

PINS reference APP/J4423/W/20/32558555

CD 4.8.1.6

Planning Application Reference: 19/03143/FUL

Town and Country Planning Act 1990 (as amended)

Appeal by: Avant Homes Central

An Appeal Against the refusal of Full Planning  
Permission for 74 no. dwellings at land off Moorthorpe  
Way, Sheffield.

Proof of evidence on  
Ecology and Nature Conservation

By

Andrew Baker BSc (Hons) FCIEEM

Appendix 5 Appeal Decision APP/Y0435/W/20/3251121

Land at Brickhill Street, South Caldecotte, Milton  
Keynes MK17 9FE





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## Appeal Decision

Inquiry opened on 26 August 2020

Site visit made on 24 August 2020

**by David Prentis BA BPI MRTPI**

**an Inspector appointed by the Secretary of State for Housing, Communities and Local Government**

**Decision date: 14<sup>th</sup> October 2020**

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**Appeal Ref: APP/Y0435/W/20/3251121**

**Land at Brickhill Street, South Caldecotte, Milton Keynes MK17 9FE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by HB (South Caldecotte) Ltd against the decision of Milton Keynes Council.
  - The application Ref 19/01818/OUT, dated 12 July 2019, was refused by notice dated 26 February 2020.
  - The development proposed is: *the development of the site for employment uses, comprising of warehousing and distribution (Class B8) floorspace (including mezzanine floors) with ancillary Class E office space, general industrial (Class B2) floorspace (including mezzanine floors) with ancillary Class E office space, a small standalone office (Class E) and small café (Class E) to serve the development; car and HGV parking areas, with earthworks, drainage and attenuation features and other associated infrastructure, a new primary access off Brickhill Street, alterations to Brickhill Street and provision of Grid Road reserve to Brickhill Street.*
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### Decision

1. The appeal is allowed and outline planning permission is granted for the development of the site for employment uses, comprising of warehousing and distribution (Class B8) floorspace (including mezzanine floors) with ancillary Class E office space, general industrial (Class B2) floorspace (including mezzanine floors) with ancillary Class E office space, a small standalone office (Class E) and small café (Class E) to serve the development; car and HGV parking areas, with earthworks, drainage and attenuation features and other associated infrastructure, a new primary access off Brickhill Street, alterations to Brickhill Street and provision of Grid Road reserve to Brickhill Street at Land at Brickhill Street, South Caldecotte, Milton Keynes MK17 9FE in accordance with the terms of the application, Ref 19/01818/OUT, dated 12 July, subject to the conditions set out in the attached schedule.

### Preliminary matters

2. The Inquiry sat for 7 days between 26 August and 7 September 2020. I carried out an unaccompanied site visit on 24 August 2020.
3. The application was submitted in outline, with only access to be determined at this stage. Appearance, landscaping, layout and scale would be subject to approval at reserved matters stage. The application plans included a Parameters Plan and a Land Use Plan which together defined the broad

disposition of development and land uses across the site. These were supported by an Indicative Masterplan which I have taken into account as an illustrative drawing.

4. The description of development set out above differs from that originally applied for in that references to Use Classes have been updated to reflect changes to the Use Classes Order that came into effect during the course of the Inquiry. The revised description was agreed between the Council and the appellant. The changes have no effect on the substance of the proposal.
5. The application was accompanied by an Environmental Statement (ES). Acting on behalf of the Secretary of State, the Planning Inspectorate made a request for further environmental information. This information was provided in advance of the Inquiry. I have had regard to all of the environmental information in reaching my decision. Noting that the application is in outline, I am satisfied that a condition could be imposed (by reference to the Parameters Plan) to ensure that any reserved matters applications fall within the parameters assessed in the ES.
6. The Council's reasons for refusal related to: (1) archaeology and the historic environment; (2) biodiversity and (3) the failure to secure necessary infrastructure, particularly in relation to transport. At that time there was a holding direction from Highways England relating to impacts on the trunk road network at the Kelly's Kitchen roundabout, where Brickhill Street joins the A5.
7. Further work on highways impacts and mitigation measures was carried out before the Inquiry. A package of transport measures was substantially agreed between the Council and the appellant (subject to one outstanding matter which is discussed further below). The Council was satisfied that these measures could be secured through conditions and a s106 Agreement. Accordingly, reason for refusal (3) was not pursued. Having reviewed further modelling and suggested mitigation works in respect of the Kelly's Kitchen roundabout, Highways England indicated that planning permission could now be granted subject to appropriate conditions. Nevertheless, highways and transport were key concerns of the Parish Council (and others) and these matters were explored at the Inquiry.
8. During the Inquiry discussions continued between the Council and the appellant on archaeology and biodiversity. It was agreed that the archaeology contained within part of the site (known as Area 2) could be preserved in situ by leaving this area as open space. In order to give effect to this agreement the appellant submitted a revised Parameters Plan<sup>1</sup> and a revised Land Use Plan<sup>2</sup>.
9. The Council and the appellant asked that the appeal be determined on the basis of these revised plans, submitting that the tests for such an amendment established in case law would be met<sup>3</sup>. I noted that the revisions fell within the original description of development and would not alter the substance of the proposal. Moreover, the developable area and the development footprint would be reduced. The detailed relationship of new structures to the site boundaries and nearby development would be controlled at reserved matters stage (as they would have been in the original proposal). Overall, I concluded that any

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<sup>1</sup> Revised plan number 16-048-01-SGP-XX-00-DR-A-1004-P13

<sup>2</sup> Revised plan number 16-048-01-SGP-XX-00-DR-A-1008-P13

<sup>3</sup> *Bernard Wheatcroft Ltd v SSE* [JPL, 1982, P37]

impacts on people or the environment would be the same as or less than those resulting from the application plans. I concluded that no-one would be prejudiced by the acceptance of the revised plans and that the revised plans would not result in any additional environmental impacts that had not already been assessed in the ES. I have determined the appeal on the basis of the revised plans.

10. There were also some changes to the Proposed Access Roundabout plan<sup>4</sup>. The changes related to various notes on the plan and updates to offsite highway works at Kelly's Kitchen roundabout. There was no material change to the capacity or highway geometry of the access proposals. I have determined the appeal on the basis of the revised plan.
11. The changes to the Land Use Plan had the effect of reducing some impacts on biodiversity and increasing opportunities for biodiversity enhancements on site. This led to a reduced requirement for offsite biodiversity enhancement. The Council and the appellant agreed that appropriate offsite biodiversity enhancement could be secured through a s106 Agreement (subject to one outstanding matter which is discussed further below).
12. In the light of the agreements reached on archaeology and biodiversity the Council advised that, subject to appropriate conditions and planning obligations, it no longer opposed the appeal. However, Bow Brickhill Parish Council and an interested party appeared at the Inquiry to maintain their objections to the proposal. Moreover, there remain a number of written representations opposing the appeal which I have taken into account.
13. A draft s106 Agreement was discussed at the Inquiry. As changes were made to the draft at a late stage, I allowed some time after the Inquiry for it to be signed. The signed version subsequently received was consistent with the final draft<sup>5</sup>. The Agreement would provide for:
  - schedule 1 - approval of a biodiversity offsetting scheme and staged payment of a biodiversity offsetting contribution (with alternative levels of contribution to be determined by the decision maker);
  - schedule 2 - approval of specifications for public open space together with arrangements for construction, interim maintenance and ultimate transfer to the Council with a commuted sum for future maintenance;
  - schedule 3 - a public transport contribution to support enhanced bus services and a contribution for travel plan monitoring;
  - schedule 4 - a contribution to pedestrian and cycling facilities (with alternative levels of contribution to be determined by the decision maker);
  - schedule 5 - a contribution to works to the Walton Park roundabout and arrangements for transfer of the grid road reserve land to the Council;
  - schedule 6 - a carbon offsetting contribution;

