current situation. The introduction of the A4146 roadway corridor at the foot of the slopes of the Greensand Ridge has created a marked distinction between the landscape to the east and west of the roadway. The landscape to the east is now more closely associated with the elevated landscape of the Greensand Ridge, which forms the principal basis for designation of the AAL. The landscape to the west is now more closely associated with the urban area, of which the A4146 serves as a by-pass; and has become physically separated from the Greensand Ridge. As a result, the AAL designation does not reflect the coherent extent of the distinctive Greensand Ridge and its lower slopes.

- 3.5 The perception of land to the west of the A4146 being more closely associated with the urban area is increasingly evident as the construction of the consented development of 600 houses immediately to the north of the Site proceeds. **Landscape and Visual Appraisal Photographs 1, 6 and 11** in particular illustrate the character and influence of the ongoing construction activity. In addition to the access works on the A4146 for the construction of the consented development, lighting columns have now been installed along the A4146 between the A5 junction and the Galley Lane junction. These changes reinforce the urbanising influence of the roadway and its character as a by-pass forming the urban edge of Milton Keynes. These are shown clearly in **Landscape and Visual Appraisal Photographs 3, 4a, 5, 6, 7** (right hand side), **11** and **12**. This urban edge by-pass character of the road is established in the perception of the motorist on reaching the Newton Leys roundabout where the A4146 from Leighton Buzzard meets the urban edge. From the north, this character is evident on leaving the A5 junction roundabout and moving alongside the development under construction to the north of the Site.
- 3.6 Until Milton Keynes Council determined that the AAL designation was unnecessary on the basis that policies referring to Landscape Character Assessment provided adequate protection of the landscape (as described above), the Brickhills AAL designation also covered land within Milton Keynes administrative area. However, the AAL only included land to the east of the A4146 Fenny Stratford/Water Eaton by-pass and Brickhill Street, to the north. This land corresponds more closely with the gently rising landform which constitutes the lower slopes of the Greensand Ridge, rather than the flat vale landscape adjoining the urban area and enclosed by the road corridors.
- 3.7 In the Milton Keynes Policies Map sheet 4, (adopted March 2019), the logic of the roadway at the foot of the Greensand Ridge slopes forming the eastern extent of the built area in this vicinity is emphasised by the allocation of land to the north of the A5 for employment use (SD14). This is shown on **Figure 1**, which illustrates the pattern of how the flat land of the valley floor is being used for built development and how the roadways of the A4146 and Brickhill Street clearly divide this land use from the rising wider landscape to the east.
- 3.8 As shown on **Figure 1**, to the south-east of the railway, beyond where Brickhill Street enters the urban area, the allocation of South East Milton Keynes Strategic Urban Extension (PLAN:MK Policy SD11) extends as far as Woburn Sands/Bow Brickhill Road, on the lower slopes of the Brickhills Greensand Ridge. The PLAN:MK Inspector raised no concern with the soundness of this allocation and simply set out in paragraph 92 of his report (dated 12th February 2019) that the associated policy should make reference to the mitigation of any harm to the wider landscape character in the Brickhills area, which consideration was subsequently included within Point 3 of Policy SD11.

- 3.9 This allocation further reinforces the fact that the slopes of the Brickhills Greensand Ridge form a natural boundary to the expansion of the urban area of Milton Keynes in this area. Milton Keynes, as a growing urban area set in a context of wider regional growth within the Oxford-Cambridge corridor, is extending to the south-east to the logical limit of its landscape setting, whilst preserving the coherent and undeveloped character of the lower slopes of the Brickhills Greensand Ridge. As **Figure 1** illustrates, the Site is set between development to the south-west, at Water Eaton; and to the north, proposed to extend as far as Bow Brickhill Station. The Site now appears as an indentation in the existing and planned urban edge, strongly defined by major road corridors that form a legible edge of the urban area to the elevated landscape to the east.
- 3.10 It is noted that route corridor B1/B3 for the Oxford-Cambridge Expressway is to the south-east of Milton Keynes, following a similar alignment to the existing A4146 corridor. The introduction of such a roadway would further reinforce the separation the existing road corridor provides between the urban area to the west and the wider landscape to the east and would strengthen the edge of the wider urban area to its setting of elevated landscape.

AVDC Characterisation of AAL

- 3.11 To summarise the detailed commentary on 'Defining the special qualities of local landscape designations in Aylesbury Vale District' by Land Use Consultants (LUC) (March 2016) provided in Barton Willmore's Response to the Proposed Submission Vale of Aylesbury Local Plan 2013-2033 (December 2017), the following points are noted in relation to how the Brickhills AAL has been characterised in the LUC 2016 report.
- 3.12 The LUC 2016 report Statement of Significance for the Brickhills AAL states that:

'The Brickhills are the western extent of the greensand ridge which stretches into and across Bedfordshire; a distinct landform with wooded scarp slopes and interspersed agricultural areas and heathland, that fall down to the enclosed valley of the River Ouzel and Grand Union Canal.

...'

- 3.13 The lower-lying area including the Site is self-evidently not part of the ridge of hills. The characteristics of the ridgeline, which form the majority of the Special Qualities of and Criteria for the Brickhills AAL, are entirely distinct from the character of the almost flat lower-lying area to the west of the A4146 Fenny Stratford/Water Eaton by-pass. In fact, the report goes on in the Statement of Significance and Special Qualities on p.19, to note the contrast between the different landscapes. Published character assessments also recognise this clear distinction, including at a District level (Jacobs for AVDC, 2008).

3.14 The principal basis for designation of the AAL is the ridgeline itself and for which the designation is named. The Ouzel valley floor, whilst it has a visual inter-relationship with the ridgeline and forms a contrast with it, cannot reasonably be considered to be part the same landscape. It is therefore clear that the Brickhills AAL designation includes landscape that does not logically belong there and which it is not necessary to include within the designation in order to preserve the character of the Brickhills Greensand Ridge.

3.15 This is contrary to the 2016 LUC report methodology criteria for 'Distinctiveness' in Table 2.1 (p.9), which includes:

'Coherent landscape character conferring a recognisable sense of place;

'Distinct landform or topography forming a discrete and recognisable area'

3.16 The current extent of the AAL does not have a coherent landscape character as it clearly combines separate and very distinct landscape character areas, as set out in published assessment and evident on the ground.

3.17 Barton Willmore's Response to the Proposed Submission Vale of Aylesbury Local Plan 2013-2033 (December 2017) found that lying as it does on the valley floor and furthermore, to the west of the A4146, the Site does not contribute more than a very limited amount to the Special Qualities and Criteria descriptions of the AAL. **Appendix L1** provides further detail of how the Site responds to the Criteria.

3.18 There are numerous examples of situations where there is an inter-relationship between distinctive elevated designated landscapes and adjacent lower-lying non-designated landscapes. For example:

- South Downs National Park (NP) and adjacent Low Weald;
- Cotswolds AONB and adjacent Severn Vale;
- Quantocks AONB, Exmoor NP and the vale between them;
- Forest of Bowland AONB and adjacent Wyre Valley.

3.19 These precedents demonstrate that adjoining landscapes don't need to be included in designated areas in order to maintain the distinctive character of the designated areas.

AVDC Consideration of AAL boundary

3.20 Despite the evolving physical context and the clear distinction in character marked by the A4146 Fenny Stratford/Water Eaton by-pass, there is no evidence that suggests that AVDC have properly considered any update to the AAL boundaries.