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<sup>4</sup> Revised plan number SCD-BWB-GEN-01-DR-TR-001\_S2\_P12

<sup>5</sup> ID22 with an amendment to a sum in Schedule 4 (correcting an error identified in the closing submissions for the Council)

- schedule 7 – a public art strategy; an emergency services contribution; a public art contribution and a community facilities contribution;
  - schedule 8 – arrangements for protecting an archaeological area during construction, including monitoring and mitigation in the event of significant changes to hydrological conditions; and
  - schedule 9 – the Council’s commitments to apply the funds as intended and to repay any unused funds.
14. The Council submitted a statement of compliance with the Community Infrastructure Levy Regulations (CIL Regulations) which set out the justification for the above obligations, including identification of relevant policies in Plan:MK (the adopted Local Plan). With the exception of the matters referred to below, the need for these obligations was agreed between the Council and the appellant and was not disputed by any other party. I see no reason to differ and have taken the obligations into account accordingly.
15. As identified above, the s106 Agreement sets out alternative contribution sums in schedule 1 and schedule 4, with the amount to be settled by the decision maker. The community facilities contribution would be directed to the Hazard Alley Safety Centre. Mrs Malleson (an interested party) and Bow Brickhill Parish Council argued that this contribution was unrelated to the appeal proposal and would not therefore be compliant with the CIL Regulations. I return to the disputed contributions below, in the relevant sections of my decision.
16. A letter from the Leader of Milton Keynes Council was received after the close of the Inquiry. Whilst I have noted this letter, it does not alter my conclusions on the evidence that was before the Inquiry.

### **Main issues**

17. The main issues are:

- the effect of the proposal on the historic environment;
- the effect of the proposal on biodiversity;
- the effect of the proposal on the transport network and the extent to which it would support the objective of promoting sustainable transport; and
- the extent to which the proposal would support the objective of building a strong, competitive economy.

### **Reasons**

18. To provide some context for the reasoning that follows, it is convenient to begin by noting that the development plan includes Plan:MK. Policy SD14 of Plan:MK identifies the appeal site as a strategic employment allocation. The site is allocated for a mix of Class B2 and B8 employment floorspace, subject to a number of principles that are set out in the policy.
19. The policy refers to preparation of a Development Framework for the site. The statement of common ground between the Council and the appellant records that a comprehensive Development Framework has not been adopted but a draft Development Framework has been subject to public consultation on two

occasions in March 2018 and May 2019. Consideration of the comments received has since been put on hold and the Council did not suggest that the absence of an adopted document should give rise to an objection to the proposal. I share that view. I shall comment further on the principles contained within Policy SD14 in the relevant sections of my decision.

### ***The historic environment***

20. The appeal site lies to the north east of the small Roman town of Magiovinium, which had oval defending enclosures on either side of Watling Street. Archaeological excavations carried out in connection with the modern A5 (Fenny Stratford Bypass) identified a road running from Watling Street across the line of the bypass towards the appeal site. Evidence of the archaeological interest of the appeal site and its surroundings comes from a desktop study (including the results of earlier excavations), a geophysical survey and trial trenching. There are no designated heritage assets within the appeal site. The historic features of relevance to the appeal are Magiovinium itself, which is a Scheduled Monument (SM) known as *Roman Town of Magiovinium and Roman Fort*, Roman/Iron Age archaeology within the appeal site and medieval ridge and furrow earthworks, also within the appeal site. The features within the appeal site are non-designated heritage assets.

#### *Magiovinium*

21. Magiovinium is a designated heritage asset of high significance which contributes to our understanding of the history of urban development in a Roman province. Although there would be no direct impact on the SM, Historic England has suggested that there would be some impact on its significance through development in its setting. The immediate setting includes the modern A5 trunk road, which passes close by, and urban development on the edge of Milton Keynes. The wider setting includes the appeal site and the Greensand Ridge to the east.
22. The ES found that setting makes only a limited contribution to the significance of the SM, noting that the asset is experienced as farmland with traces of remaining earthworks. There is no inter-visibility between ground level viewpoints in the appeal site and the SM due to the intervening highway corridor and associated vegetation. The Landscape and Visual Impact Assessment (LVIA) found that very little of the appeal scheme would be visible from the SM and that visibility would decrease over time as new planting became established. I saw that the ability to appreciate the location of Magiovinium in relation to geographical features such as the Greensand Ridge and the river valley would not be harmed. Having regard to the above assessments, and my own observations on site, I conclude that the proposals would have no material impact on the ability to experience or understand the SM. There would be no harm to its setting or significance.

#### *Archaeology within the appeal site*

23. There is evidence of late Iron Age and Roman period archaeology at various locations within the appeal site. However, the Council and the appellants agreed that the features of most importance are from the Roman period and are located within Area 2. Within this area there is evidence of about 250m of Roman road leading north eastwards from Magiovinium towards the countryside. The evidence indicates that there were enclosures alongside the



road, characteristic of the hinterland of a Roman town. The trial trenching revealed fragments of pottery, brick and tile.

24. Historic England commented that the archaeological remains within the appeal site may be of national significance, principally due to the potential of the archaeology to yield information. Whilst there was agreement between the Council and the appellant on the evidence base, there were differences in the interpretation of that evidence in relation to matters such as the amount and quality of ceramic finds, the regularity of the enclosures and the degree of confidence as to whether the road performed a purely local function or was likely to have led to other settlements. Notwithstanding those differences, the Council and the appellant agreed that the remains within Area 2 are of regional significance. The Council attributed a level of significance at the upper end of that descriptor and the appellant suggested that the lower end would be more appropriate.
25. I agree that the remains within Area 2 are of regional significance in that they are likely to provide information about settlement on the periphery of a small Roman town. In my view neither the geophysical evidence nor the results of the trial trenching indicate a higher level of significance. Given that the Council and the appellant have agreed on measures to preserve the remains within Area 2 in situ, it is not necessary for me to comment further on their differing interpretations of the precise level of significance to be attributed.
26. Development can impact on archaeological remains in various ways, including through physical destruction, compaction or changes in hydrological conditions. The s106 Agreement would ensure that the archaeological area would be left free of development, with a buffer zone. Provision would also be made for monitoring during construction, together with mitigation measures in the event of any significant changes to hydrological conditions. With these measures in place, I consider that the significance of the archaeological features within Area 2 would be preserved.
27. The proposal would require significant amounts of cut and fill to create the large floorplate buildings envisaged. It is therefore likely that the significance of the archaeological remains within other parts the appeal site (which are of lower significance than those in Area 2) would be lost. The loss of these non-designated heritage assets is to be weighed against the benefits of the proposal, as required by the National Planning Policy Framework (the Framework).
28. The proposal includes a written scheme of archaeological investigation, implementation of which could be secured by a condition. This would be in accordance with good practice and would ensure that any information yielded by these assets could be recorded and disseminated. However, this does not in itself provide a justification for the loss of the assets.