- 3.21 The only AVDC analysis that acknowledges this issue is within the Strategic Landscape and Visual Capacity Study prepared by Bradley Murphy Design Ltd ('BMD'), for AVDC (August 2017) (see further detail below). The BMD 2017 report identifies the evolving context in the form of development to the north of the Site and accordingly considers that 70% of the Site (BMD ref: GRB002) would be developable (a substantial area of green infrastructure being required along the Ouzel corridor to the west; along a number of narrower corridors crossing the Site east-west; and along the eastern edge).
- 3.22 Notwithstanding the lack of reference to the role of the A4146 in creating a clear dividing feature across the character of the landscape, the conclusion in the BMD 2017 assessment is an appropriate response to changing circumstances in the form of the consented development to the north, which further diminishes the association of the landscape to the west of the A4146, including the Site, with that of the AAL to the east of the A4146.
- 3.23 The BMD study was commissioned and then published by AVDC and it is therefore assumed that AVDC consider the study to be robust. Furthermore, AECOM, who prepared the Sustainability Appraisal (SA) of the Vale of Aylesbury Local Plan, Technical Annex (September 2017) for AVDC, which references the BMD study, express no concerns with the robustness of the BMD study.
- 3.24 Related to this, it is notable that 'Defining the special qualities of local landscape designations in Aylesbury Vale District' by Land Use Consultants (LUC) (March 2016) did not assess the boundaries of the AAL. Appendix 2 of the LUC 2016 report comprises notes from a stakeholder workshop. It includes numerous references to concern expressed at the lack of a boundary exercise undertaken as part of the work, including, in Table 5.1, by AVDC's Landscape Officer. The LUC response to the Landscape Officer query is that if a boundary review had been undertaken: ***'the study would be even more robust, but this would be a much larger piece of work. However, the study LUC has carried out is robust.'***
- 3.25 The study cannot be considered to be robust given that it has not examined the extents of the Brickhills AAL in respect of the clear and significant extent of change that has taken place since the boundary was first drawn. The concern expressed at the stakeholder workshop in this respect is well-founded. Review of the AAL designation boundaries in the vicinity of the Site is long overdue owing to the range of significant changes that have taken place, and which continue to do so; and should have been undertaken as part of the LUC 2016 report.
- 3.26 It is notable that the LUC 2016 report makes no reference at all to the A4146 roadway. This is surprising, given its substantial form and dominant presence in the landscape. The AVDC Landscape Character Assessment of 2008 notes the intrusive influence of the A4146 in relation to both LCA 5.2 Ouzel Valley and LCA 5.3 Ouzel Valley Lower Slopes. At the very least, the

omission of any consideration of the A4146 in the LUC 2016 report, is inconsistent with the AVDC LCA 2008.

- 3.27 These considerations make AVDC's response to the AECOM Sustainability Appraisal Technical Annex of September 2017 (included on p.27 of the 2017 Sustainability Appraisal – see below) untenable. Not only does the AVDC comment rely on the adjacent land within MK Borough not being built-out for a number of years, which appears to be merely a denial of the inevitable fundamental change occurring in the vicinity of the Site, which has in fact already started; but it also fails to recognise the findings of its own landscape character assessment in relation to the influence of the A4146 in this area.
- 3.28 Whatever the weight attributed to the AAL designation by AVDC in their response to the 2017 Sustainability Appraisal (it is contended that this weight should be limited, for reasons given above), AVDC have no evidential basis to support its conclusion that the designation should continue to apply to the Site, in a context that has changed so much since the AAL boundary was drawn up. This context will continue to change with the ongoing development of land to the north of the Site, as far as the railway line at Bow Brickhill Station, forming a robust new edge of the urban area bounded by roadway corridors at the foot of the Brickhills Greensand Ridge.
- 3.29 In taking this approach, AVDC has also ignored the up-to-date, site-specific evidence that AVDC itself commissioned, in the form of the BMD 2017 study, which recommends that 70% of the Site is developable (see further detail below).
- 3.30 Both AVDC's ignoring of this up-to-date, site-specific advice and the lack of consideration of boundary review of the Brickhills AAL designation are contrary to the requirement in paragraph 31 of the NPPF that:

'The preparation and review of all policies should be underpinned by relevant and up-to-date evidence.'

- 3.31 This is supported by Paragraph: 043 Reference ID: 61-043-20190315 of Planning Practice Guidance which states that:

'All planning policies and decisions need to be based on up-to date information about the natural environment and other characteristics of the area...'

- 3.32 It is clear that the extent of the AAL designation in the vicinity of the Site does not reflect the emerging reality as this has not been fully considered in the evidence base and how that evidence has been used by AVDC. Therefore, the extent of AAL designation in the vicinity of the Site cannot be considered to be sound.

- 3.33 Given the findings of the BMD study; the AECOM 2017 SA; Appendix 2 of the LUC 2016 report including stakeholder comments; and representations to and debate at the Examination in Public in 2018, it is surprising that no further consideration of the boundaries of the AAL has been undertaken by AVDC.

4.0 CONSIDERATION OF SITE AND PROPOSED DEVELOPMENT

Aylesbury Vale Strategic Landscape and Visual Capacity Study (August 2017)

- 4.1 In the Aylesbury Vale Strategic Landscape and Visual Capacity Study ('SLVCS'), prepared by Bradley Murphy Design Ltd for AVDC, General Comments noted for the Site (ref: GRB002) are as follows:

'The site which sits to the south west [sic] of Milton Keynes separated from the main settlement by the River Ouzel and Waterhall park to the west of the site consists of a network of agricultural and pastoral [sic] fields bound by low hedges. The sites [sic] elevated nature [sic] exposes it to views from elevated hills (with 1 very distant elevated view and 2 oblique filtered views from scattered properties to the south east and 4 oblique and elevated views from properties to the east). Two PROW's [sic] intersect the site with views across the open rural landscape. To the west 20 properties afford filtered views into the site across Waterhall Park. The site lies within an area of proposed [sic] Designated Local Landscape and is of high landscape quality and value with wide panoramic views of the wider rural countryside. The site has no elements that would contribute to an urban fringe character.'

- 4.2 Among the numerous inaccuracies in this commentary (notably the comment that the Site has an 'elevated nature'), it fails to recognise the notably urbanising effect of the A4146 Fenny Stratford/Water Eaton by-pass to the east and south-east of the Site. The commentary also fails to identify the consented development of land to the north of the Site. The commentary is also now out of date in so far as the development under construction to the north and the increased roadway infrastructure on the eastern edge of the Site have introduced notably greater urbanising influences on the character of the Site.
- 4.3 However, in terms of Scope for Development and Mitigation, the document does identify this evolving context and notes that:

'70% of the site developable due to the reduction in susceptibility that development to the north would have on the site. A broad area of green infrastructure would be required along the River Ouzel (to the west of the site) to mirror that provided on the edge of Milton Keynes and to provide a suitable extension to Waterhall Park. A wooded mound could also be provided alongside the A4146 to the south east boundary as exists along Lomond Dr to the south west of the site, to minimise impacts on the remainder of the proposed [sic] Designated Local Landscape to the south east.'

- 4.4 This is overall considered to be an appropriate recognition of the implications for the character of the Site of the consented built development to the north, which will markedly increase the

urbanising influences on the Site, further reducing its susceptibility to the type of development proposed and the Site's contribution to the Brickhills AAL. Whilst a treebelt and woodland block is proposed along the south-eastern boundary of the Site as part of the Proposed Development, there is not considered to be a need for a wooded mound in the south-eastern edge of the Site as, in this location, the A4146 and associated planting is already raised above the adjoining landscape, providing additional containment of the Site from the wider landscape.

Sustainability Appraisal (SA) of VALP (September 2017)

- 4.5 The VALP Sustainability Appraisal, prepared by AECOM on behalf of AVDC, provides commentary on sites in the Milton Keynes Edge (pp. 20-28) under the heading of Landscape. The document cites the recognition in the SLVCS of the development potential of the Site and concludes that:

'The Eaton Lees [sic] site falls within the Brickhills Area of Attractive Landscape (AAL), and a recent study has served to confirm the value of this AAL, but the sensitivity of the site will be reduced once adjacent land in MK is developed.'

- 4.6 AVDC's response to the appraisal is noted on page 27 of the Sustainability Appraisal as:

"Whilst the Council broadly agrees with SA findings, it places a higher degree of weight on the landscape constraint affecting the Eaton Leys site, recognising that the site falls within the Brickhills AAL, the value of which has been confirmed by a recent Study (Defining the special qualities of local landscape designations in Aylesbury Vale District, LUC 2016) and recognising that the adjacent land within MK Borough will not be built-out for a number of years. Having accounted for this greater weight, the Council finds the Eaton Leys site to perform notably worse than the other two sites. On this basis, Options 1, 3, and 4 should be taken forward for further consideration, as an element of district -wide spatial strategy alternatives."

- 4.7 Given that the Sustainability Appraisal already clearly recognises the sensitivity attributed by AVDC to the AAL designation, AVDC's conclusion relies entirely on an assumed timespan for construction of the consented residential development to the north of the Site. This is not a robust position as the VALP plan period is 2013-2033, a timespan well within which it can reasonably be expected that the development of land to the north will have been completed and the urbanising influences on the landscape context to the Site markedly increased. As is demonstrated by the **Landscape and Visual Appraisal Photographs**, construction is under way to the north of the Site and this is already having an influence on the character of the Site.

North East Aylesbury Vale Housing and Economic Land Availability Assessment (HELAA) Update (May 2019)

- 4.8 This document was produced as an update to the 2017 HELAA which, in respect of the Site at Eaton Leys (ref: GBR002) it cites as stating:

'Unsuitable - Development of the site would have a harmful landscape and visual impact on qualities and key characteristics of this Area of Attractive Landscape and also the settlement pattern on this side of Bletchley.'

- 4.9 The document goes on to note the following:

'2019 Update: Milton Keynes Council has now granted planning permission for 600 houses, local centre & primary school on part of the site within MK to the north.'

Subsequent work on Reserved Matters has refined the housing figure to around 500 across the site – all within MK.

The generally low lying gently sloping site made up of large enclosed fields in pastoral and arable uses will have the introduction of a new housing site on the northern boundary.

This represents a change to the original HELAA assessment in regard to the relationship to built development to the north. However, within Aylesbury Vale Eaton Leys continues to make a significant contribution to the immediate foreground to the Brickhills AAL. The site remains within the AAL designation in VALP. No change from 2017 assessment.'

- 4.10 The final paragraph of the 2019 update exemplifies AVDC's failure to properly consider the ongoing evolution of this edge of the expanding urban area of Milton Keynes, to a natural and coherent boundary at the foot of the Greensand Ridge.

- 4.11 The extension of built development within Milton Keynes to the north of the Site clearly represents a change in the settlement pattern in the vicinity of Bletchley, which makes the observation relating to this point in the 2017 HELAA no longer credible. In turn, the notion presented in the 2019 HELAA that there can be no change from the 2017 assessment in this respect is not credible.

- 4.12 More specifically, despite describing the changes in the 2019 HELAA, no acknowledgement is made of the consequences on landscape character and settlement pattern of these changes in the context of the Site (in addition to ignoring the infrastructural works on the A4146 Fenny Stratford/Water Eaton by-pass). The 2019 HELAA then has to rely on only one of the two arguments against the Site in the 2017 HELAA, namely: that the Site continues to make a

significant contribution to the immediate foreground to the Brickhills AAL. This implication that the Brickhills AAL lies beyond the Site betrays acknowledgement of what is obvious on the ground: that the Brickhills AAL is fundamentally based on the distinctive character and appearance of the Greensand Ridge and not the valley floor to the west of the A4146, where the Site is situated.

- 4.13 Notwithstanding this point, Barton Willmore acknowledge that views are obtained across the Site to the Brickhills Greensand Ridge. The Proposed Development, as described further below, retains substantial viewing corridors from open space in the corridor of the River Ouzel, across the Site to the Greensand Ridge, maintaining a perception of visual connection. This approach is entirely in keeping with the emphasis given to mitigation in draft Policy NE5. BMD note in their 2017 SLVCS that 70% of the Site is developable and subsequently, in their 2019 LVCCA (see below) set out the relevant mitigation approaches.
- 4.14 By ignoring the potential for an acceptable development that maintains key characteristics of the landscape, the 2019 HELAA lacks credibility and cannot be considered sound evidence to support VALP.

Landscape and Visual Capacity Comparison Assessment (June 2019)

- 4.15 The LVCCA was prepared by BMD on behalf of AVDC and looks specifically at 3 no. sites in the vicinity of Milton Keynes, namely:
- Eaton Leys (GBR002)
 - Salden Chase Extension (NLV020)
 - Shenley Park (WHA001)
- 4.16 In the introduction to the report, BMD note in paragraph 1.1.6 that the 2017 report was 'a high level appraisal'. This is noted but it is also clear that in some respects, a very detailed level of analysis was attempted for the 2017 report, including specific numbers and types of views obtained towards the Site as well as very specific mitigation measures (see above). It is clear therefore that whilst summarised, the 2017 report was attempting to provide a definitive commentary on the Site.
- 4.17 BMD do not explain from where the policy commentary relating to AALs in paragraph 2.1.8 is drawn. However, it appears to be from the draft policy NE5, as included in the Proposed Submission VALP (November 2017).
- 4.18 Under the heading of Landscape Character, Paragraph 3.1.7 erroneously describes the AAL as being land of 'sufficient county-wide value as to justify being designated.' This is no longer true. Whilst originally drawn at a Buckinghamshire county level, the AAL designation is no

longer used by any of the other Local Planning Authorities in Buckinghamshire. It is only AVDC that retains this designation. Therefore, the reference to the geographic value of the designation should be at a district rather than county level.

- 4.19 Paragraph 3.17 also sets out that the planning restrictions within the designated land are equivalent to those applying to the Chilterns Area of Outstanding Natural Beauty at a county level. This observation is out of date and inappropriate in the context of the hierarchical approach to designation and protection set out in the NPPF. Furthermore, this is not borne out in AVDC policy where the draft policy NE4: The Chilterns AONB and Setting, sets a notably higher bar to development than does policy NE5. This reference appears to be an attempt to attribute a higher local level of value to the landscape than is appropriate.
- 4.20 Both of these mistaken assertions betray a lack of understanding of the status and context to the AAL designation which undermines the credibility of the LVCCA.
- 4.21 Paragraph 3.1.8 goes on to note the *'proposed Milton Keynes housing allocation'* to the north of the Site. This is disingenuous. The land to the north of the Site is not only already *adopted* by Milton Keynes Council as a housing allocation but is the subject of a consented planning application and is currently being constructed. This appears to be an attempt to downplay the evolving built context of the Site, in contrast to the approach in the 2017 SLVCS, which recognised the development to the north and the role that this would have on reducing the susceptibility of the Site, resulting in potential for 70% of it to be developable. This inconsistency undermines the credibility of the LVCCA.
- 4.22 Paragraph 3.1.8 ends with the confusing statement that:

'The existing green edge of Waterhall Park, to the west, and MK housing allocation, to the north, result in the Site being partial [sic] contained from the wider landscape.'

- 4.23 Waterhall Park lies between the Site and development in Water Eaton. The consented development under construction to the north lies between the Site and more land allocated for development. The wider landscape lies to the east and south. The containment of the Site from the wider landscape results from the corridor of the A4146 Fenny Stratford/Water Eaton bypass, which is broad, busy and in parts, flanked by robust vegetation. This inability to properly describe the relationship of the Site with its context undermines the credibility of the LVCCA.
- 4.24 A further error of description is apparent in paragraph 3.1.9, which notes that *'woodland lies along the western site boundary, within Waterhall Park and associated with the River Ouzel'*. In fact, Waterhall park is largely open, with lines of poplars and occasional clumps of canopy and scrub vegetation, including pockets along the river corridor.

4.25 Paragraph 3.1.12 notes that:

'...adjacent Waterhall Park, containing the River Ouzel and Grand Union Canal, forming a robust green buffer between the settlement edge of Milton Keynes to the west and the wider countryside of the Ouzel Valley to the east and south.'

4.26 This is untrue in the emerging context of built development in Milton Keynes, which has deliberately extended across the River Ouzel corridor in the form of built development under construction to the north of the Site (and in the form of further land allocated for development to the north of the A5). The feature that now separates the settlement edge of Milton Keynes from the wider countryside of the Greensand Ridge to the east and the Ouzel Valley to the south is the corridor of the A4146. Given its scale and dominance in the landscape the roadway also forms a clear separation between the landscape to the south-east of the Site and land within the Site which is increasingly subject to the influence of the development under construction to the north, as well as the influence of the roadway itself. Again, the inaccuracy of description of the existing and evolving Site context is notable.

4.27 Paragraph 3.1.13 notes that owing to the AAL designation, the Site ***'is considered of [sic] county-wide value'***. As set out above, this is inaccurate, as AAL is now a district-level designation as it is not used across the rest of Buckinghamshire. The report goes on to note that owing to the county-wide value (derived from AAL designation), the value of the landscape within the Site is high and that overall, in combination with a medium susceptibility to accept development, the sensitivity to development is high.