#### *Ridge and furrow earthworks*

29. Ridge and furrow earthworks provide evidence of medieval farming systems. The desktop and geophysical surveys identify ridge and furrow within the appeal site. The ES notes that previous assessments of ridge and furrow (across the region) had not identified the examples at the appeal site as being of significance. The ES characterised the feature as a small surviving proportion of a much larger area of such earthworks, with limited potential to contribute

to research objectives other than at a local level. Overall, the level of significance attributed to the earthworks was low.

30. The proposal would result in the loss of most of the ridge and furrow feature within the site, other than a small proportion that would be retained in the archaeological area. The loss of this non-designated heritage asset is to be weighed against the benefits of the proposal, in accordance with the Framework.

#### *Conclusions on the historic environment*

31. The proposals would not result in harm to the setting or the significance of the SM. The most important archaeological remains within the appeal site (those within Area 2) would be preserved in situ. The proposal would however result in the loss of archaeological remains of lower significance in other parts of the site. It would also result in the loss of ridge and furrow earthworks. I shall return to the balance required by paragraph 197 of the Framework in the conclusion to my decision. A similar balance is required by Plan:MK Policy HE1(F).
32. Turning to policy SD14, a desktop archaeological assessment has been carried out to understand the likely presence of archaeological remains. This has been followed by field investigations to understand the archaeological potential and significance of the site. Those investigations have informed the layout of the development which now includes an archaeological area within which the most important remains would be preserved. I conclude that the proposal accords with SD14(9) in these respects. It also accords with Policy HE1 insofar as that policy deals with the approach to assessing impacts on the historic environment and avoiding harm to designated heritage assets.

#### ***Biodiversity***

33. The appeal site comprises a mix of arable and pastoral agricultural land, together with residential property and outbuildings. It is not subject to any statutory nature conservation designations. Part of the site, adjacent to the A5, is within an area designated as a wildlife corridor in Plan:MK. The application was supported by appropriate ecological surveys.
34. The pastoral land includes unimproved grassland classified as *Lowland Meadow*<sup>6</sup> which is a priority habitat. Other important features within the site include woodland, hedgerows, a small traditional orchard, a stream and some mature black poplar trees. The surveys also identified bat roosts associated with buildings, evidence of badger foraging (although no setts) and a low population of reptiles. Ponds that were potentially suitable for great crested newt were surveyed but this species was not found to be present.
35. Woodlands, trees, hedgerows and grassland within the site would, in the main, be lost as a result of the development. This would include some of the land designated as a wildlife corridor. An area of grassland and some hedgerows would be retained within the archaeological area.

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<sup>6</sup> UK Biodiversity Action Plan Priority Habitat Descriptions



*Mitigation and compensation within the site*

36. The ecological reports identified a range of measures to mitigate impacts and provide some enhancements. These measures could be secured by a condition. They include planting new species-rich hedgerows and pockets of woodland, planting black poplar along the stream, pre-commencement surveys for the presence of reptiles, badger and water vole and habitat creation for reptiles, badgers and invertebrates within new green spaces. Any demolition of buildings containing bat roosts would be controlled under a license obtained from Natural England which would itself be subject to appropriate mitigation measures.
37. The Lowland Meadow is within a field that would be largely lost to development. However, it is proposed that soil, turf and green hay (containing seeds) from this area would be translocated to new green spaces in the western part of the site. This would, over time and subject to appropriate management, create a larger area of Lowland Meadow than that which would be lost. This is also a matter that could be controlled by a condition.
38. Much of the wildlife corridor is outside the site and relates to land adjacent to the A5 which would not be affected. Some of the wildlife corridor would become part of the public open space that would be created along the western site boundary. This area is to be managed to enhance biodiversity. To the extent that parts of the designated area would be developed, this would be compensated for by new areas of green space within the layout.

*Biodiversity offsetting*

39. Plan:MK Policy NE3 seeks to protect biodiversity and, wherever possible, achieve a measurable net gain in biodiversity. It states that proposals for non-residential floorspace in excess of 1,000sqm (such as the appeal scheme) will be required to use the DEFRA Biodiversity Impact Assessment Metric (or a locally approved metric) to demonstrate any loss or gain of biodiversity. In this case the DEFRA Metric 2.0 has been used to calculate the net loss of biodiversity units that would result from development, taking account of proposed habitat gains on site.
40. The appellant has approached the Environment Bank who would design a scheme of biodiversity offsetting to achieve the required level of biodiversity units on another site. Environment Bank would negotiate and reach legal agreements with the offsite landowner to ensure delivery of the scheme and would monitor the offset site for 30 years. These arrangements would be secured through schedule 1 of the s106 Agreement. The biodiversity offsetting scheme (including the location of the receptor site and the arrangements to secure delivery of the offsetting measures) would be subject to approval by the Council. Quotations provided by the Environment Bank have formed the basis for the alternative biodiversity offsetting contributions. The Agreement allows for flexibility in that the contribution could (at the Council's discretion) be paid to the Council, the Environment Bank or another body capable of delivering the offsetting scheme.
41. The appellant argued that the contribution should be the estimated sum of £1,200,000<sup>7</sup> which would provide 106 units for habitats, 5.3 units for

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<sup>7</sup> Excluding VAT

hedgerows and 2.27 units for rivers/streams. The Council argued that the contribution should be the estimated sum of £1,375,000. This would provide a larger number of biodiversity units to secure a 10% biodiversity net gain overall.

42. The Council drew attention to the 2019 Environment Bill which refers to a 10% net gain in biodiversity after development compared to the level of biodiversity prior to development taking place. Whilst the Environment Bill is a material consideration, it is not yet law. I attach greater weight to the adopted Plan:MK Policy NE3, which does not set out any specific level of biodiversity net gain. Moreover, any such gain is to be achieved '*wherever possible*'. The contribution proposed by the appellant would deliver offsetting biodiversity units equivalent to the net loss of units on site. Within that total there would be a 33% increase in the extent of Lowland Meadow, in line with local Biodiversity Action Plan targets.
43. In the absence of a local plan requirement to deliver a 10% uplift, I consider that the contribution sought by the Council is not necessary to make the development acceptable in planning terms. I therefore conclude that the appellant's figure of £1,200,000 is to be preferred.

#### *Conclusions on biodiversity*

44. Assessments have been made of the presence/absence of protected species within the site. Where such species have been found to be present, or may be present at the time development commences, appropriate mitigation measures have been identified which could be secured by conditions. The proposal would not therefore have a negative impact on protected species and in this regard would accord with Policy NE2.
45. Policy NE2 promotes the preservation of priority habitats and/or re-creation in line with Policy NE3. The proposal has used the DEFRA metric to demonstrate losses/gains in biodiversity (including habitats), as required by Policy NE3. Mitigation, compensation and enhancement measures have been identified and would be secured through the s106 Agreement and planning conditions. The proposed compensatory measures seek to meet the objectives of local Biodiversity Action Plan targets, through increased extent of Lowland Meadow. My overall assessment is that the proposal would maintain and protect biodiversity and would accord with Policy NE3.
46. The proposal would not result in harm to any designated nature conservation sites or loss of any irreplaceable habitats. Subject to the proposed measures, it would not result in significant harm to biodiversity and would accord with the Framework.

#### **Transport**

47. The application was supported by a transport assessment, supplementary technical assessments and a framework travel plan. Travel plans for individual phases of the development would be secured by a condition and the s106 Agreement includes a contribution for travel plan monitoring. Details of secure, covered cycle parking for each phase or plot would be submitted for the approval of the Council.

*Pedestrian and cycle routes*

48. The Milton Keynes Redways network provides shared-use paths for cycling and walking. These are aligned with grid roads to facilitate movement across the urban area. The proposal would include a Redway passing through the development which would connect with existing Redways at the A5 (to the south) and beyond Bow Brickhill level crossing (to the north). A Redway is not proposed along Brickhill Street on the basis that most cyclists in the vicinity would be using the route through the site. However, the grid road reserve includes sufficient land for a Redway to be provided here in the future.
49. Existing public rights of way provide an east/west link through the northern part of the site, linking to Caldecotte Lake (to the north of the railway) via an existing arch through the railway embankment. These routes would be retained and integrated into new public open spaces. The proposals include works to facilitate crossing movements by pedestrians and cyclists travelling to/from the appeal site crossing the road in the vicinity of the railway crossing. These works would be secured by a condition.
50. The proposals would therefore be well integrated with pedestrian and cycling routes in the immediate vicinity of the site and, to this extent, would support sustainable transport choices by future occupiers. The Council and the appellant agreed that, in principle, it would also be necessary for the development to contribute to improvements to the wider Redway network which those visiting the site would use. There was no disagreement over the cost estimates for upgrading those routes and providing a missing link in route V10. However, the parties disagreed on the approach to calculating an appropriate apportionment of those costs. The Council argued for a figure of £669,099 and the appellant contended that the figure should be £68,384.
51. The identified deficiencies in the existing network include matters such as surface condition, lack of wayfinding and poorly designed landscaping. The improvements envisaged would address those matters together with Redway priority at junctions and the missing link referred to above. On the Council's approach, the amount of contribution would reflect the projected proportion of future users attributable to the appeal scheme. The difficulty with that approach, to my mind, is that the deficiencies do not arise as a result of any impacts of the appeal scheme. They are experienced now. Moreover, the absolute number of cyclists attributable to the appeal scheme would be relatively low. I consider that the contribution sought by the Council would not be fairly and reasonably related in scale to the development.
52. The Council argued that, without the deficiencies being remedied, it would be unlikely that the travel plan target of increasing the modal share for cycling from 3% to 5% could be met. However, there was no evidence for that assertion. Having regard to the totality of the proposals, including travel planning, cycle parking, the pedestrian/cycle links referred to above and a proportionate contribution to wider Redway upgrades, I see no reason why the travel plan target should not be met. The appellant's calculation relates to the specific impact of the development on the relevant links in the wider cycle network. I consider that it would be fairly related to the appeal scheme and compliant with the CIL Regulations. The figure of £68,384 is therefore to be preferred.

### *Public transport*

53. The s106 Agreement includes a public transport contribution which would be used to improve existing bus services between central Milton Keynes and Caldecotte. The route would be extended such that the central roundabout within the appeal site would become the new southern terminus. Additional buses would be run so that there would be no detriment to the service frequency for existing users. The times of service would be extended to cover the likely shift patterns of the proposed development.

### *Effect on the highway network*

54. Traffic generation, the distribution of generated trips and other inputs to the transport modelling were agreed between the Council and the appellant. As noted above, following further proposals for mitigation at Kelly's Kitchen roundabout and further modelling, Highways England confirmed that its earlier concerns in relation to the trunk road network had been addressed. The implementation of mitigation works at Kelly's Kitchen roundabout would be secured by a condition. The s106 Agreement would make provision for a proportionate contribution to future planned improvements to the Walton Park roundabout. The impact of the scheme on the Tilbrook roundabout could be accommodated once mitigation works required by another development have been carried out. This matter could be covered by an appropriate condition. Subject to these mitigation works, there is no technical evidence that the proposal would cause harm to the operation of the highway network.

### *The grid road reserve*

55. Milton Keynes is based on a grid of urban clearways with no direct building frontages and, generally, no pedestrian crossings at grade. Policy SD14(2) states that access to the site will be from Brickhill Street which will be upgraded to grid road standard. The proposal includes a single point of access to Brickhill Street. The southern section of Brickhill Street, from the new access to the Kelly's Kitchen roundabout, would be upgraded to grid road standard. The northern section, between the new access and the railway crossing at Bow Brickhill, would not be upgraded. Instead, the Land Use Plan shows that a grid road reserve would be created. The s106 Agreement would make provision for the reserve land to be transferred to the Council, such that the upgrade could take place at a later date.
56. Bow Brickhill Parish Council and Mrs Malleson pointed out that this approach does not accord with the clear terms of Policy SD14(2). It was also argued that a single point of access was insufficient for such a large scheme. In answer to questions, the Council accepted that there is currently no programme or budget for completing this section of grid road. Nevertheless, the Council and the appellant agreed that it had been demonstrated (through the transport assessment) that the traffic generated by the appeal scheme would not justify upgrading the northern section of Brickhill Street. Moreover, the capacity of the new junction had been modelled and it would operate satisfactorily.
57. The Council accepted that the proposal conflicts with part (2) of Policy SD14 and I share that view. That is a matter to be weighed in the overall planning balance. Nevertheless, it is important to note that the terms of the s106 Agreement would safeguard the future provision of a grid road should that become necessary as a consequence of the growth of Milton Keynes. Moreover,

there is no technical evidence that failing to provide the upgrade now would result in unacceptable highway conditions.

*The railway crossing*

58. There is a level crossing close to the north east corner of the site which would be used by development traffic travelling to/from the north. There are proposals to upgrade the east/west rail services which run on this line. This may lead to a requirement to replace the level crossing with a bridge. Previous feasibility work carried out by Network Rail indicated that such a bridge could require land within the appeal site. At the Inquiry the Council stated that further work by its own engineers had confirmed that it would be possible to build a bridge within the grid road reserve, such that it was not necessary to reserve any additional land.
59. The Parish Council considers that it is inevitable that a bridge will be needed due to the increased frequency of rail services. It does not accept that the grid road reserve would provide sufficient land and is concerned that the work undertaken by the Council is not in the public domain. The statement of common ground between the Council and the appellant confirms their agreement that the scheme would not result in an unacceptable level of queuing at the level crossing. In answer to my questions, the Council stated that there is no evidence that a bridge is needed. The Council is satisfied that a bridge could be provided, if required, at a later date. However, the Council is not promoting a bridge. In the Council's view, that would be a matter for the rail operator.
60. The transport assessment considered the effect of scheme traffic on the level crossing, concluding that it would not increase queuing significantly during periods when the barrier is down. Consequently, there is no reason to think that the scheme itself generates a requirement for a bridge. There is no policy requirement for a bridge at this point and there was no evidence before the Inquiry of any firm proposal for such a bridge. Consequently, it is a matter to which little weight can be attached in the context of this appeal.