4.28 In reality, whilst the value of the elevated land and slopes of the Greensand Ridge is agreed to be of relatively high value, the Site lies on the valley floor and is perceived to be separated from the wider landscape by the extension of the urbanising influences of the roadway, traffic and junction infrastructure of the wider Milton Keynes urban area around the Site, as well as extension of built form in the urban area to the north. This evolving urban edge structure and range of influences undermine the value of the views from the River Ouzel corridor up to the Greensand Ridge and the value of the land including the Site as the foreground to the ridgeline. The value of the character of the Site is therefore considered to be medium.

4.29 The landscape character of the Site, in terms of susceptibility, is reasonably tolerant of changes, in so far as it is already subject to a range of influences from extensive urban development to the south-west, west and, increasingly, to the north; and roadway, traffic and associated infrastructure to the north, east and south-east which bind it more closely to the urban area of Milton Keynes than to the wider landscape. Furthermore, the attributes that make up the landscape offer opportunities for the accommodation of change or development of successful mitigation, namely in the form of the strong linear patterns of vegetation that

traverse and encompass the Site and the potential for extension of the naturalistic wetland character of the River Ouzel corridor, which is notably absent from the east of the river, within the Site. Residential development also provides the opportunity to establish substantial visual corridors through the Site, maintaining the perceived connection between the valley floor and the Greensand Ridge. The susceptibility of the character of the Site is therefore considered to be low. It is overall considered that the character of the Site is of low-medium sensitivity.

4.30 Under the heading of Visual Receptors, the report notes in relation to Eaton Leys the visibility of the Site from the PROW within it, which is self-evident; in addition to ***'potential views from Waterhall Park'***. Inexplicably, these views east across the Site from the park, which are readily obtained as shown in the Landscape and Visual Appraisal Photographs, are not shown in the selection of views in the report.

4.31 Paragraph 4.1.3 report goes on to note that:

'Within the wider landscape there are views from Little Brickhill Conservation Area, Residential properties and users of Footpath Little Brickhill FP 014 to the east (Viewpoint 6), which is located on the high ground of the Greensands Ridge'

4.32 In reality, there are very limited views of the Site from the edge of the Little Brickhill Conservation Area and indeed anywhere else on the Greensand Ridge, owing to the well-wooded character of the elevated land. The location shown for view no.6 actually lies outside the Conservation Area, as shown on Figure 5 of the LVCCA. This view is a brief glimpse from PROW LB FP 14 between vegetation associated with the horse paddocks in the foreground. Further to the north, there is another brief glimpse from the PROW through a gateway between vegetation adjoining a residential property, as shown in **Landscape and Visual Appraisal Photograph 12**. This view is from the edge of the Conservation Area but highlights the appearance of the residential development under construction adjoining the A4146, to the north of the Site. The failure to qualify the nature of views from the vicinity of Little Brickhill is a flaw in the LVCCA.

4.33 LVCCA paragraph 4.1.3 goes on to explain that:

'views from the wider landscape are restricted, as there are limited PROW within the area.'

4.34 This appraisal of restricted visibility is correct, although the reason is primarily that there is extensive vegetation which limits visibility. Overall, aside from the near-distance views mentioned in the LVCCA; and notwithstanding the elevated landform of the Greensand Ridge to the east of the Site, there is very limited visibility of the Site from the surrounding area.

4.35 Under the heading of Capacity Comparison, the LVCCA notes in paragraphs 5.1.5 and 5.1.6 that there would be no difference between the sites in terms of the potential for retention of landscape features within and adjoining the sites.

4.36 With specific regard to Eaton Leys, paragraph 5.1.9 'Constraints' states that the Brickhills AAL is a coherent landscape. This is not the case in the vicinity of the Site where it is divided from the wider landscape by the increasingly urbanised corridor of the A4146 Fenny Stratford / Water Eaton by-pass. Paragraph 5.1.9 repeats the inaccuracy that the AAL designation carries the same planning restrictions as the Chilterns AONB.

4.37 Paragraph 5.19 goes on to describe the Site as providing:

'a sense of openness which is the defining feature of the wider landscape to the east and south.'

4.38 Other than what is self-evident, that any undeveloped countryside is technically 'open', this observation is clearly untrue in the setting of the Site: one of the defining characteristics of the Brickhills Greensand Ridge to the east is its well-vegetated and enclosed character and, as has been described above, there is limited visibility of the Site from the lower-lying land to the south-east owing to the enclosure provided by vegetation, not least that associated with the raised A4146 and the woodland block of Galleylane Spinney.

4.39 Paragraph 5.1.9 concludes by stating that the openness of the Site:

'...allows for a landscape and visual connection with the wider AAL, especially the higher ground of Greensands [sic] Ridge to the east.'

4.40 Figure 5 of the LVCCA shows existing views from the vicinity of Eaton Leys Farm east and south-east towards the Greensand Ridge. The plan in Figure 5 also shows how these views could be maintained along open green infrastructure corridors extending between areas of built development. This is the concept informing the layout of the Proposed Development. The LVCCA itself clearly demonstrates how such views could be maintained, in this corridor form.

4.41 In terms of 'Opportunities', paragraph 5.1.10 states that the development to the north is:

'...dissociated from the wider urban settlement of Milton Keynes that lies beyond the river Ouzel to the immediate west.'

4.42 This fails to acknowledge that the expansion of Milton Keynes in the vicinity of the Site is extending east to roadways at the foot of the lower slopes of the Greensand Ridge, not just immediately north of the Site but also to the north of the A5. This forms a coherent edge of the city, contained by the elevated landform of the Greensand Ridge. The Ouzel corridor

adjoining the Site and consented development under construction forms a coherent extension of the role it already plays further north in Milton Keynes of providing a significant green and blue infrastructure belt through the urban area.

4.43 Paragraph 5.1.10 goes on to note that:

'Development on the MK housing allocation will change the surrounding landscape setting, including that of the Site, by extending the urban influence into the open countryside.'

4.44 The development already under construction to the north of the Site is reinforcing the urban setting to the Site, which is set to extend further north as far as the railway line. The true 'open countryside' in this vicinity is the land to the east of the A4146 Fenny Stratford / Water Eaton by-pass, rather than that to the west, which is increasingly closely associated with the urban area.

4.45 Paragraph 5.1.11 'Development Potential' and paragraph 5.1.19 (under 'Potential for Mitigation Measures') make similar points, noting in particular the retention of PROW and landscape features and set-back of development from the floodplain to the west. Paragraph 5.1.11 also mentions the '*visually sensitive south eastern boundary (open to the wider AAL)*'. This is inaccurate: the south-eastern boundary is contained by vegetation flanking the raised A4146, on which motorists in the busy traffic obtain occasional glimpsed and filtered views at oblique angles into the Site. From beyond this visual and perceptual barrier, the Site cannot readily be perceived.

4.46 In these respects, as shown in **Figure 2**, the Proposed Development provides green corridors to the PROWs within the Site; retains the existing hedgerows and canopy trees; introduces additional landscape features which provide mitigation to views; includes a substantial set-back from the western edge of the Site; and provides a very substantial landscape buffer to the south-eastern edge of the Site, which LVCCA paragraph 5.1.19 notes would '*provide a strong edge to the extended settlement*'. The Proposed Development thereby satisfies all of the criteria for Development Potential and the Potential for Mitigation Measures in the LVCCA.

4.47 In terms of 'Capacity Comparison Between Sites' paragraph 5.1.22 notes that '*all three sites have capacity to accommodate 1000 dwellings at 35dph*'. Paragraph 5.1.23 goes on to note for Eaton Leys that it lies within the AAL and that:

'Although the Site itself does not contain any rare or distinct features, it consists of the lower slopes of the wider Ouzel valley and forms an import connection between the river corridor and the Greensands Ridge. The MK housing allocation adjacent to the northern boundary of the Site will change the immediate

landscape character and is likely to impose upon the connection between the river and the wider landscape, however, this is not considered likely to reduce the value of the Site as it would continue to provide a connection between the river and upper valley landscape.'

4.48 It is unclear how the report concludes that the development now under construction to the north will '***change the immediate landscape character***' but will not reduce the value of the landscape of the Site. Construction work is already reinforcing the influence of the A4146 Fenny Stratford / Water Eaton by-pass in establishing the Site as land more closely associated with the urban area than the wider landscape and fundamentally reinforces the roadway corridor at the foot of the Greensand Ridge as a logical edge of the urban area.

4.49 It is also unclear how the mitigation proposals for the Site, including the visual and physical links shown by BMD in LVCCA Figure 5 and also illustrated in **Figure 2**, would fail to maintain connections between the river and wider landscape.

4.50 The LVCCA notes in conclusion in paragraph 6.1.4 that the Site is considered to have a lower capacity to accommodate development than the other two Sites and that it is the least suitable of the three, owing to it:

'...being located within an area designated as and contributing to an Area of Attractive Landscape.'

4.51 In this context, the AAL designation (which is considered to be inappropriate within the Site in any event), is the only clear distinguishing factor between this and the other sites. The retained designation on the Site inevitably and artificially increases the sensitivity of the Site in the comparison.

4.52 Paragraph 6.1.4 goes on to note that:

'The Site provides visual links from the River Ousel and surrounding Waterhall Park, out to the Greensand Ridge to the east.'

4.53 The LVCCA itself demonstrates how these visual links could be maintained, as does **Figure 2**.

4.54 Paragraph 6.1.4 goes on to note that:

'Development of the Site would extend the settlement beyond the existing strong, green infrastructure corridor that currently softens the edge of Milton Keynes.'

4.55 This entirely fails to acknowledge that the ongoing expansion of the urban area of Milton Keynes is already extending to the east of the Ouzel corridor, as it already does further north

within the city, to form a coherent and logical edge contained by roadways at the foot of the Greensand Ridge. In this context, the undeveloped Site appears as an indentation into this pattern where development could readily be accommodated with sensitively designed mitigation measures, to fit within this logical extent of urban expansion.

- 4.56 The LVCCA fails to properly and accurately analyse the evolving context of the Site as part of this coherent extension of the urban area of Milton Keynes. The LVCCA commentary fails to recognise the mitigation potential that LVCCA Figure 5 illustrates. In its conclusions, the LVCCA relies on the AAL designation, which is no longer appropriate, especially in this location, to make a distinction between the Sites. Even though for this reason BMD's findings set out that the Site has a 'lower capacity' than the other two sites, the inescapable conclusion of the report is that the Site can accommodate substantial residential development and in this is consistent with the 2017 SLVCS which noted that 70% of the Site could be developed. This is notably higher than the amount of the Site actually proposed for built development (32.66ha built development out of 68.67ha Site area = 48%).
- 4.57 Furthermore, BMD's conclusions further demonstrate the lack of credibility of the HELAA assessment in relation to the Site.

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- 4.58 This document provides further consideration of the provision of additional housing supply on the edge of Milton Keynes, including the alternatives considered in the 2019 BMD LVCCA report. It relies on the LVCCA in terms of landscape, concluding as it does that Eaton Leys is the worst performing Site of the three alternatives. For the reasons given above, this is not a robust basis for excluding the potential for development of the Site. The SA Addendum also notes that the LVCCA does not conclude significant impacts for the Site.

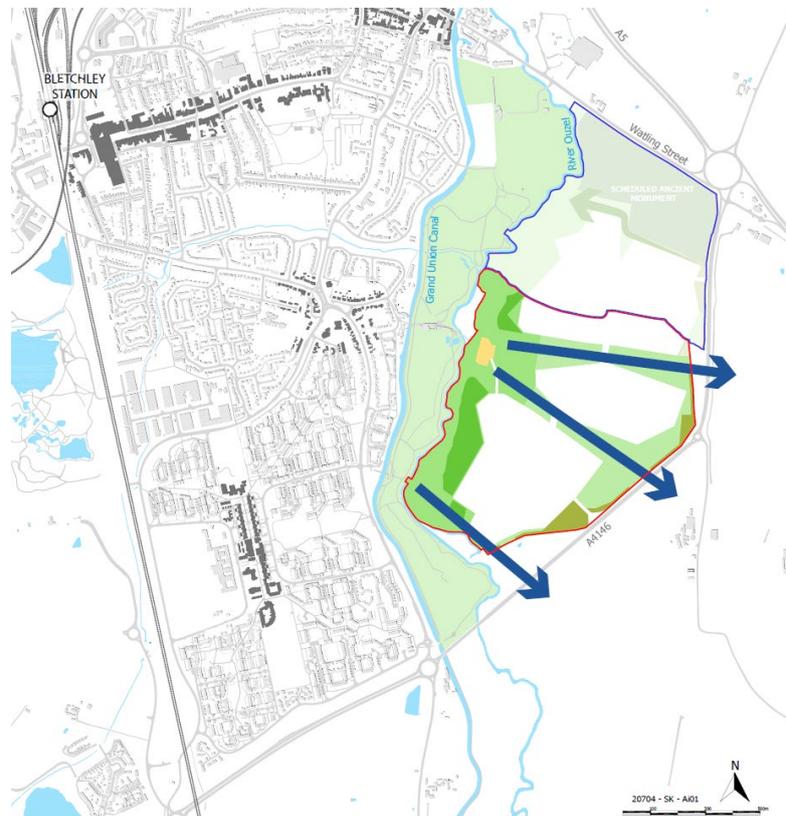
Consideration of Proposed Development

- 4.59 Barton Willmore agree with BMD's 2017 report and the mitigation approach set out in Figure 5 of BMD's 2019 report, in considering that in providing substantial residential development, there is potential to provide a sensitive response in landscape and visual terms to the Site and its setting, including the retention of a number of key characteristics.
- 4.60 The Proposed Development includes a number of mitigation by design principles, notably:
- Substantial set back of built development from the River Ouzel;
 - Creation of multi-functional green infrastructure in the broad wetland corridor, including sustainable drainage and wetland species woodland blocks;

- Careful control of building heights and development layout to facilitate visibility to the ridgeline to the east; and
- Set back of built development from the A4146 corridor to enable enhanced structural planting.

4.61 Most notably, the Proposed Development proposes broad visual corridors, of between 46 and 130m in width, between the valley floor and open space within the Site and the ridgeline to the east, retaining between and over the built development a degree of the visual interconnectivity noted in published character assessments.

4.62 This visual interconnectivity is illustrated in the illustrative masterplan shown in **Figure 2** and the Visual Corridor Concept below which shows the view corridors through the Site towards the Greensand Ridge to the east, as well as the area of consented development under construction to the north:



4.63 In relation to the identified Special Qualities of Brickhills, as set out in the LUC 2016 document, the Site and the Proposed Development respond as follows:

- The Site does not lie on the 'distinct landform of the greensand ridge'.
- Development of the Site would result in limited effect on the 'spectacular panoramic views from the high ground', owing to the existing and future baseline influences of built development in these views, which extend over a wide area.

- The 'areas of woodland' mentioned are the extensive areas which are a key characteristic of the ridgeline, not the valley floor, where the Site is located.
- The vicinity of the Site is neither tranquil nor lacking intrusion from development or major roads, owing to the existing influences of roadway infrastructure at the urban edge and increasing influence of the construction of residential development immediately to the north of the Site.
- Owing to the intrusion of the major roadway corridor of the A4146, the vicinity of the Site is not part of a unified landscape pattern or connected with the ridgeline by a strong field pattern.
- The Site does not include historic flood meadows, bridges or locks, nor is there any sense of intimacy created in the vicinity of the river corridor, owing to the lack of any structural 'lush vegetation'.
- The Site does not include a rich natural character of linked features such as heathland, woodland, grassland and wetland.
- The Site does not include a strong historic built character.
- The Site includes only limited recreational value from the PROW traversing it. The Site does not include any recreational open space.
- Views are obtained across the landscape, notably to the greensand ridge to the east, but in these views are increasingly subject to the influence of development under construction immediately to the north of the Site.
- The Site makes no contribution to the perceived openness between Milton Keynes and Leighton Buzzard, the gap to which lies to the south of Water Eaton, rather than the east.

4.64 The Proposed Development would thereby also allow for a positive response to the Guidelines for Landscape Management in the Area, included within the LUC 2016 report, principally:

- Retaining and strengthening natural habitats, particularly pockets of woodland.
- Retaining the landscape pattern through maintenance of hedgerows and their incorporation into green infrastructure corridors.
- Retaining views across the area to the ridge landform are retained, including along broad visual corridors through the development areas.
- Establishing small areas of woodland and trees to reduce the impact of intrusive elements, particularly to enhance views from recreational routes the river.