*Cambridge – Milton Keynes – Oxford Expressway*

61. The Council and the appellant agreed that this proposal is at too early a stage to carry weight in this appeal. I share that view.

*Conclusions on transport*

62. I conclude that the proposal would not result in harm to the transport network and would support the objective of promoting sustainable transport. It has been subject to a transport assessment and would contribute to necessary improvements to the highway network, in accordance with Policy SD14(3). Footpath connections to Bow Brickhill station and existing public rights of way would be integrated into the development, in accordance with Policy SD14(5). It would not accord with SD14(2) in that only part of Brickhill Street would be upgraded to grid road standard. However, it should be noted that the s106 Agreement would safeguard the future provision of a grid road and that there is no evidence that failing to provide the upgrade now would result in unacceptable highway conditions.
63. The proposal would accord with Policies CT1, CT2, CT3 and CT5 which together seek to promote transport choice and opportunities for sustainable transport



modes, to ensure safe and convenient access for all users, to provide attractive pedestrian and cycle routes and to meet the needs of public transport. It would also accord with Policy INF1 which seeks to ensure that there are mechanisms in place to deliver the infrastructure required to support and mitigate the impacts of development.

### **Economic matters**

64. Milton Keynes has experienced a rapid increase in population and jobs over the last 10 years. Being located in the Cambridge - Milton Keynes – Oxford growth arc, and also between London and Birmingham, it is well placed to attract further economic growth. The objectives of Plan:MK include that of pursuing a vigorous economic development strategy so that the business sector and local economy are supported, existing firms can expand and new firms are attracted. The geographical location of Milton Keynes is attractive to the logistics sector which is an important part of the local economy. Plan:MK notes that the Council expects to meet the need for future office and industrial development from its stock of vacant employment land. It goes on to say that:

*"to meet the need for warehousing development and provide more flexibility in accommodating 'large footprint' employment developments that cannot be located elsewhere, [the Council] has allocated a site for development at Caldecotte South."*

65. The 2017 Employment Land Study identified a total requirement of 132 hectares of employment land (for the period 2016 – 2031), of which the largest requirement was for warehousing (104 hectares). The supply of vacant employment land recorded in Plan:MK was 282ha. The largest site was an allocation at Milton Keynes East (MKE) (105ha) followed by the allocation at the appeal site (56.8ha). The Inspector who examined Plan:MK noted that the South Caldecotte allocation would be the most appropriate option for meeting the need for employment land in the short term because MKE would take longer to come to fruition. He also considered that South Caldecotte would be the principal employment land allocation to meet the need for mainly warehousing and distribution uses.

66. The Council and the appellant agree that, at the time Plan:MK was adopted, there were four allocated sites suitable for large scale Class B8 use which together amounted to 102.7ha. This figure excluded MKE which was not thought to be immediately available. In the two years since April 2018 two of those sites (totalling 33ha) have been developed or are under construction. Whilst it does not follow that this rate of take-up can be projected into the future, this early take-up of a significant amount of allocated land is evidence of the strength of demand for Class B8 floorspace in Milton Keynes.

67. Development at MKE is dependent on the provision of infrastructure. There was evidence before the Inquiry of the progress that is being made in securing delivery of that infrastructure. Even so, the Council considers that the earliest date employment development could start on site is 2024. It follows that the appeal site represents a substantial proportion of the allocated land that is suitable and available now for large scale Class B8 development. In this context, securing the delivery of the site in accordance with Plan:MK would represent a significant economic benefit.



68. Policy SD14(1) states that the site should deliver a minimum of 195,000sqm of Class B2/B8 and ancillary B1 (as it then was) employment floorspace. The Council and the appellant agreed that, if the site were to provide that amount of employment floorspace, the number of jobs generated would be 2,050.
69. The application as originally submitted proposed a maximum of 241,548sqm of employment floorspace (gross internal area, including mezzanines). The amendments to the scheme described above have reduced that figure but it is not known what the precise amount of floorspace would now be. The revised indicative masterplan suggests a total of 185,800sqm (gross internal area) whereas the revised parameters plan suggests a total of 205,400sqm (gross internal area). If the scheme were to proceed, the final amount of floorspace would depend on matters such as the requirements of individual occupiers, the extent of mezzanines and detailed design. At this outline stage the most that can be said is that the final figure is likely to be somewhere at or around the figure set out in the plan.
70. The projected number of jobs is a broad estimate based on an average employment density applied to the floorspace set out in Plan:MK. The actual number of jobs may be higher or lower, depending on the final amount of floorspace and the requirements of individual occupiers. Even allowing for that uncertainty, it is clear that the proposal would generate a substantial number of jobs which would represent a significant economic benefit. There would be further economic benefits from jobs generated during construction and increased economic output across the Milton Keynes economy during the operation of the development.
71. I conclude that the proposal would deliver an important strategic employment allocation of Plan:MK, thereby meeting an identified need for warehousing and distribution uses and providing a substantial number of jobs. These would be important economic benefits to which substantial weight should be attached.

### **Other matters**

72. There were a number of written representations objecting to the proposal. Some of the matters raised have already been covered above. I now turn to other matters raised by interested parties.

### *Landscape and visual impacts*

73. Local residents are concerned that large industrial/warehousing buildings would be out of keeping with the rural character of Brickhill Street and would harm longer views from the Greensand Ridge. Attention was drawn to Policy SD1 which requires that strategic scale development should demonstrate that place-making principles have been considered. These include that development relates well to the surrounding area in terms of density, scale and materials and that development enhances the character of the area within which it is located.
74. The Design and Access Statement describes how the scheme has sought to respond to its context. The taller buildings would be closer to the railway and the A5 (where site levels are lower), with lower buildings in the north eastern part of the site closer to residential properties in Station Road. Office space would be located to create active frontages to the internal streets, which would be tree lined with footpaths and verges. There would also be scope to create a

feature building on the approach from the Kelly's Kitchen roundabout, consistent with Policy SD14(7). There would be open space links along the western and northern site boundaries. These would be accessible from Caldecotte Lake via the existing arch through the railway embankment, consistent with Policy SD14(4). The existing vegetation along these boundaries would be retained and protected during construction, consistent with Policy SD14(8).