4.65 On this basis, even if the AAL designation were to be retained and, within this, the Site were considered worthy of inclusion within the AAL, then there would still be potential to fulfil the NE5 policy requirement that development respond sensitively to the character of the landscape.

4.66 Policy NE5 does not exclude development within designated areas, as the supporting text in paragraph 9.28 of the Submission VALP made clear:

'Neither of these designations [AAL and LLA] are seeking to resist development in principle'

4.67 BMD agree that development of the Site is not unacceptable in principle which denotes that development can be successfully accommodated in the terms of Policy NE5.

4.68 For the avoidance of doubt, the Proposed Development can clearly comply with NE5, once suitable modifications are made to make the policy sound, as set out below. The design approach clearly recognises the character and distinctiveness of its landscape setting and the Proposed Development is laid out to enable an enhanced character along the River Ouzel watercourse, as well as the retention of broad visual corridors through the proposed built form, up to the Greensand Ridge to the east and the creation of a strong landscape edge to the east and south-east.

4.69 In terms of the principles underlying the NE5 policy criteria, the Proposed Development has been designed to minimise impact on visual amenity; retain representative views across the Site; respect settlement form (as part of the ongoing expansion of Milton Keynes to roadways at the foot of the Greensand Ridge); carefully considers spacing and height to maintain view corridors across the Site to the elevated land to the east; minimises the impact of lighting albeit this is in the context of the lit urban development to the north and the increased lighting along the busy A4146 to the east; through extensive structural planting and sensitive planting, ensure that the Proposed Development is not visually prominent; and is set in the context of the noisy traffic on the A4146 and other major roadways. A sensitive design approach means that adverse effects are minimised.

5.0 REVIEW OF PROPOSED MODIFICATIONS TO DRAFT POLICY NE5

5.1 Given that, as set out above, the Proposed Development can be accommodated within the Site whilst maintaining key landscape characteristics and appropriately mitigating any adverse effects on others, the wording of the Proposed Modifications to Draft Policy NE5 is considered further below. Suggested modifications as described below are set out in **Appendix L3**.

5.2 First, in relation to Barton Willmore's previously-proposed modifications to Policy NE5 (included at **Appendix L2**), it is noted that:

- the concept of '*ensuring*' that character is '*maintained*' has been withdrawn in the proposed modifications, which we consider is an appropriate recognition that development will inevitably result in some degree of change to character;
- the requirement for development to '*be grouped where possible with existing buildings*' has been withdrawn, as clearly it did not follow that this measure alone would necessarily minimise adverse impact on visual amenity and nor did it recognised that there are other measures that could be used to support this intent;
- the concept of '*respecting*' rather than '*reflecting*' local character and distinctiveness, implying a more considered interpretation of the qualities of such character;
- the summarisation of Criterion f. to simply note '*development*';
- the amendment of the mitigation approach to refer to '*significant adverse impact*', rather than any harmful impact;
- the explicit mention of '*minimisation*' of harm as the purpose of mitigation;

5.3 However, we note a number of outstanding concerns, as set out below.

5.4 The modified draft policy notes that:

'Development should consider the characteristics of the landscape character area by meeting all of the following criteria:

...'

5.5 This sentence does not make sense. It is appropriate that development should consider the relevant characteristics. It is also appropriate that there should be criteria determining that development be as sympathetic as possible to these characteristics. However, the phrasing that 'characteristics' are 'considered' by 'meeting ... criteria' is illogical.

5.6 Furthermore, it may not be that all of the criteria can be met as they may not be relevant, achievable or appropriate for the development in question (e.g. a landmark building in a town centre in relation to Criterion f; roadway or other infrastructure construction in relation to Criterion d; or a large scale distribution unit in respect of Criterion c).

5.7 The second sentence of the policy opening paragraph should be re-worded as:

'Development should consider the characteristics of the landscape character area and demonstrate consideration of the following criteria, where relevant:'

5.8 Criterion a. of the modified draft policy refers to minimising impact on visual amenity. For the avoidance of any doubt, this should specifically refer to minimising *adverse* visual impact as visual impact can also be beneficial.

5.9 Criterion b. of the modified draft policy refers to the need to ***'avoid the loss of [important views]'***, without any qualification of the extent to which it is reasonable that such views have to be maintained. This is an inappropriate blanket approach that denies the possibility for sensitively-managed change where such views may be lost from some locations but retained from others. In any event, the identification of what makes a view or landscape feature 'important' and which 'important views' are covered by this policy, is not made clear. This Criterion is unsound and needs further consideration. A suggested re-wording is as follows:

'b. be located and laid out to retain views representative of those identified in published Landscape Character Assessment.'

5.10 As noted above, Criterion f. is potentially contrary to the design requirements of some types of development. The requirement to minimise adverse visual impact is set out in Criterion a. in any event and therefore it is considered that Criterion f. is not required.

5.11 Although it is not primarily a landscape and visual matter, Criterion G is relevant to consideration of character. Currently, Criterion G only requires that unacceptable noise levels be avoided in certain areas. If noise is 'unacceptable' it should be avoided wherever it is unacceptable. This Criterion does not therefore currently appear to be sound.

5.12 The mitigation approach set out in the paragraph following the development criteria, should require that identified significant adverse impacts are avoided ***'wherever possible'***. It may simply not be possible to avoid all such impacts although, as set out in the second sentence of this paragraph, they should be mitigated and thereby minimised.

5.13 The mitigation hierarchy set out in the Proposed Modifications is now to be found in paragraph 32 of the NPPF (2019), although it is noted that this is relevant to plan-making rather than individual developments so the reference to NPPF is not appropriate in this policy.

- 5.14 The modified draft policy still makes reference to the AAL designation, which, as set out above, is not needed. If the AAL designation is to be removed, this paragraph should be removed.
- 5.15 In the penultimate paragraph of the modified draft policy, the word '*overcome*' should be replaced with the word '*minimise*' as the former implies removal rather than reduction of harm. The use of the word '*overcome*' is inconsistent with the use of the word '*minimise*' in the paragraph following the criteria list.
- 5.16 In the same paragraph, there is no clarity on the parties with whom 'agreement' will be reached in respect of mitigation of adverse impact and, in any event, 'agreement' with one consultee/decision-making party may not necessarily represent 'appropriate' mitigation to another consultee/decision-making party. The paragraph should be reworded to the 'provision' of appropriate mitigation.
- 5.17 It is considered that in the light of the above, draft Policy NE5 is not yet sound. As noted above, proposed modifications are set out in **Appendix L3**.

6.0 SUMMARY CONCLUSION

6.1 In summary, it is concluded that:

- The AAL designation is not necessary or appropriate and could readily be replaced by character-based policy, as is the case in all of the other Buckinghamshire councils. The proposed retention of the AAL designation is considered to be unnecessary and unsound.
- The inclusion of the Site within the AAL designation, if this designation were retained, is not appropriate. This includes in the context of the emerging urban edge of Milton Keynes which extends to a logical and robust boundary of roadways (including the A4146 Fenny Stratford / Water Eaton by-pass) at the foot of the Greensand Ridge, which provides the wider landform setting of the city. There is no robust evidence to demonstrate that the low-lying landform of the Site, subject to extensive and increasing urbanising influences, forms an important or coherent part of the AAL. Furthermore, it is not necessary that land adjacent to a distinctive elevated landscape be included within the designated area, in order to maintain the distinctive character of the designated area.
- AVDC has undertaken no robust assessment of the boundaries of the AAL in the current and emerging context.
- The Strategic Landscape and Visual Capacity Study of 2017 notes that subject to sensitive mitigation approaches, there is potential for substantial development on the Site (potentially 70% of the Site), as a result of the reduction in susceptibility resulting from development to the north.
- The Landscape and Visual Capacity Comparison Assessment of 2019 is of questionable robustness, notably in considering the emerging physical context of the Site; but also notes the potential for substantial development of the Site and illustrates how suitable mitigation could be achieved. Nevertheless, the report sets out that, owing to the AAL designation, the Site is the least suitable of the three considered. For the reasons noted above, this conclusion is unsound.
- The Proposed Development demonstrates a sensitive approach to local character, most notably through allowing ongoing visual connectivity between the valley floor and Brickhills Greensand Ridge and could thereby respond positively to policy NE5, even if the AAL designation were to be retained and, within this, the Site were considered worthy of inclusion within the AAL.
- The proposed modifications to Policy NE5 do not result in a policy that is yet fit for purpose. In particular, it is important that sensitively-managed change to views can be accommodated, where such views may be lost from some locations

but retained from others. The draft policy requires further modification and as such, is currently considered to be unsound.