75. The effect on views from the Greensand Ridge was assessed in the LVIA which noted that most of the scheme would be apparent from this elevated viewpoint, although the buildings would be seen against the backdrop of the wider built up area. This was characterised as a major/moderate visual effect. Overall, the LVIA concluded that the proposals would not give rise to significant effects in terms of landscape character and that the proposed development could be integrated without significant harm to the receiving visual environment.
76. The proposal would result in the loss of the existing agricultural character of the site. However, I consider that the effects of topography and vegetation are such that, in the main, the visual effects would be relatively localised. The reduced scale of buildings in the north east part of the site would allow for a transition in scale between the nearest dwellings and the larger commercial buildings. Whilst some longer views would be available from the Greensand Ridge, these would be in the context of a panoramic view of Milton Keynes which includes some larger buildings. The separation between the foot of the slope and the built up area would still be apparent and the general character of the view would be maintained.
77. Policy SD1 does not impose a requirement that every development must enhance its surroundings. Rather, the policy requirement is that place-making principles must be considered. That consideration must take place having regard to the plan as a whole, which includes the allocation of the appeal site for at least 195,000sqm of employment floorspace. The scheme is in outline and full details would be reserved for subsequent approval. My overall assessment is that the scheme has demonstrated that place-making principles have been considered, to the extent that is possible at this outline stage, consistent with Policy SD1. The proposed building heights have been informed by the LVIA and would avoid unacceptable impact on the wider landscape, consistent with SD14(6).

#### *Community facilities contribution*

78. Bow Brickhill Parish Council argued that the community contribution (provided for in schedule 7 of the s106 Agreement) would not comply with the CIL Regulations because it would be unrelated to the proposed development. The Council advised in its statement of compliance with the CIL Regulations that this contribution would be used towards the enhancement and expansion of educational facilities at the Hazard Alley Safety Centre to provide young people with greater awareness of the hazards in their environment, particularly the built and construction environments.
79. The policy basis for this contribution is found in Policy CC4 which states that developments should contribute to the provision of new or improved community facilities in a way that is proportionate to the scale of the proposed development and which enables usage by residents from across Milton Keynes. I note that the Hazard Alley Safety Centre is located at some distance from the

site, in another part of Milton Keynes. However, I accept the Council's view that the Centre provides a facility for Milton Keynes as a whole. The proposal is of a strategic scale and it seems to me reasonable (and consistent with Policy CC4) that the contribution be used in this way.

80. I understand that the Parish Council feels that the contribution should be directed to a project in the locality of the appeal site. However, it is a matter for the parties to agree on the content of any s106 Agreement. No such obligation was put before me at the Inquiry.

#### *Other concerns*

81. Other concerns related to loss of farmland and the site being too far from the motorway to be suitable for large scale warehousing. However, the site has been allocated for employment use in Plan:MK. The local plan process has assessed the level of need and the general suitability of the location at a plan-wide level. Concerns were also expressed that not enough parking would be provided, leading to overspill parking in the locality. This is a matter that would be considered at reserved matters stage.

### **Conclusions**

#### *Heritage*

82. I have concluded that the most important archaeological remains within the appeal site (those within Area 2) would be preserved in situ. However, the proposal would result in the loss of archaeological remains of lower significance in other parts of the site. It would also result in the loss of ridge and furrow earthworks which have been assessed as having a low level of significance. Paragraph 197 of the Framework requires those losses to be taken into account, having regard to the scale of harm and the significance of the assets. In this case, although significance would be lost entirely, I consider that the loss would be outweighed by the substantial weight I attach to the economic benefits described above. The conclusion is the same whether the assets are considered individually or collectively. The proposal therefore accords with the Framework in relation to heritage considerations.
83. A similar balance is required by Plan:MK Policy HE1(F). I reach the same conclusion for the same reasons. I have concluded above that the proposal accords with Policy HE1 insofar as that policy deals with the approach to assessing impacts on the historic environment and avoiding harm to designated heritage assets. The proposal therefore accords with Policy HE1 as a whole.

#### *The development plan*

84. The proposal would deliver an important strategic employment allocation of Plan:MK. Dealing first with the site-specific Policy SD14, for the reasons given above I consider that the proposal would accord with all aspects of that policy except:
- that there is not an adopted Development Framework; and
  - that the proposal would not accord with SD14(2) in that only part of Brickhill Street would be upgraded to grid road standard.
85. The Council does not suggest that the absence of an adopted Development Framework is an important factor and I see no reason to disagree. It is

important to note that the s106 Agreement would safeguard the future provision of a grid road and that there is no evidence that failing to provide the upgrade now would result in unacceptable highway conditions. I therefore attach limited weight to the conflict with SD14(2).

86. The proposal would accord with Policy HE1 (heritage), Policies NE2 and NE3 (biodiversity) and Policies CT1, CT2, CT3, CT5 and INF1 (transport and infrastructure). I have not identified any conflict with other policies of Plan:MK. My overall assessment is that the proposal is in accordance with the development plan considered as a whole.
87. I have not identified any considerations that indicate that the appeal should be determined other than in accordance with the development plan. The appeal should therefore be allowed and planning permission granted.

### **Conditions**

88. By the end of the Inquiry there was agreement between the Council and the appellant on a schedule of suggested conditions. I have considered these in the light of Planning Practice Guidance and have adjusted some detailed wording in the interests of clarity. However the conditions set out in the attached schedule are, in substance, the same as those discussed at the Inquiry. Some conditions require matters to be approved before development commences. This is necessary in the case of Conditions 4, 11, 15 and 17 because these conditions address matters that would arise during construction. It is necessary in the case of Conditions 7, 8, 10 and 23 because these conditions may affect the detailed design of the scheme. The appellant has provided written agreement to the imposition of pre-commencement conditions.
89. Condition 1 identifies the approved plans in the interests of clarity and to ensure that the scheme is consistent with the environmental impacts that have been assessed. Conditions 2 and 3 are standard conditions for an outline permission, modified to reflect the likely phased implementation of this strategic site. Condition 4 requires approval of a phasing plan to support a phased delivery of the scheme and to enable timely provision of roads and other infrastructure. Condition 5 would secure remedial works to address contamination in the interests of managing pollution risks. Condition 6 sets out the details required for a scheme of landscaping in the interests of preserving and enhancing habitats and protecting the character and appearance of the area.
90. Condition 7 requires approval of a sustainability statement for each phase, in the interests of achieving sustainable development. Condition 8 requires approval of site levels in the interests of protecting the character and appearance of the area and managing flood risk. Condition 9 requires approval of a lighting scheme in the interests of preserving habitats, limiting impacts on protected species and protecting the character and appearance of the area. Condition 10 requires the approval of a biodiversity enhancement scheme and management plan so as to maintain and enhance biodiversity. Condition 11 requires approval of a method statement for the translocation of turf and other material from the Lowland Meadow habitat in field F4 which would be lost to development. This is to enable enhancement of existing and proposed grassland elsewhere in the site in the interests of biodiversity.

91. Condition 12 requires approval of a surface water drainage scheme in the interests of managing risks of flooding and pollution and in the interests of achieving sustainable development. Condition 13 requires implementation of tree protection measures during construction in the interests of preserving habitats and protecting the character and appearance of the area. Condition 14 secures the implementation of a programme of archaeological investigations to ensure the appropriate recording of the archaeological features that would be lost. Condition 15 requires the approval of a construction environmental management plan in the interests of highway safety and to minimise impacts on the environment.
92. Condition 16 secures the implementation of works to the Kelly's Kitchen roundabout, together with approval of further details of those works, to mitigate the impact of traffic generated by the development on the strategic road network. Condition 17 requires approval of a construction traffic management plan to protect the operation of the Kelly's Kitchen roundabout during the construction period. Conditions 18, 19, 20 and 21 secure the implementation of the site access and offsite highway works at Brickhill Street, the Tilbrook roundabout and in the vicinity of Bow Brickhill station. These works are needed in the interests of highway safety and to improve pedestrian accessibility in the vicinity of the station.
93. Condition 22 requires the approval of travel plans for each phase, Condition 23 requires details of roads, footways and the proposed Redway to be submitted for approval alongside the reserved matters for each phase and Condition 24 requires the approval of cycle parking. These conditions are needed in the interests of supporting sustainable transport objectives and (in respect of Conditions 23 and 24) in the interests of highway safety.