Appendix L1

Commentary on the LUC 2016 Report Criteria for the Brickhills AAL (as provided in Barton Willmore's Response to the Proposed Submission Vale of Aylesbury Local Plan 2013-2033 (December 2017))

Criteria	Summary description	Commentary
Distinctiveness	<i>Prominent scarp rising from the valley of the river Ouzel; contrasts with the flatter clay landscape surrounding it. Coherent landscape, with a strong and unified landscape pattern of extensive woodland cover on the scarp and surrounding rolling landform, and the valley of the River Ouzel and Grand Union Canal connected by strong field pattern creates a strong sense of place. Continuity to the south into Central Bedfordshire Greensand Ridge/ Ouzel Valley.</i>	Owing to the intrusion of the major routeway corridor of the A4146, the vicinity of the Site is not part of a unified landscape pattern or connected with the ridgeline by a strong field pattern.
Perceptual character	<i>Tranquil, rolling countryside of smooth arable and pastoral hills and woodland. A transition between the ridge and valley, with a rich mosaic and patchwork of different landscape types and contrasts with the enclosed wooded areas and steep winding lanes and the quiet and enclosed canal and river corridors. A lack of intrusion from development, especially tall structures or major roads.</i>	The vicinity of the Site is neither tranquil nor lacking intrusion from development or major roads, owing to the existing influences of roadway infrastructure at the urban edge. These influences will increase markedly with the introduction of the consented residential development immediately to the north of the Site.
Landscape and scenic quality	<i>Long distance spectacular views from open vantage points on the scarp (e.g. from Ivy Lane and Great Brickhill village to the west) over the surrounding countryside across the Ouzel valley, and the Vale of Aylesbury towards the Aylesbury hills and to Milton Keynes to the north; refer to the Conservation Area Appraisal for Great Brickhill. The wooded scarp slopes have strong visual character, particularly when viewed from the west and north west from Milton Keynes. Small scale and picturesque setting for the recreation routes that pass through (cycle path and national trail). The hills provide a backdrop to villages.</i>	Development of the Site would result in limited effect on the 'spectacular panoramic views from the high ground', owing to the existing and future baseline influences of built development in the valley floor in these views, which extend over a far wider area. The proposed layout would maintain substantial view corridors up to the wooded scarp slopes from the west, across and from within the Site.
Natural character	<i>Areas of semi-natural, mixed and coniferous woodland, and lowland mixed deciduous woodland priority habitat, including ancient woodland (e.g. Duncombe Wood, Oak Wood) and ancient coppice woodland in Rushmere Country Park. Part of Kings and Bakers Wood & Heath SSSI (partly within Bedfordshire) – rich in floral and faunal diversity. Large areas of neutral and acidic grassland priority habitat. Pockets of heathland – especially around Rammamere. Large number of Local Wildlife Sites/ Biological Notification Sites including woodlands, wetlands and grasslands. Aquatic habitats and a small area of fen.</i>	None of these habitat features are present within the Site.

	<i>Part of the Greensand Ridge Nature Improvement Area</i>	
<i>Cultural character</i>	<i>Historic settlement with distinctive sandstone buildings. Great Brickhill Conservation Area and listed buildings – associations of the village with the manufacture of pottery and tiles in the medieval period. Small deserted medieval settlement at Bragenham Farm. Historic flood meadows and sites of prehistoric and Roman occupation along the valley; listed bridge and locks on the Grand Union Canal. Listed buildings associated with Stockgrove Park.</i>	None of these cultural features lie within the Site.
<i>Function</i>	<i>Recreational value of the canal. Half of Rushmere Country park (the other part is within Bedfordshire) – a tranquil parkland and woodland with facilities, country walks and sense of isolation. A number of national trails – Milton Keynes Boundary Walk, Grand Union Canal Walk, Greensand Ridge Walk and cycle routes. Provides a high quality rural landscape and 'gap' function between Milton Keynes and Leighton Buzzard/ Heath and Reach, alongside the part of the landscape within Bedfordshire. Provides a landscape setting to Milton Keynes. Provides a strong setting to Great Brickhill Conservation Area.</i>	The Site includes only limited recreational value from the PROW traversing it. The Site does not include any recreational open space. None of the waymarked trails shown are National Trails. None extend through the Site or alongside it (the Grand Union Canal Walk is separated from Waterhall Park and the Site by hedgerows and canopy vegetation). The Site makes no contribution to the perceived openness between Milton Keynes and Leighton Buzzard. The Site makes a limited contribution to the setting of Milton Keynes, as the A4146 already extends from one part of the urban area to another, binding the landscape of the Site to the urban area. This impression is increasing with the introduction of residential development immediately to the north of the Site.

Appendix L2

Suggested modifications to VALP Submission Draft Policy NE5 (as provided in Appendix 1 of Barton Willmore's Further Written Statement to the Vale of Aylesbury Local Plan Examination (June 2018))

Landscape character and locally important landscape

- 9.26 All the landscape in the district is considered to have character and particular distinctive features to be conserved, positive characteristics to be enhanced and detracting features to be mitigated or removed. The 2008 landscape character assessment (LCA) is the primary evidence base which divides the entire landscape (beyond towns and Areas of Outstanding Natural Beauty) into landscape character areas and landscape character types. The assessment sets out landscape conservation guidelines for each landscape character area. Therefore all the landscape in the district ~~is considered to~~ **can** have innate 'value' as referred to in the National Policy Planning Framework (NPPF)⁴⁰. That said, of the locally ~~significant~~ **designated** landscape, the areas of attractive landscape (AALs) are of the greatest significance followed by the local landscape areas (LLAs).
- 9.27 In early 2015, AVDC engaged the consultants Land Use Consultants (LUC) to review the 2008 LCA, update it in light of major developments since 2008, and consider its conformity with the NPPF. The evidence base was considered **by the Council** to be a valid basis to develop a policy approach and a specific policy approach was recommended to note landscape character across the district and special qualities and differences between character areas and character types.
- 9.28 Areas of attractive landscape (AALs) were first designated in the Buckinghamshire County Structure Plan 1979 and in successive plans through to the Aylesbury Vale District Local Plan (AVDLP) (2004). Local landscape areas (LLAs) were designated by AVDC in the 1990s and carried forward into AVDLP in 2004. Neither of these designations are seeking to resist development in principle, ~~unless~~ **When preparing and determining planning applications for development,** regard ~~has not been~~ **should be** given to distinctive features and key characteristics of the AALs and LLAs.
- 9.29 LUC carried out a criteria-based assessment of all AALs and LLAs, applying a nationally-accepted methodology to what influences landscape value. This evidence base 'defining the special qualities of local landscape designations in Aylesbury Vale District' has been published as a final report following stakeholder engagement in August 2015 and public engagement in October-December 2015. **A final report was completed in March 2016. The report states at paragraph 2.12:**

9.29a 'There may be areas within a designated landscape that are of less value, as well as areas outside of the defined AALs and LLAs that are of greater value.'

9.29b The ~~study~~ **report** concludes at paragraph 4.2:

- 9.30 'Most of the areas of attractive landscape (AALs) have stronger special qualities and are relatively higher in landscape value in comparison to the local landscape areas (LLAs), which are generally smaller scale locally valued features. The LLAs generally do not contain so many nationally significant natural or cultural designations, and they are typically less memorable or distinctive than the AALs. It may therefore be useful to retain the hierarchy of AALs and LLAs in order to distinguish the most valued landscapes from those that are not so greatly valued although still considered worthy of designation.'
- 9.31 AVDC has accepted the recommendations of LUC on which AALs and LLAs have the greater value (following criteria based assessment of each sub area) and together with the support for locally designated landscapes received in response to the VALP Issues and Options consultation, designate new AALs and LLAs. **AVDC has also accepted the recommendations of the LUC Addendum on 'Defining the special qualities of local landscape designations in Aylesbury Vale District' (February 2018) that notwithstanding the nationally designated landscape (AONB) and locally designated landscapes in the VALP, non-**

designated landscapes can also be considered valued for the purposes of Paragraph 109 of the NPPF.

9.31a When determining planning applications for development within the AALs and LLAs, the protection afforded to them will be commensurate with their status in accordance with Paragraph 113 of the NPPF.

9.32 AVDC intends to review the 2008 LCA to take place relatively early in the VALP plan period. The LUC study of 2016⁵ did not include primary on-site fieldwork **and did not review the AAL and LLA boundaries.**

⁴⁰ paragraph 109.

NE5 Landscape character and locally important landscape

~~To ensure that the district's landscape character is maintained, development must have regard to the 2008 LCA (as amended 2015 and any future review).~~ Development must recognise the individual character and distinctiveness of particular landscape character areas set out in the **2008 LCA (as amended) and any future** assessment, their sensitivity to change and contribution to a sense of place. Development should consider the role of the landscape character area and ~~meet~~ **consider** all of the following criteria:

- ~~a. be grouped where possible with existing buildings to~~ minimise impact on visual amenity
- b. be located to ~~avoid the loss of~~ **retain** important on-site views and off-site views towards important landscape features, ~~where they exist~~
- c. ~~reflect~~ **respect** local character and distinctiveness in terms of settlement form and field pattern, topography and ecological value
- d. Carefully consider spacing, height, scale, plot shape and size, elevations, roofline and pitch, overall colour palette, texture and boundary treatment (walls, hedges, fences and gates)
- e. minimise the impact of lighting to avoid blurring the distinction between urban and rural areas, and in areas which are intrinsically dark and to avoid light pollution to the night sky
- f. ensure that ~~the buildings and any outdoor storage and parking areas are~~ **the development is** not visually prominent in the landscape
- g. not generate an unacceptable level and/or frequency of noise in areas relatively undisturbed by noise and valued for their recreational or amenity value

The first stage in mitigating impact is to avoid ~~the any~~ **any** identified ~~harmful-significant~~ **adverse** impact ~~where possible~~. Where it is accepted there will be harm to the landscape character, specific on-site mitigation will be required ~~to minimise that harm~~ and, as a last resort, compensation ~~will may~~ be ~~appropriately~~ **required** as part of a planning application. **This reflects the mitigation hierarchy set out in paragraph 152 of the NPPF.** Applicants must consider the enhancement opportunities identified in the LCA and how they apply to a specific site.

The Policies Map defines areas of attractive landscape (AALs) and local landscape areas (LLAs) which have particular landscape features and qualities considered appropriate for particular conservation and enhancement opportunities. Of the two categories, the ~~AALs areas of attractive landscape~~ have the greater significance. Development in AALs and LLAs should have particular regard to the character identified in the report 'Defining the special qualities of local landscape designations in Aylesbury Vale District' (Final Report, 2016) and the LCA (2008). Development that ~~significantly~~ adversely affects this character will not be permitted unless appropriate mitigation can be secured. Where the permission is granted, the Council will require conditions to ~~best ensure~~ **secure** the **provision of** mitigation of any **significant** harm caused to the landscape.

Appendix L3

Suggested Modifications to VALP Main Modifications Draft Policy NE5 (November 2019)

Note: the text shown in black is the AVDC original. Barton Willmore LLP edits are show in red.

Main modification reference	Page No.	Section / Para	Original Text (Proposed Submission Vale of Aylesbury Local Plan, November 2017)	Suggested change (deleted text shown as Strikethrough), additions of text <u>underlined</u> and specific modifications in <i>Italics</i>)
MM234	231	NE5	<p>NE5 Landscape character and locally important landscape</p> <p>To ensure that the district’s landscape character is maintained, development must have regard to the 2008 LCA (as amended 2015 and any future review). Development must recognise the individual character and distinctiveness of particular landscape character areas set out in the assessment, their sensitivity to change and contribution to a sense of place. Development should consider the role of the landscape character area and meet all of the following criteria:</p> <ul style="list-style-type: none"> a. be grouped where possible with existing buildings to minimise impact on visual amenity b. be located to avoid the loss of important on-site views and off-site views towards important landscape features c. reflect local character and distinctiveness in terms of settlement form and field pattern, topography and ecological value 	<p>NE5 Landscape character and locally important landscape</p> <p>To ensure that the district’s landscape character is maintained, development must have regard to the 2008 LCA (as amended 2015 and any future review). Development must recognise the individual character and distinctiveness of particular landscape character areas set out in the <u>Landscape Character Assessment (LCA)</u> their sensitivity to change and contribution to a sense of place. Development should consider the <u>role characteristics</u> of the landscape character area by and meeting all of the following criteria and demonstrate consideration of the following criteria, where relevant:</p> <ul style="list-style-type: none"> a. be grouped where possible with existing buildings to minimise <u>adverse</u> impact on visual amenity b. be located to avoid the loss of important on-site views and off-site views towards important landscape features and laid out to retain views representative of those identified in published Landscape Character Assessment. c. reflect <u>respect</u> local character and distinctiveness in terms of settlement form and field pattern, topography and ecological value

		<p>d. Carefully consider spacing, height, scale, plot shape and size, elevations, roofline and pitch, overall colour palette, texture and boundary treatment (walls, hedges, fences and gates)</p> <p>e. minimise the impact of lighting to avoid blurring the distinction between urban and rural areas, and in areas which are intrinsically dark and to avoid light pollution to the night sky</p> <p>f. ensure that the buildings and any outdoor storage and parking areas are not visually prominent in the landscape</p> <p>g. not generate an unacceptable level and/or frequency of noise in areas relatively undisturbed by noise and valued for their recreational or amenity value</p> <p>The first stage in mitigating impact is to avoid the identified harmful impact. Where it is accepted there will be harm to the landscape character, specific on-site mitigation will be required and, as a last resort, compensation will be required as part of a planning application. Applicants must consider the enhancement opportunities identified in the LCA and how they apply to a specific site.</p> <p>The Policies Map defines areas of attractive landscape (AALs) and local landscape areas</p>	<p>d. Carefully consider spacing, height, scale, plot shape and size, elevations, roofline and pitch, overall colour palette, texture and boundary treatment (walls, hedges, fences and gates)</p> <p>e. minimise the impact of lighting to avoid blurring the distinction between urban and rural areas, and in areas which are intrinsically dark and to avoid light pollution to the night sky</p> <p>f. ensure that the development is buildings and any outdoor storage and parking areas are not visually prominent in the landscape, and</p> <p>g-f. not generate an unacceptable level and/or frequency of noise in areas relatively undisturbed by noise and valued for their recreational or amenity value</p> <p>The first stage in mitigating impact is to avoid <u>any</u> the identified <u>significant adverse</u> harmful impact <u>wherever possible</u>. Where it is accepted there will be harm to the landscape character, specific on-site mitigation will be required to <u>minimise that harm</u> and, as a last resort, compensation <u>may</u> will be required appropriate as part of a planning application. This reflects the mitigation hierarchy set out in paragraph 152 of the NPPF (2012). Applicants must consider the enhancement opportunities identified in the LCA and how they apply to a specific site.</p> <p>(PARAGRAPH TO BE REMOVED IF DESIGNATIONS REMOVED: The Policies Map defines areas of attractive landscape (AALs) and local landscape areas (LLAs) which have particular landscape features and qualities considered appropriate for particular conservation and enhancement opportunities. Of the two categories, the</p>
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		<p>(LLAs) which have particular landscape features and qualities considered appropriate for particular conservation and enhancement opportunities. Of the two categories, the areas of attractive landscape have the greater significance. Development in AALs and LLAs should have particular regard to the character identified in the report 'Defining the special qualities of local landscape designations in Aylesbury Vale District' (Final Report, 2016) and the LCA (2008).</p> <p>Development that adversely affects this character will not be permitted unless appropriate mitigation can be secured. Where permission is granted, the Council will require conditions to best ensure the mitigation of any harm caused to the landscape</p>	<p>AALs areas of attractive landscape have the greater significance. Development in AALs and LLAs should have particular regard to the character identified in the report 'Defining the special qualities of local landscape designations in Aylesbury Vale District' (Final Report, 2016) and the LCA (2008).)</p> <p><u>Development will be supported where appropriate mitigation to overcome-minimise any adverse impact to the character of the receiving landscape has been agreedprovided.</u></p> <p>Development that adversely affects this character will not be permitted unless appropriate mitigation can be secured. Where permission is granted, the Council will require conditions to best ensure the mitigation of any harm caused to the landscape.</p>
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