*David Prentis*

Inspector

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Richard Wald QC

Instructed by Milton Keynes Council

He called  
Michael Moore  
BSc(Hons) MSc DipTP  
MA MRTPI MCILT  
Nicholas Crank  
BSc MCIfA  
Phillip Snell  
BSc(Hons) MSc Dip MA  
Nigel Weeks  
BSc FACEng  
David Buckley  
MA MRTPI

Senior Planning Officer, Development Plans  
Team, Milton Keynes Council

Senior Archaeological Officer, Milton Keynes  
Council

Strategic Landscape and Countryside Manager,  
Milton Keynes Council  
Stirling Maynard Transportation

Senior Planning Officer, Milton Keynes Council

*In addition to the above, James Povey of the  
Council's transport team contributed to the  
session on transport matters*

### FOR THE APPELLANT:

Paul Tucker QC

Instructed by Howes Percival LLP

He called  
Stephen Nicol  
BA MA  
Dr Michael Dawson  
BA(Hons) MPhil DPhil  
Matthew Addison  
BA(Hons) MCIHT  
Alistair Baxter  
BA(Hons) MA(Oxon)  
MSc CEcol CEnv MCIEEM  
Neil Osborn  
BA(Hons) MRTPI

Nicol Economics

Director, RPS Group

Associate Director, BWB Consulting Ltd

Director, Aspect Ecology

Director, DLP Planning Ltd

*In addition to the above, Colin Armstrong,  
Technical Director for Hampton Brook,  
contributed to a discussion on amended plans*

### INTERESTED PERSONS:

Tony O'Rourke  
Becky O'Rourke  
Sue Malleson

Clerk to Bow Brickhill Parish Council  
Chair, Bow Brickhill Parish Council  
Local resident



**Documents submitted during the Inquiry**

ID1	Opening submissions for the appellant
ID2	Opening submissions for the Council
ID3	Amended Land Use Areas plan (16-048-01-SGP-XX-00-DR-A-1008-P10)
ID4	Written Scheme of Conservation (CgMs March 2019) (draft)
ID5	Emails relating to the draft Written Scheme of Conservation
ID6	Draft s106 Agreement
ID7	Plan referred to in the draft S106 Agreement
ID8	The Council's CIL Compliance Document
ID9	Preserving Archaeological Remains (Historic England 2016)
ID10	Email from David Wilkinson (Historic England) dated 1 September 2020
ID11	Cycle routing spreadsheet referred to by Mr Addison in Transport round table session
ID12	Plan:MK Adopted Policies Map Sheet 4
ID13	Plan:MK Adopted Policies Map Sheet 4 – extract showing SD14
ID14	Email from Graham Robinson (DLP Planning) relating to description of development dated 17 August 2020
ID15	Amended draft s106 Agreement (archaeological protection added)
ID16	Amended schedule of suggested conditions
ID17	Amended Land Use Plan 16-048-01-SGP-XX-00-DR-A-1008-P13
ID18	Amended Indicative Masterplan 16-048-01-SGP-XX-00-DR-A-1006-P13
ID19	Amended Parameters Plan 16-048-01-SGP-XX-00-DR-A-1004-P13
ID20	TN06 Biodiversity Impact Assessment (Aspect Ecology 4 September 2020) (includes revised BIA calculator)
ID21	Written scheme of investigation for archaeological excavation, monitoring and recording (CgMs 4 September 2020)
ID22	s106 Agreement – final draft for engrossment
ID23	Inquiry document list
ID24	Letter from DLP Planning of 7 September 2020 (agreement to pre-commencement conditions)
ID25	Schedule of suggested conditions (revised following discussions at the Inquiry)
ID26	Letter No 1 from the Environment Bank dated 4 September 2020
ID27	Letter No 2 from the Environment Bank dated 4 September 2020
ID28	Closing submissions for the Council
ID29	Closing submissions for the appellant
ID30	Note of Mrs Malleson's submissions to the Inquiry
ID31	The Council's scheme of officer delegation for development management matters

**Documents submitted after the close of the Inquiry**

	Certified copy of signed s106 Agreement dated 15 September 2020
	Letter from Cllr Peter Marland (Leader of the Council) dated 25 September 2020

## Schedule of Conditions

- 1) The approved development shall be carried out in accordance with the following drawings/details:

Document	Drawing Number
Site Location Plan	16-048- SGP- ZZ- 00-DR-A-1000-P3
Parameters Plan	16-048-01-SGP-XX-00-DR-A-1004-P13
Land Use Plan	16-048-01-SGP-XX-00-DR-A-1008-P13
Proposed Access Roundabout	SCD-BWB-GEN-01-DR-TR-001_S2_P12

- 2) Approval of the details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained in writing from the local planning authority before any development is commenced on the relevant phase or individual plot with a phase. Reserved matters applications shall reflect the provisions of the Parameters Plan hereby approved.
- 3) The development hereby permitted shall be begun no later than the latest of the following dates:-
- The first application for approval of reserved matters shall be made to the local planning authority no later than three years from the date of this permission.
  - Application(s) for approval of all of the reserved matters shall be made to the local planning authority before the expiration of 10 years from the date of this permission.
  - The commencement of development of each plot pursuant to this outline permission shall begin before the expiration of two years from the date of the last of the reserved matters for that phase being approved.
- 4) Prior to the commencement of development a phasing plan for the development of the site in its entirety shall be submitted to and approved in writing by the local planning authority.
- For the avoidance of doubt the phasing plan shall include the timing and delivery of all roads, footways and on site Redways. Development shall take place in accordance with the approved phasing plan.
- 5) The development shall be carried out in accordance with the mitigation and remedial works as set out in the submitted contamination report reference SCD-BWB-XX-YE-RP-0001\_Ph1. Should any unforeseen contamination be encountered the local planning authority shall be informed immediately. Any additional site investigation and remedial work that is required as a result of unforeseen contamination will also be carried out in accordance with details that have been submitted to and approved in writing by the local planning authority.
- 6) A landscaping scheme with detailed drawings showing which trees and hedgerows are to be retained and which trees and hedgerows are proposed to be felled or lopped shall be submitted to and approved in writing by the local planning authority in relation to each phase of development or individual plot. The landscaping scheme shall also show

planting locations in relation to associated infrastructure including native species and species beneficial to wildlife; schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme. The development shall be carried out in accordance with the approved landscape scheme.

- 7) Prior to the commencement of construction of each phase or individual plot within a phase a Sustainability Statement for that phase or plot shall be submitted to and approved in writing by the local planning authority. The Statement shall include, as a minimum, the details required by Policy SC1 of Plan:MK. The approved details shall be implemented for each building prior to the first occupation of that building.
- 8) Prior to the development of any phase or individual plot within a phase, details of the finished floor levels of all buildings and the finished ground levels of the site in relation to existing site levels of surrounding property shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved levels.
- 9) Prior to the occupation of any phase or individual plot within a phase a lighting scheme for all public and private areas, footpaths and parking areas shall be submitted to and approved in writing by the local planning authority. The lighting scheme shall include details of the lights proposed, a lux plan showing maximum, minimum, average and uniformity levels, details of means of electricity supply to each light and how the lights will be managed and maintained in the future.

If any lighting is required within the vicinity of current or built-in bat features, it shall be low level with baffles to direct the light away from the boxes and units, thus preventing severance of bat commuting and foraging routes. The approved lighting scheme for each phase or part shall be implemented prior to the first use of that phase or plot and shall be permanently retained as such thereafter.

- 10) Prior to the construction of any phase or individual plot within a phase a Biodiversity Enhancement Scheme and Management Plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved Biodiversity Enhancement Scheme and Management Plan and shall be permanently retained as such thereafter.
- 11) Before any construction works are carried out on any part of Field F4 as identified in Ecological Appraisal Report (Aspect Ecology June 2019) Drawing 5263/ECO3 Rev A, a Method Statement for the translocation of turf, soils and green hay to a suitable alternative area of the site shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved method statement.
- 12) No above ground works shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details.

The scheme shall be based upon the principles within the agreed Sustainable Drainage Statement prepared by BWB (ref: SCD-BWB-ZZ-XX-RP-CD-0001\_SDS) dated 9 July 2019 and shall also include:

- a) full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;
  - b) full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
  - c) detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers;
  - d) full details of the proposed attenuation and flow control measures;
  - e) temporary storage facilities if the development is to be phased;
  - f) a timetable for implementation if the development is to be phased;
  - g) details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
  - h) full details of the maintenance/adoption of the surface water drainage system; and
  - i) measures to be taken to prevent pollution of the receiving groundwater and/or surface water.
- 13) No phase of development shall take place until all existing trees and hedges to be retained are protected according to the provisions of BS 5837:2012 *'Trees in relation to design, demolition and construction - Recommendations'*. All protective measures especially tree protection fencing must be put in place prior to any other work commencing on site (this includes vegetation clearance, ground-works, vehicle movements and delivery of machinery/materials). The fencing shall be of the same specification as that depicted in figure 2, page 20. Signs informing of the purpose of the fencing and warning of the penalties for destruction or damage to the trees and their root zones shall be installed at minimum intervals of 10 metres and a minimum of two signs per separate stretch of fencing. Once erected the local authority tree officer shall be notified within 24 hours so the fencing can be inspected and approved. The root protection area within the protective fencing shall be kept free of all storage, materials, tools, machinery, construction plant, personnel, construction, digging and scraping, service runs, water-logging, changes in level and all other operations and structures, for the duration of the construction phase. No fire shall be lit such that it is closer than 20 metres to any tree or such that flames would come within 5 metres of any part of any tree.
- 14) No development shall take place within any area of archaeological significance until a programme of archaeological work as set out in the Written Scheme of Investigation for Earthwork Recording and

Archaeological Excavation on land at South Caldecotte, Milton Keynes (produced by CgMs Heritage, dated June 2019 revised September 2020) has been undertaken.

- 15) Prior to the commencement of development of any phase or individual plot within a phase a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority for that phase or plot. The CEMP shall be based upon the principles within the agreed Outline Construction Traffic Management Plan prepared by BWB (ref: SCD-BWB-XX-RP-TR-012). The approved CEMP shall be adhered to for the duration of the construction works on that phase or plot.
- 16) No part of the development hereby approved shall be occupied until the mitigation scheme for the A5 and Kelly's Kitchen roundabout has been carried out in accordance with BWB's drawing numbered SCD-BWB-GEN-01-SK-TR-SK02 status S2 revision P3, dated 18 June 2020 (or subsequent versions approved in writing by the local planning authority in consultation with Highways England).

Scheme details shall first be submitted to and approved in writing by the local planning authority and shall include drawings and documents showing:

- a) how the improvement interfaces with the existing highway alignment and carriageway markings including lane destinations;
  - b) full construction details relating to the highway improvement, including any modifications to existing structures or proposed structures, with supporting analysis;
  - c) full signing and lighting details where applicable;
  - d) confirmation of full compliance with departmental standards (DMRB) and policies (or approved relaxations/departures from standards);
  - e) evidence that the scheme is fully deliverable within land in control of either the highways authorities or the applicant; and
  - f) an independent stage 2 Road Safety Audit (RSA) taking account of any stage 1 RSA recommendations, carried out in accordance with DMRB and advice notes.
- 17) No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority in consultation with Highways England. The approved Construction Traffic Management Plan shall be adhered to throughout the construction period.
  - 18) No part of the development hereby approved shall be occupied until an Agreement under s278 of the Highways Act 1980 has been entered into and the works to the site access roundabout and dual carriageway link to the A5 roundabout have been completed in accordance with that Agreement. The works shall be based on BWB drawing SCD-BWB-GEN-01-DR-TR-001 S2 P12.
  - 19) No part of the development hereby approved shall be occupied until an Agreement under s278 of the Highways Act 1980 has been entered into

- and the works to provide improved visibility to Brickhill Street have been completed in accordance with that Agreement. The works shall be based on BWB drawing SCD-BWB-HGN-XX-Sk-D-130 S1 P1.
- 20) No part of the development hereby approved shall be occupied until an Agreement under s278 of the Highways Act 1980 has been entered into and the works to provide improvements to the Tilbrook roundabout have been completed in accordance with that Agreement. The works shall be based on BWB drawing SCD-BWB-GEN-01-DR-TR-008 S2 P1.
- 21) No part of the development hereby approved shall be occupied until an Agreement under s278 of the Highways Act 1980 has been entered into and the works to provide improvements to pedestrian infrastructure and Redway improvements in the vicinity of Bow Brickhill Station have been completed in accordance with that Agreement. The works shall be based on BWB drawing SCD-BWB-GEN-01-DR-TR-002 S2 P2.
- 22) Prior to the first occupation of each phase or individual plot within a phase (excluding temporary or service buildings or buildings used for security purposes) a Travel Plan in accordance with the Framework Travel Plan (SCD-BWB-GEN-XX-RP-TR-002 S2 P7) shall be submitted to and approved in writing by the local planning authority. The Travel Plan shall thereafter be implemented and operated as approved.
- 23) Reserved matters applications for each phase or individual plot within a phase shall include details of the proposed onsite industrial access roads, footways and Redways. The development shall thereafter be carried out in accordance with the approved details for that phase or individual plot.
- 24) Prior to the occupation of any phase or plot within a phase hereby permitted details of secure, covered cycle parking shall be submitted to and approved in writing by the local planning authority. The approved details shall be completed and brought into use on first occupation of that phase or individual plot and shall be permanently retained as such thereafter.

*End of schedule*